

# **Hills Preserve Project**

## **Draft Environmental Impact Report (EIR)**

### **SCH No. 2023080600**

Lead Agency

**City of Anaheim**

200 South Anaheim Boulevard, Suite 162

Anaheim, California 92805

Contact: Nick Taylor

Prepared by

**Psomas**

5 Hutton Centre Drive, Suite 300

Santa Ana, California 92707

Contact: Sean Noonan

July 2024





---

**TABLE OF CONTENTS**

<b><u>Section</u></b>	<b><u>Page</u></b>
<b>1.0 Executive Summary .....</b>	<b>1-1</b>
1.1 Introduction.....	1-1
1.2 Project Location .....	1-1
1.3 Project Description.....	1-1
1.4 Areas of Controversy .....	1-2
1.5 Summary of Environmental Impacts.....	1-3
1.6 Alternatives to the Project .....	1-4
1.6.1 <i>Alternative 1 – No Project/No Build</i> .....	1-4
1.6.2 <i>Alternative 2 – Reduced Development</i> .....	1-4
1.6.3 <i>Alternative 3– No Project/Existing General Plan</i> .....	1-5
1.6.4 <i>Alternatives Considered But Rejected</i> .....	1-6
<b>2.0 Introduction.....</b>	<b>2-1</b>
2.1 Summary of the Project.....	2-1
2.2 CEQA Requirements.....	2-1
2.2.1 <i>Environmental Procedures</i> .....	2-2
2.2.2 <i>Scoping Period</i> .....	2-2
2.3 EIR Organization .....	2-102
2.4 Documents Incorporated by Reference.....	2-102
2.5 Issues to be Addressed in the Draft EIR .....	2-103
2.6 Effects Not Found to be Significant .....	2-104
<b>3.0 Project Description.....</b>	<b>3-1</b>
3.1 Introduction.....	3-1
3.2 Project Location .....	3-1
3.3 Existing General Plan Land Use and Zoning Designations .....	3-2
3.4 Existing Conditions within the Project Site .....	3-2
3.4.1 <i>Existing Lighting</i> .....	3-3
3.4.2 <i>Existing Utilities</i> .....	3-3
3.4.3 <i>Existing Flood Zone Designations</i> .....	3-3
3.4.4 <i>Existing Easements</i> .....	3-3
3.4.5 <i>Natural Communities Conservation Plan/Habitat Conservation Plan</i> <i>(NCCP/HCP)</i> .....	3-4
3.4.6 <i>Critical Habitat</i> .....	3-4

3.5	Project Objectives .....	3-4
3.6	Project Overview .....	3-5
3.7	Proposed General Plan Land Uses .....	3-6
3.8	Proposed Specific Plan and Zoning .....	3-6
3.9	Proposed Development .....	3-6
3.9.1	<i>Multiple-Family Residential Development</i> .....	3-6
3.9.2	<i>Commercial Development</i> .....	3-10
3.9.3	<i>Single-Family Residential Development</i> .....	3-11
3.10	Attributes of the Overall Project.....	3-11
3.10.1	<i>Landscape and Hardscape</i> .....	3-11
3.10.2	<i>Preliminary Fire Protection Plan</i> .....	3-14
3.10.3	<i>Exterior Lighting</i> .....	3-14
3.10.4	<i>Circulation</i> .....	3-14
3.10.5	<i>Parking</i> .....	3-16
3.10.6	<i>Pedestrian and Bicycle Access</i> .....	3-17
3.10.7	<i>Emergency Access</i> .....	3-17
3.10.8	<i>Retaining Walls and Soil Export</i> .....	3-18
3.10.9	<i>Drainage and Water Quality</i> .....	3-18
3.10.10	<i>Utilities</i> .....	3-19
3.10.11	<i>Wildfire Resilience Project Design Features</i> .....	3-21
3.10.12	<i>Open Space</i> .....	3-22
3.10.13	<i>Multi-Use Trails</i> .....	3-23
3.10.14	<i>Proposed Easements</i> .....	3-23
3.11	Construction Details .....	3-23
3.11.1	<i>Project Sequencing and Construction Schedule</i> .....	3-23
3.11.2	<i>Grading and Other Ground Disturbance</i> .....	3-24
3.11.3	<i>Vegetation Removal</i> .....	3-25
3.11.4	<i>Construction Parking</i> .....	3-25
3.11.5	<i>Construction Haul Routes</i> .....	3-25
3.12	Discretionary Actions.....	3-26
<b>4.0</b>	<b>Impact Analysis.....</b>	<b>4-1</b>
4.0.1	<i>Organization</i> .....	4-2
4.0.2	<i>Thresholds of Significance; impact conclusions</i> .....	4-2
4.0.3	<i>Cumulative Impacts</i> .....	4-3
4.1	Aesthetics .....	4.1-1
4.1.1	<i>Existing Conditions</i> .....	4.1-1
4.1.2	<i>Regulatory Setting</i> .....	4.1-3
4.1.3	<i>Thresholds of Significance</i> .....	4.1-7
4.1.4	<i>Impact Analysis</i> .....	4.1-7
4.1.5	<i>Cumulative Impacts</i> .....	4.1-27

---

4.1.6	Mitigation Program.....	4.1-28
4.1.7	Significance After Mitigation.....	4.1-29
4.2	Air Quality .....	4.2-1
4.2.1	Existing Conditions.....	4.2-1
4.2.2	Regulatory Setting.....	4.2-10
4.2.3	Thresholds of Significance .....	4.2-21
4.2.4	Impact Analysis.....	4.2-28
4.2.5	Cumulative Impacts.....	4.2-49
4.2.6	Mitigation Program.....	4.2-50
4.2.7	Significance After Mitigation.....	4.2-50
4.3	Biological Resources.....	4.3-1
4.3.1	Existing Conditions.....	4.3-2
4.3.2	Regulatory Setting.....	4.3-17
4.3.3	Thresholds of Significance .....	4.3-27
4.3.4	Impact Analysis.....	4.3-28
4.3.5	Cumulative Impacts.....	4.3-46
4.3.6	Mitigation Program.....	4.3-48
4.3.7	Significance After Mitigation.....	4.3-67
4.4	Cultural Resources.....	4.4-1
4.4.1	Existing Conditions.....	4.4-1
4.4.2	Regulatory Setting.....	4.4-3
4.4.3	Thresholds of Significance .....	4.4-12
4.4.4	Impact Analysis.....	4.4-13
4.4.5	Cumulative Impacts.....	4.4-14
4.4.6	Mitigation Program.....	4.4-15
4.4.7	Significance After Mitigation.....	4.4-17
4.5	Energy .....	4.5-1
4.5.1	Existing Conditions.....	4.5-1
4.5.2	Regulatory Setting.....	4.5-4
4.5.3	Thresholds of Significance .....	4.5-12
4.5.4	Impact Analysis.....	4.5-13
4.5.5	Cumulative impacts.....	4.5-19
4.5.6	Mitigation Program.....	4.5-20
4.5.7	Significance After Mitigation.....	4.5-20
4.6	Geology and Soils.....	4.6-1
4.6.1	Existing Conditions.....	4.6-1
4.6.2	Regulatory Setting.....	4.6-5
4.6.3	Thresholds of Significance .....	4.6-10
4.6.4	Impact Analysis.....	4.6-11
4.6.5	Cumulative Impacts.....	4.6-17
4.6.6	Mitigation Program.....	4.6-18
4.6.7	Significance after Mitigation .....	4.6-19

---

4.7	Greenhouse Gas Emissions .....	4.7-1
4.7.1	Existing Conditions.....	4.7-1
4.7.2	Regulatory Setting.....	4.7-5
4.7.3	Thresholds of Significance .....	4.7-30
4.7.4	Impact Analysis.....	4.7-30
4.7.5	Cumulative Impacts.....	4.7-39
4.7.6	Mitigation Program.....	4.7-40
4.7.7	Significance After Mitigation.....	4.7-41
4.8	Hazards and Hazardous Materials.....	4.8-1
4.8.1	Existing Conditions.....	4.8-1
4.8.2	Regulatory Setting.....	4.8-10
4.8.3	Thresholds of Significance .....	4.8-19
4.8.4	Impact Analysis.....	4.8-20
4.8.5	Cumulative Impacts.....	4.8-43
4.8.6	Mitigation Program.....	4.8-45
4.8.7	Significance after Mitigation .....	4.8-49
4.9	Hydrology and Water Quality .....	4.9-1
4.9.1	Existing Conditions.....	4.9-1
4.9.2	Regulatory Setting.....	4.9-3
4.9.3	Thresholds of Significance .....	4.9-13
4.9.4	Impact Analysis.....	4.9-14
4.9.5	Cumulative Impacts.....	4.9-24
4.9.6	Mitigation Program.....	4.9-25
4.9.7	Significance After Mitigation.....	4.9-25
4.10	Land Use and Planning .....	4.10-1
4.10.1	Existing Conditions.....	4.10-1
4.10.2	Regulatory Setting.....	4.10-2
4.10.3	Thresholds of Significance .....	4.10-13
4.10.4	Impact Analysis.....	4.10-14
4.10.5	Cumulative Impacts.....	4.10-81
4.10.6	Mitigation Program.....	4.10-82
4.10.7	Significance After Mitigation.....	4.10-82
4.11	Noise .....	4.11-1
4.11.1	Existing Conditions.....	4.11-1
4.11.2	Regulatory Setting.....	4.11-13
4.11.3	Thresholds of Significance .....	4.11-22
4.11.4	Impact Analysis.....	4.11-22
4.11.5	Cumulative Impacts.....	4.11-35
4.11.6	Mitigation Program.....	4.11-36
4.11.7	Significance After Mitigation.....	4.11-36

---

4.12	Population and Housing.....	4.12-1
4.12.1	Existing Conditions.....	4.12-1
4.12.2	Regulatory Setting.....	4.12-3
4.12.3	Thresholds of Significance .....	4.12-6
4.12.4	Impact Analysis.....	4.12-6
4.12.5	Cumulative Impacts.....	4.12-8
4.12.6	Mitigation Program.....	4.12-9
4.12.7	Significance After Mitigation.....	4.12-9
4.13	Public Services.....	4.13-1
4.13.1	Existing Conditions.....	4.13-1
4.13.2	Regulatory Setting.....	4.13-3
4.13.3	Thresholds of Significance .....	4.13-7
4.13.4	Impact Analysis.....	4.13-8
4.13.5	Cumulative Impacts.....	4.13-18
4.13.6	Mitigation Program.....	4.13-18
4.13.7	Significance After Mitigation.....	4.13-18
4.14	Recreation .....	4.14-1
4.14.1	Existing Conditions.....	4.14-1
4.14.2	Regulatory Setting.....	4.14-3
4.14.3	Thresholds of Significance .....	4.14-4
4.14.4	Impact Analysis.....	4.14-5
4.14.5	Cumulative impacts.....	4.14-8
4.14.6	Mitigation Program.....	4.14-8
4.14.7	Significance After Mitigation.....	4.14-9
4.15	Transportation .....	4.15-1
4.15.1	Existing Conditions.....	4.15-1
4.15.2	Regulatory Setting.....	4.15-2
4.15.3	Thresholds of Significance .....	4.15-7
4.15.4	Impact Analysis.....	4.15-7
4.15.5	Cumulative impacts.....	4.15-19
4.15.6	Mitigation Program.....	4.15-20
4.15.7	Significance After Mitigation.....	4.15-22
4.16	Tribal Cultural Resources.....	4.16-1
4.16.1	Existing Conditions.....	4.16-1
4.16.2	Regulatory Setting.....	4.16-1
4.16.3	Thresholds of Significance .....	4.16-7
4.16.4	Impact Analysis.....	4.16-7
4.16.5	Cumulative impacts.....	4.16-9
4.16.6	Mitigation Program.....	4.16-9
4.16.7	Significance After Mitigation.....	4.16-10

---

4.17	Utilities and Service Systems .....	4.17-1
4.17.1	Existing Conditions.....	4.17-1
4.17.2	Regulatory Setting.....	4.17-3
4.17.3	Thresholds of Significance .....	4.17-15
4.17.4	Impact Analysis.....	4.17-16
4.17.5	Cumulative impacts.....	4.17-28
4.17.6	Mitigation Program.....	4.17-29
4.17.7	Significance After Mitigation.....	4.17-29
4.18	Wildfire.....	4.18-1
4.18.1	Existing Conditions.....	4.18-1
4.18.2	Regulatory Setting.....	4.18-1
4.18.3	Thresholds of Significance .....	4.18-3
4.18.4	Impact Analysis.....	4.18-4
4.18.5	Cumulative Impacts.....	4.18-8
4.18.6	Mitigation Program.....	4.18-11
4.18.7	Significance After Mitigation.....	4.18-12
<b>5.0</b>	<b>Alternatives.....</b>	<b>5-1</b>
5.1	Project Objectives .....	5-2
5.2	Significant and Unavoidable Impacts for the Project .....	5-3
5.3	Selection of Alternatives .....	5-3
5.3.1	Alternatives Considered But Rejected From Further Consideration .....	5-4
5.1.1	Alternatives Carried Forward For Consideration.....	5-9
5.1.2	Environmentally Superior Alternative .....	5-45
<b>6.0</b>	<b>List of Preparers.....</b>	<b>6-1</b>
6.1	City of Anaheim.....	6-1
	<i>Planning and Development Department Services/Planning.....</i>	6-1
	<i>Anaheim Fire &amp; Rescue.....</i>	6-1
	<i>Anaheim Police Department.....</i>	6-1
	<i>Community Services Department .....</i>	6-1
	<i>Anaheim Public Works Department.....</i>	6-1
6.2	Consultants .....	6-2
	<i>Psomas.....</i>	6-2
<b>7.0</b>	<b>References .....</b>	<b>7-1</b>

## TABLES

<b><u>Table</u></b>	<b><u>Page</u></b>
1-1 Summary of Project Impacts, Mitigation Measures and Level of Significance .....	1-7
2-1 Summary of Main Topics Raised By Commenters at the Scoping Meeting That Was Held on September 7, 2023 at the East Anaheim Community Center. ....	2-3
2-2 Summary of Main Topics Raised in Responses Received Related to the Notice of Preparation (NOP) .....	2-5
3-1 Project Overview.....	3-5
3-2 Project Construction Schedule.....	3-24
3-3 Project Grading Quantities By Phase.....	3-25
3-4 Discretionary Approvals.....	3-26
4-1 Cumulative Projects List.....	4-5
4.1-1 Specimen Trees Impacted By Type.....	4.1-19
4.1-2 Specimen Trees Impacted and Replacement Trees Required.....	4.1-20
4.2-1 Attainment Status of Criteria Pollutants in the South Coast Air Basin.....	4.2-7
4.2-2 Air Pollutant Levels Measured at the Anaheim Monitoring Station.....	4.2-8
4.2-3 California and National Ambient Air Quality Standards.....	4.2-16
4.2-4 SCAQMD Air Quality Significance Thresholds.....	4.2-23
4.2-5 Estimated Unmitigated Maximum Daily Construction Emissions.....	4.2-31
4.2-6 Estimated Mitigated Maximum Daily Construction Emissions.....	4.2-32
4.2-7 Unmitigated 2027 Peak Daily Operational Emissions.....	4.2-33
4.2-8 Mitigated 2027 Peak Daily Operational Emissions.....	4.2-34
4.2-9 Unmitigated 2029 Peak Daily Operational Emissions.....	4.2-35
4.2-10 UnMitigated 2031 Peak Daily Operational Emissions.....	4.2-36
4.2-11 Localized Significance Threshold Unmitigated Construction Emissions (Phase 1) .....	4.2-38
4.2-12 Localized Significance Threshold Mitigated Construction Emissions (Phase I) .	4.2-38
4.2-13 Localized Significance Threshold Unmitigated Construction Emissions (Phase 2).....	4.2-39
4.2-14 Localized Significance Threshold Mitigated Construction Emissions (Phase 2)	4.2-39
4.2-15 Localized Significance Threshold Unmitigated Construction Emissions (Phase 3).....	4.2-40
4.2-16 Localized Significance Threshold Mitigated Construction Emissions (Phase 3)	4.2-40
4.2-17 Localized Significance Threshold Unmitigated Operational Emissions (Year 2027) .....	4.2-43
4.2-18 Localized Significance Threshold Mitigated Operational Emissions (Year 2027) .....	4.2-44
4.2-19 Localized Significance Threshold Unmitigated Operational Emissions (Year 2029) .....	4.2-45
4.2-20 Localized Significance Threshold Mitigated Operational Emissions (Year 2029) .....	4.2-46
4.2-21 Localized Significance Threshold Unmitigated Operational Emissions (Year 2031) .....	4.2-47
4.3-1 Jurisdictional Resources in the Project Site .....	4.3-8



4.3-2	Special Status Wildlife Species Reported from the Project Vicinity .....	4.3-11
4.3-3	Project Impacts to Vegetation Communities .....	4.3-29
4.3-4	Project Drainage Impacts .....	4.3-43
4.3-5	Burrowing Owl Protective Buffer Sizes.....	4.3-61
4.4-1	Off-Site Cultural Resources Within One Mile of the Project Site .....	4.4-1
4.5-1	Energy Use During Construction.....	4.5-14
4.5-2	Annual Project Energy Consumption .....	4.5-15
4.7-1	Estimated Construction Annual Greenhouse Gas Emissions for the Project.....	4.7-33
4.7-2	Estimated Project Buildout Operational Annual Greenhouse Gas Emissions for the Project With and Without Implementation of GHG Mitigation Measures.....	4.7-34
4.7-3	Estimated Total Project Buildout Annual Greenhouse Gas Emissions.....	4.7-36
4.10-1	Regional House Needs Allocation for City of Anaheim for the 6th Cycle.....	4.10-3
4.10-2	Land Use Compatibility for Noise Exposure .....	4.10-8
4.10-3	Consistency of The Project With Goals and Policies Contained in the City's General Plan .....	4.10-17
4.10-4	Project Proposed Deviations from the Provisions of the AMC and Supporting Rationale.....	4.10-64
4.11-1	Noise Levels for Common Activities .....	4.11-3
4.11-2	Sound Terminology.....	4.11-6
4.11-3	Typical Construction Equipment Maximum Noise Levels .....	4.11-8
4.11-4	Vibration Levels of Construction Equipment .....	4.11-11
4.11-5	Existing Site Noise Measurement Results .....	4.11-12
4.11-6	Federal Transit Administration Construction Vibration Impact Criteria .....	4.11-15
4.11-7	Land Use Compatibility for Noise Exposure .....	4.11-18
4.11-8	Existing and Projected Traffic Noise Levels.....	4.11-30
4.11-9	Vibration Damage Threshold Criteria.....	4.11-31
4.11-10	Vibration Annoyance Thresholds .....	4.11-32
4.11-11	Vibration Levels for Construction Equipment.....	4.11-32
4.11-12	Estimated Vibration Levels at Near Receptors .....	4.11-33
4.12-1	Existing and Projected Population and Housing.....	4.12-2
4.12-2	Regional House Needs Allocation for City of Anaheim for the 6th Cycle.....	4.12-4
4.13-1	Fire Stations Near The Project Site .....	4.13-1
4.13-2	Enrollment For Schools Near The Project Site.....	4.13-2
4.13-3	Estimated Project Student Generation .....	4.13-13
4.13-4	Project Effects on Student Enrollment .....	4.13-14
4.11-1	Baseline Project-Generated VMT Per Service Population.....	4.15-11
4.11-2	Baseline Project-Generated VMT Per Service Population.....	4.15-11
4.11-3	Baseline Project's Effect on VMT.....	4.15-12
4.11-4	Cumulative Project's Effect on VMT .....	4.15-13
4.17-1	Imperviousness With and Without the Project .....	4.17-19
5-1	Comparison of Alternatives.....	5-46

## EXHIBITS

<b><u>Exhibit</u></b>	<b><u>Follows Page</u></b>
3-1 Regional Location Map .....	3-1
3-2 Aerial Photograph.....	3-1
3-3 Tentative Tract Map .....	3-3
3-4 Existing Easements Map .....	3-3
3-5 Proposed Easements Map .....	3-3
3-6 Site Plan for the Overall Project.....	3-5
3-7 Site Plan for the Multiple-Family Residential Building .....	3-6
3-8 Multiple-Family Residential Building – Site Plan.....	3-7
3-9 Oblique View of Multiple-Family Residential Building .....	3-7
3-10 Multiple-Family Residential Building – Elevations .....	3-7
3-11 Multiple-Family Residential Building – Cross Sections.....	3-7
3-12 Elevation Depicting Project Entry at Santa Ana Canyon Road and Deer Canyon Road .....	3-7
3-13 Multiple-Family Residential Building – Conceptual Landscape Plan for North Courtyard .....	3-8
3-14 Multiple-Family Residential Building – Conceptual Landscape Plan for South Courtyard .....	3-8
3-15 Multiple-Family Residential Building – Conceptual Landscape Plan for Roof Deck .....	3-8
3-16 Site Plan for the Commercial Uses.....	3-11
3-17 Oblique View of Commercial Uses.....	3-11
3-18 Site Plan for the Single-Family Residences.....	3-11
3-19 Fuel Modification Plan .....	3-12
3-20 Preliminary Fire Protection Plan .....	3-14
3-21 Exterior Lighting Plan.....	3-14
3-22 Overall Site Circulation Diagram.....	3-14
3-23 Conceptual Grading Plan .....	3-18
3-24 Utility Plan .....	3-19
3-25 Solid Waste Management Plan.....	3-21
3-26 Open Space Plan .....	3-23
4.1-1 Tree Inventory .....	4.1-1
4.1-2a-h Existing and Proposed Views.....	4.1-8
4.1-3a-f Existing and Proposed Views.....	4.1-9
4.1-4a-b Existing and Proposed Views.....	4.1-11
4.2-1 Cancer Risk Levels.....	4.2-40
4.3-1 Orange County Central-Coastal NCCP/HCP.....	4.3-2
4.3-2 Critical Habitat .....	4.3-2
4.3-3 Special Status Species Locations .....	4.3-3
4.3-4 Project Impacts – Biological Resources .....	4.3-4
4.3-5 Project Impacts – RWQCB .....	4.3-7
4.3-6 Project Impacts – CDFW .....	4.3-7
4.3-7 Natural Open Space Areas.....	4.3-64

4.11-1 Ambient Noise Measurements .....	4.11-12
4.11-2 Phase 1 Construction .....	4.11-24
4.11-3 Phase 2 Construction .....	4.11-24
4.11-4 Phase 3 Construction .....	4.11-24
4.11-5 HVAC Locations .....	4.11-27
4.11-6 HVAC Noise Exposure Levels.....	4.11-27
4.11-7 HVAC, Speakers Casual, and Crowd Noise Exposure Levels .....	4.11-27
4.11-8 Speaker Noise Exposure Levels.....	4.11-29

## APPENDICES

### **Appendix**

A	Notice of Preparation
B	Scoping Comment Letters
C	Exterior Lighting Plan
D	Glare Analysis
E	
	E1. Air Quality and Greenhouse Gas Emissions Calculations
	E2. Health Risk Assessment
F	Biological Technical Report
G	
	G1. Sacred Lands File Search Results
	G2. Paleontological Resources Records Search Results
H	Energy Calculations
I	Geotechnical Investigation
J	
	J1. Phase I Environmental Site Assessment
	J2. Soil Sampling Results
K	Preliminary Water Quality Management Plan
L	Traffic Impact Analysis
M	Noise Calculations and Supplemental Noise Memorandum
N	Rooftop Deck Operation Memorandum
O	Water Supply Assessment
P	Sewer Study
Q	Will Serve Letters
R	Preliminary Fire Protection Plan
S	Evacuation Study
T	Vehicle Miles Traveled Analysis
U	Hills Preserve Specific Plan

# **1.0 EXECUTIVE SUMMARY**

---

## **1.1 INTRODUCTION**

This Draft Environmental Impact Report (EIR) has been prepared by the City of Anaheim (City) to evaluate potential environmental effects that would result from the Hills Preserve Project (Project). This Draft EIR has been prepared in conformance with the California Environmental Quality Act of 1970 (CEQA) statutes (Cal. Pub. Res. Code, Section 21000 et. seq., as amended) and implementing guidelines (Cal. Code Regs., Title 14, Section 15000 et. seq.) (the State CEQA Guidelines).

The City is the lead agency under CEQA for preparation of this Draft EIR.

## **1.2 PROJECT LOCATION**

The Project is located on an approximately 76-acre Project Site along the south side of Santa Ana Canyon Road, generally between Eucalyptus Drive to the west and Festival Drive to the east, in the City of Anaheim. The Project includes improvements to all or portions of assessor parcel numbers (APNs): 085-051-15, 354-081-44, 356-582-35, 356-581-01, 356-581-02, 356-581-03, 356-582-36, and 356-582-01 through 356-582-34.

Santa Ana Canyon Road is north of the Project Site. Further to the north across Santa Ana Canyon Road is a self-storage facility, SR-91, and a California Highway Patrol weigh station. A utility transmission corridor containing Southern California Edison (SCE) overhead power lines is immediately east of the Project Site. Also, the Anaheim Hills Festival commercial center is approximately 0.1-mile east of the Project Site. Undeveloped, privately-owned parcels that are zoned Hillside Single-Family Residential are located immediately south of the Project Site. Approximately 825 feet (0.16-mile) south of the Project Site is the Deer Canyon Park Preserve. The west boundary of the Project Site is adjacent to a single-family residential subdivision that is accessible via Eucalyptus Drive.

## **1.3 PROJECT DESCRIPTION**

Of the approximately 76-acre Project site, 14.17 acres would be developed with multiple-family residential uses, 6.80 acres<sup>1</sup> would be developed with single-family residential uses, 11.82 acres would be developed with commercial uses, and the remaining 43.22 acres would be designated as open space. The Project's multiple-family residential component consists of 498 wrap-style apartment units to be constructed around the perimeter of a parking structure; these units would consist of approximately 145 studio units, 245 one-bedroom units, 104 two-bedroom units and four three-bedroom units. The multiple-family residential component would include an 18,100 square foot (SF) lobby including leasing offices, lounge areas, mailroom, and library; 4,380 SF of private bowling lanes; 2,500 SF of dedicated resident office areas and conference rooms; and a pool, gym, and locker room. A covered Porte Cochere would be provided at the main entry for drop-off and pick-up. The Project

---

<sup>1</sup> 1.5 acres of the 6.80 acres for single-family residential uses would be for dedicated private streets.

would also include six single-family residences on lots ranging from 34,429 SF to 42,207 SF. The anticipated density would be approximately 1.13 units/acre. The Project would also include a commercial component, consisting of a total of 80,000 gross SF of building area and associated parking. The Project would construct right-of-way and off-site improvements including: a new four-way intersection at Deer Canyon Road and Santa Ana Canyon Road; a new eastbound deceleration lane on Santa Ana Canyon Road at Deer Canyon Road; a second vehicular access point to the Project on Santa Ana Canyon Road that would provide right-in and right-out only turning movements; and a new potable water line within the Santa Ana Canyon Road right-of-way that would extend from the Project site southwest to Eucalyptus Drive.

A more in-depth description of the Project is provided in Section 3.0, Project Description, of this Draft EIR.

## **1.4 AREAS OF CONTROVERSY**

Section 15123(b)(2) of the State CEQA Guidelines requires that an EIR identify issues to be resolved, including the choice among alternatives and whether or how to mitigate a Project's significant effects on the environment.

As part of the EIR process, a Notice of Preparation (NOP) was released on August 24, 2023 (Appendix A, Notice of Preparation), beginning the 30-day public scoping period for the EIR, which ended on September 25, 2023. During the 30-day NOP scoping period leading up to publication of this Draft EIR, the City received a total of 346 written comments, including five public agency comment letters and 341 comment letters from other individuals and organizations. Copies of the NOP comment letters are provided in Appendix B, Scoping Comment Letters.

During the scoping period, the City held a scoping meeting on September 7, 2023 at the East Anaheim Community Center.

This Draft EIR has incorporated the comments received from the public and public agencies in response to the NOP. Environmental issues that have been raised regarding the Project are summarized in Tables 2-1 and 2-2, which are provided in Section 2.0.

In general, areas of controversy related to the Project that have been raised to date include the following:

- Aesthetics/visual impacts, including:
  - Impacts to views from Santa Ana Canyon Road, a City-designated scenic corridor.
  - Impacts to views from SR-91, a Caltrans-designated scenic highway.
  - Height of the proposed multiple-family residential building.
  - Removal of trees and other vegetation.

- Lighting and glare effects.
  - Concerns that the Project would change the character of the Project vicinity.
- Air quality emissions during construction.
- Biological resource impacts including removal of habitat for wildlife and impacts to plants.
- Geological risks including landslide risk to the Project and to the buildings on neighboring parcels.
- Noise impacts, including noise from the proposed rooftop deck of the multiple-family residential building.
- Public service impacts, including increased demand for police, fire, and schools and the potential for diminished quality of public services to result from the Project.
- Recreational impacts, including perceived impacts to Deer Canyon Park Preserve.
- Transportation effects, including exacerbating existing traffic congestion.
- Utilities impacts, including increased demand for water and electricity.
- Wildfire, including:
  - Potential increased delays for future emergency evacuation events.
  - Wildfire risks to the Project and neighboring properties.

## **1.5     SUMMARY OF ENVIRONMENTAL IMPACTS**

This Draft EIR has been prepared to assess the potentially significant effects that could result to the environment from implementation of the Project. For a detailed discussion regarding impact findings for each resource topic is provided in Sections 4.0 through 4.18 of this Draft EIR.

Table 1-1 includes applicable mitigation measures that are identified for impacts determined to be potentially significant. As shown in Table 1-1, Summary of Project Impacts, Mitigation Measures and Level of Significance, the Project would result in less than significant impacts with implementation of mitigation measures for the following topical areas evaluated in this Draft EIR:

- Aesthetics;
- Biological Resources;
- Cultural Resources;
- Energy;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Public Services;

- Tribal Cultural Resources; and
- Wildfire.

The Project would result in significant unavoidable impacts with implementation of mitigation measures for the following topical areas evaluated in this Draft EIR:

- Air Quality;
- Greenhouse Gas Emissions; and
- Transportation.

## **1.6 ALTERNATIVES TO THE PROJECT**

State CEQA Guidelines Section 15126.6 requires consideration and discussion of alternatives to the Project in an EIR. Three alternatives are discussed and evaluated in Section 5.0 of this Draft EIR, which are each summarized below. Two of the three alternatives would minimize environmental impacts that are identified for the proposed Project.

### **1.6.1 ALTERNATIVE 1 – NO PROJECT/NO BUILD**

As required by State CEQA Guidelines Section 15126.6(e)(1), a No Project/No Build alternative was considered. State CEQA Guidelines Section 15126.6(e) requires EIRs to evaluate a “No Project Alternative,” which is The No Project alternative represents conditions in the study area in the absence of approval of the proposed project (State CEQA Guidelines Section 15126.6(e)(1)).

Under Alternative 1, the No Project/No Build alternative, the Project Site would remain as mostly undeveloped lands. The existing private paved maintenance access road (“Deer Canyon Road”) that is located within the western portion of the Project Site that connects to Santa Ana Canyon Road in the north would remain. There are also private dirt access roads throughout the Project Site that would remain. The limited ongoing fuel modification activities (i.e., basic vegetation management) that would be mandated to occur within the Project Site in accordance with AMC and Anaheim Fire & Rescue requirements are assumed to continue. With Alternative 1, there would be no installation of buildings or utility/roadway/trail network improvements and the Project Site would remain in its current state.

### **1.6.2 ALTERNATIVE 2 – REDUCED DEVELOPMENT**

Alternative 2 would consist of the following development components, which would reflect a substantial reduction in the overall scope of development as compared to the proposed Project. Specifically, Alternative 2 would include:

- A maximum total of 40,000 square feet of commercial would be developed instead of 80,000 square feet of commercial as proposed for the Project.

- The six single-family residences and supporting road proposed by the Project would not be developed. This would result in a reduction of approximately 227,509 cubic yards of soil export and a reduction of approximately 10.4 acres of ground disturbance. Instead, this alternative assumes that these 10.4 acres of the Project Site would instead be rezoned as open space.
- The Property Owner/Developer would limit the number of daily users of the multiple-family residential amenities to 50 or fewer non-resident members, which would result in no more than 100 total trips per day related to this aspect of the Project, which is less than the 438 trips that the Traffic Impact Assessment assumes would result from the membership aspect of the Project (LLG 2024a).
- This alternative assumes that the other Project improvements, including multi-use trail and roadway improvements would be installed similar to the Project.

The same regulatory requirements and mitigation measures as identified for the Project are assumed to be applicable to Alternative 2.

A comparison of environmental impacts of the Project and Alternative 2 is provided in Section 5.0 of this Draft EIR.

### **1.6.3 ALTERNATIVE 3– NO PROJECT/EXISTING GENERAL PLAN**

Alternative 3 assumes development of the 76-acre Project Site with those uses that are currently allowed under existing General Plan designations. The Project Site currently contains a mix of General Plan land use designations which consist of Estate Density Residential; Low Density Residential; and Open Space (City of Anaheim 2023a).

For purposes of this analysis and given the somewhat general guidance associated with maximum density under several of the General Plan designations, it is assumed that a total of approximately 93 single-family detached residential units in total, consisting of lots ranging in size, including a significant number of large-lot estate homes, would be constructed. No multiple-family residential uses or commercial uses would be built. These residential units would not be clustered but rather spread throughout the approximately 76-acre Project Site. The lands currently designated as open space would remain, but no additional lands would be designated as open space. Also, while basic utility and roadway network infrastructure to serve the assumed uses would be built, this Alternative would not include the extensive multi-use trail and roadway network improvements contemplated under the Project.

The same regulatory requirements (including the City's local Scenic Corridor Overlay regulations) and similar mitigation measures as identified for the Project would be applicable to Alternative 3 to the extent triggered under CEQA.



## **1.6.4 ALTERNATIVES CONSIDERED BUT REJECTED**

Alternatives considered but dismissed from further analysis are discussed in Section 5.3.1 of this Draft EIR.

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures		Level of Significance After Mitigation
Section 4.1 – Aesthetics				
a) Have a substantial adverse effect on a scenic vista.	Less Than Significant Impact	None		Less Than Significant Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	Less Than Significant Impact	None		Less Than Significant Impact
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 those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.	Significant Impact	<b>MM AES-1</b>  <b>MM AES-2</b>  <b>MM AES-3</b>	<p>To minimize temporary impacts to views, construction staging areas shall be enclosed with an 8-foot-tall or taller chain-link fence with privacy windscreen or similar materials. The Contractor shall ensure the maintenance of the screening material at all times and shall remove and replace sections of screening material that experience graffiti, wind, or other damage. The Contractor shall provide daily visual inspections to ensure the immediate surroundings of construction staging areas are free from construction-related clutter and to maintain the areas in a reasonably clean and orderly manner throughout the construction period. This measure would be verified in the field during construction by the biological monitor that is required by <b>MM BIO-13</b>. Should the biological monitor identify any fencing or windscreen materials that require repair, the biological monitor shall advise the Property Owner/Developer immediately and the Property Owner/Developer shall be responsible for replacing or otherwise remedying the materials.</p> <p>The Contractor shall minimize the use of construction night lighting to only the amount needed to perform work safely and maintain appropriate security in accordance with applicable requirements in the AMC. Also, prior to issuance of a grading or building permit, the Property Owner/Developer shall provide a note on plans, and the Contractor shall ensure, that all construction lighting that is used is hooded and downcast, and that direct illumination be limited to the active portions of the Project Site.</p> <p>To partially screen views of retaining walls, all retaining walls in the Project Site that are visible from Santa Ana Canyon Road shall be landscaped (as defined below) and/or they shall have an aesthetic treatment such as a rock façade treatment. If landscaping is used as the screening method, at a minimum the retaining wall landscaping shall include trees and/or shrubs that are planted at the base of the retaining wall that mature to at least ¾ of the average height of the wall. Alternatively, or in addition, landscaping of retaining walls can consist of the use of climbing vines and/or by using plantable walls. In areas that landscaping is used as a screen, plant materials shall screen at least 50% of each wall when viewed from Santa Ana Canyon Road. Prior to the issuance of a permit for the construction of retaining walls, the Property Owner/Developer shall depict retaining wall aesthetic treatments consistent with the Specific Plan Design Standards, and landscaping on plans and shall submit the plans to the City for review and approval, and shall thereafter adhere to same.</p>	Less Than Significant With Mitigation Incorporated
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.	Significant Impact	<b>MM AES-2</b>  <b>MM BIO-11:</b>	<p>The Contractor shall minimize the use of construction night lighting to only the amount needed to perform work safely and maintain appropriate security in accordance with applicable requirements in the AMC. Also, prior to issuance of a grading or building permit, the Property Owner/Developer shall provide a note on plans, and the Contractor shall ensure, that all construction lighting that is used is hooded and downcast, and that direct illumination be limited to the active portions of the Project Site.</p> <p>The Property Owner/Developer shall submit lighting plan for the Project to the City of Anaheim for review and approval prior to issuance of a grading permit. The lighting plan shall provide the type and location of all proposed exterior lighting. All exterior lighting within the proposed development (i.e., exterior building lights, ground level landscaping lights, and lighting on the rooftop deck) and roadways (i.e., streetlights) shall be directed away from undeveloped portions of the Project Site (i.e., undeveloped areas to the west, south, and east of the Project footprint, see Exhibit 4.3-7). Specifically, exterior lighting that is installed along the western, southern, and eastern edges of the Project development shall be down-cast, diffused, shielded,</p>	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures		Level of Significance After Mitigation
			<p>low intensity, and located so that direct rays are confined to the permanently impacted portions of the Project Site. The lighting plan shall demonstrate that lighting levels will not increase lighting levels more than 0.5-foot-candle over ambient conditions at the Project’s edge (i.e., where the buildings, roadways, landscaping, and lighting structures end) adjacent to undeveloped areas to the west, south, and east of the Project.</p> <p>Prior to final building and zoning inspections, the Project Owner/Developer shall provide CC&amp;Rs, reciprocal easements, or a similar document recorded on the property to the City for approval. To ensure ongoing compliance, this exterior lighting requirement shall be included as a mandatory requirement for future owners and occupants in the CC&amp;Rs, reciprocal easements, or a similar document recorded on the property, for commercial, multiple-family, and single-family residential lots. Modifications to the CC&amp;Rs shall also require City approval.</p>	
Section 4.2 – Air Quality				
a) Conflict with or obstruct implementation of the applicable air quality plan.	Significant Impact	<b>MM AQ-1</b>	During construction activities, for all offroad engines that are diesel and above 50 brake horsepower, the contractor shall use engines that comply with USEPA Tier 4 offroad engine standards.	Less Than Significant With Mitigation Incorporated
		<b>MM AQ-2</b>	Super compliant paints for architectural coatings which have less than 10 grams of volatile organic compounds per liter shall be used during Project construction of Phases 1 and 2. A list of super compliant paints can be found at: <a href="http://www.aqmd.gov/home/rules-compliance/compliance/vocs/architectural-coatings/super-compliant-coatings">http://www.aqmd.gov/home/rules-compliance/compliance/vocs/architectural-coatings/super-compliant-coatings</a> .	
		<b>MM TRANS-1</b>	<b>Implement Commute Trip Reduction Marketing.</b> This measure consists of the implementation of a marketing strategy to promote the Project’s Commute Trip Reduction (CTR) program that would be available to all employees within the commercial component (through provision of same to the relevant tenants) and multiple-family residential component of the Project. This measure is not applicable to contractors. The intention of this measure is that additional information sharing and marketing as required by this measure shall promote and educate employees about their travel choices to the employment location beyond driving, such as carpooling, taking transit, walking, and biking, thereby reducing VMT and GHG emissions. 100% of employees (i.e., employees who are employed by tenants housed in the commercial component as well as those who are employed by the Property Owner/Developer to serve the multiple-family component) shall be eligible to participate in the CTR program. Prior to issuance of a certificate of occupancy for the multi-family component or the commercial component of the Project, as applicable, the Property Owner/Developer shall document the provision of designated priority parking to the employees of the commercial or multi-family component, as applicable, in the amount required pursuant to applicable requirements for those employees who carpool and also for those that travel to work using electric vehicles and/or zero emission vehicles. As part of the CTR program, the Property Owner/Developer shall provide a minimum \$50 monthly stipend to each participating employee that bicycles or walks to work an average of three or more days per week each month. By February 1 of each year, the Property Owner/Developer shall submit a memorandum to the City describing the marketing measures that had been implemented in the prior year.	
		<b>MM TRANS-2</b>	<b>Provide Information Regarding Ridesharing Opportunities.</b> Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips, VMT and GHG emissions. Prior to issuance of an occupancy permit for the commercial component or the multiple-family residential component in the Project, the Property Owner/Developer shall develop and implement a ridesharing information program for participating employees within the Project Site as part of the CTR program discussed above in <b>MM TRANS-1</b> . As part of this measure and implementation of the CTR Program, the Property Owner/Developer shall establish, support, maintain, and fund a transportation demand	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>management (TDM) coordinator, whose role would be to provide information regarding ridesharing opportunities to all employees in the Project Site. The CTR program shall provide information regarding ride-matching opportunities to facilitate committed vanpool groups for employees traveling similar routes at similar times. The CTR program shall also include a minimum \$100 monthly stipend per person to each participating employee that carpools to work at least three days per week per month. By February 1 of each year, the Property Owner/Developer shall submit a memorandum to the City describing the measures taken pursuant to this measure to promote ridesharing that had been implemented in the prior year.</p> <p><b>MM TRANS-3</b></p> <p><b>Provide End-of-Trip Bicycle Facilities.</b> This measure includes the installation and maintenance of end-of-trip facilities for employees of the multiple-family residential and commercial buildings in the Project Site. End-of-trip facilities shall include bike parking, bike lockers, showers, and personal lockers, which will be provided by the Property Owner/Developer. In addition to the provision of showers and/or personal lockers that may be required to be incorporated into the Project pursuant to applicable laws and regulations, the Property Owner/Developer shall provide a total of: (a) 52 long-term bicycle parking spaces via secure bike lockers and/or storage rooms and two short-term bike stalls for the multiple-family component, and (b) 20 long-term bicycle parking spaces via secure bike lockers and/or storage rooms and two short-term bicycle parking stalls for the commercial component. The facilities discussed in this measure shall be depicted on the relevant Project plans to be reviewed and approved by the City, and the facilities shall be installed prior to issuance of the relevant occupancy permit.</p> <p><b>MM TRANS-4</b></p> <p><b>Provide Pedestrian Network Improvements.</b> As part of this measure and to ensure implementation of the relevant design features, prior to issuance of a certificate of occupancy for the commercial and/or multiple-family residential components (whichever comes first), the Property Owner/Developer shall construct approximately 2,850 linear feet of a multi-use (pedestrian, bicycle and equestrian) trail along the south side of Santa Ana Canyon Road that would extend from the northwestern limits of the Project Site (approximately 385 feet east of Eucalyptus Avenue) to an existing sidewalk that ends approximately 385 feet west of Festival Drive. Also, prior to issuance of a certificate of occupancy for the commercial and/or multiple-family residential components (whichever comes first), the Property Owner/Developer shall construct approximately 2,950 linear feet of new sidewalk along the north side of Santa Ana Canyon Road from Eucalyptus Avenue to approximately 760 feet west of Festival Drive if feasible. The Property Owner/Developer shall include a pedestrian crossing at the intersection of Deer Canyon Road and Santa Ana Canyon Road. During final design and prior to issuance of a grading permit as part of the City's Right-of-Way Construction Application Permit, the Property Owner/Developer shall provide the City with updated roadway improvement plans for review and approval that depict the sidewalk improvements described in this measure.</p> <p><b>MM TRANS-5</b></p> <p><b>Provide Information Regarding Telecommute and/or Alternative Work Schedule Opportunities; Support Telecommuting for Project Residents.</b> Prior to issuance of an occupancy permit for the commercial components in the Project, the TDM coordinator shall provide, as part of the Project's CTR program discussed above under MM TRANS-1, to all tenants of the commercial component available information regarding ways in which employers may consider telecommuting and alternative work schedule opportunities. In addition, the Property Owner/Developer shall provide all Project residents of the multiple-family residential component access to on-site "work-from-home" communal spaces, and shall also consider reasonable opportunities for employees of the multiple-family residential component, taking into due account job responsibilities, to telecommute to work at least one day per work week, and/or to have an alternative work schedule such as a 9/80 or 10/40 schedule to allow for fewer overall trips to the office.</p>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures		Level of Significance After Mitigation
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State Ambient Air Quality Standard.	Significant Impact	<b>MM AQ-1</b>	During construction activities, for all offroad engines that are diesel and above 50 brake horsepower, the contractor shall use engines that comply with USEPA Tier 4 offroad engine standards.	Less Than Significant With Mitigation Incorporated
		<b>MM AQ-2</b>	Super compliant paints for architectural coatings which have less than 10 grams of volatile organic compounds per liter shall be used during Project construction of Phases 1 and 2. A list of super compliant paints can be found at: <a href="http://www.aqmd.gov/home/rules-compliance/compliance/vocs/architectural-coatings/super-compliant-coatings">http://www.aqmd.gov/home/rules-compliance/compliance/vocs/architectural-coatings/super-compliant-coatings</a> .	
c) Expose sensitive receptors to substantial pollutant concentrations.	Significant Impact	<b>MM AQ-1</b>	During construction activities, for all offroad engines that are diesel and above 50 brake horsepower, the contractor shall use engines that comply with USEPA Tier 4 offroad engine standards.	Significant and Unavoidable
		<b>MM AQ-2</b>	Super compliant paints for architectural coatings which have less than 10 grams of volatile organic compounds per liter shall be used during Project construction of Phases 1 and 2. A list of super compliant paints can be found at: <a href="http://www.aqmd.gov/home/rules-compliance/compliance/vocs/architectural-coatings/super-compliant-coatings">http://www.aqmd.gov/home/rules-compliance/compliance/vocs/architectural-coatings/super-compliant-coatings</a> .	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	Less Than Significant Impact	None		Less Than Significant Impact
Section 4.3 – Biological Resources				
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 Game or U.S. Fish and Wildlife Service.	Significant Impact	<b>MM BIO-1:</b>	<p>The Property Owner/Developer shall mitigate for impacts to coastal sage scrub and coastal California gnatcatcher prior to the issuance of a grading permit through one or a combination of the following options, as elected by the Project Owner/Developer and approved by the USFWS and CDFW: (1) payment of the NCCP/HCP mitigation fee (only if allowed by the USFWS and CDFW because the Project is within an Existing Use area); (2) long-term preservation of existing coastal sage scrub habitat occupied by coastal California gnatcatchers at an on-site or off-site location; and/or (3) restoration of coastal sage scrub habitat at an on-site or off-site location. Coastal sage scrub shall be replaced at a minimum 1:1 ratio, or as otherwise determined by the USFWS and CDFW.</p> <p>Prior to the issuance of a grading permit, the Property Owner/Developer shall obtain a Biological Opinion from the USFWS describing the mitigation requirements. If the mitigation fee option is allowed, the Property Owner/Developer shall pay the mitigation fee (calculated based on the above-referenced ratio) to the NCCP Non-profit Corporation for the replacement of impacted coastal sage scrub resources prior to the issuance of a grading permit. If the preservation option is selected, a Long Term Protection and Management Plan (LTPMP) shall be prepared by a qualified Restoration Ecologist and shall be reviewed and approved by the USFWS and CDFW prior to the issuance of a grading permit. If the option of restoration of coastal sage scrub habitat is selected, a Habitat Mitigation and Monitoring Program (HMMP) shall be prepared by a qualified Restoration Ecologist and reviewed and approved by the USFWS and CDFW prior to the issuance of a grading permit. If either options #2 or #3 are selected, the Property Owner/Developer shall be responsible for implementing either the LTPMP and/or HMMP and ensuring that the mitigation program achieves the approved performance criteria. If either options #2 or #3 are selected, the Property Owner/Developer shall implement the LTPMP or HMMP per its specified requirements, materials, methods, and performance criteria.</p> <p>If option #3 is selected, the HMMP shall include the following items:</p> <ul style="list-style-type: none"><li><b>Responsibilities and Qualifications.</b> The responsibilities and qualifications of the Property Owner/Developer, ecological specialists, and restoration (landscape) contracting personnel who shall implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term</li></ul>	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>monitoring and maintenance of Southern California native habitat mitigation/restoration programs. A successful program shall be defined as one that has been signed off on by the resource agencies.</p> <ul style="list-style-type: none"><li>• <b>Performance Criteria.</b> Mitigation performance criteria to be specified in the HMMP shall conform to the resource agency permit conditions. The HMMP shall state that the use of the mitigation site(s) by special status wildlife species (e.g., coastal California gnatcatcher), though not a requirement for site success, would be regarded by the resource agencies as a significant factor in considering eligibility for program sign-off.</li><li>• <b>Site Selection.</b> The mitigation site(s) shall be determined in coordination with the Property Owner/Developer and the resource agencies. To maximize the value of the habitat provided, the site(s) shall be contiguous to other permanently preserved parcels. The soils and other physical characteristics of the potential mitigation site(s) shall be analyzed to ensure that proper conditions exist for the establishment of coastal sage scrub habitat.</li><li>• <b>Seed Materials Procurement.</b> At least one year prior to mitigation implementation, the Property Owner/Developer or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin (i.e., collected within 20 miles, and within the same watershed, as the selected restoration/enhancement site), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized per habitat area, in the following order: (a) Project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.</li><li>• <b>Wildlife Surveys and Protection.</b> The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., coastal California gnatcatcher]) and biological monitoring that are required to avoid significant adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these tasks due to special status wildlife conditions on the mitigation site(s) (e.g., suspension of these tasks during the nesting bird season).</li><li>• <b>Site Preparation and Plant Materials Installation.</b> Mitigation site preparation shall include all of the following: (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not “photo-degradable” plastic mesh] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application.</li><li>• <b>Schedule.</b> An implementation schedule shall be developed that includes planting and seeding to occur in the fall and winter (i.e., between November 1 and January 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below) for five years or until the mitigation program achieves the approved performance criteria and has been released from maintenance requirements by the resource agencies.</li><li>• <b>Maintenance Program.</b> The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) upon Project completion. The mitigation site(s) shall be maintained for a period of five years to ensure successful coastal sage scrub habitat establishment within the restored/enhanced sites; however, the Property Owner/Developer may request to be released from maintenance requirements by the resource agencies prior to five years if the mitigation program has achieved all performance criteria.</p> <ul style="list-style-type: none"><li>• <b>Monitoring Program.</b> The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the Property Owner/Developer and the resource agencies for five years following implementation of site preparation and plant materials installation activities; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species' use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address noncompliance (if any) with any performance criteria. The site(s) shall be monitored for five years following completion of site preparation and plant materials installation activities or until the Property Owner/Developer has been released from maintenance requirements by the resource agencies.</li><li>• <b>Long-term preservation.</b> Long-term preservation of the mitigation site(s) shall be outlined in the HMMP to ensure that the mitigation site(s) are not impacted by future development.</li></ul> <p>The NCCP/HCP requires the following construction-related measures by implemented during construction:</p> <ul style="list-style-type: none"><li>• To the maximum extent practicable, no grading of coastal sage scrub habitat that is occupied by nesting gnatcatchers shall occur during the breeding season (i.e., February 15 through July 15). It is expressly understood that this provision and the remaining provisions of these "construction-related minimization measures," are subject to public health and safety considerations. These considerations include unexpected slope stabilization, erosion control measures, and emergency facility repairs. In the event of such public health and safety circumstances, the Property Owner/Developer shall provide USFWS/CDFW with the maximum practicable notice (or such notice as is specified in the NCCP/HCP) to allow for capture of gnatcatchers, cactus wrens, and any other coastal sage scrub Covered Species that are not otherwise flushed and shall carry out the following measures only to the extent as practicable in the context of the public health and safety considerations.</li><li>• Prior to the commencement of grading operations or other activities involving significant soil disturbance, all areas of coastal sage scrub habitat to be avoided under the provisions of the NCCP/HCP, shall be identified with temporary fencing or other markers clearly visible to construction personnel. Additionally, prior to the commencement of grading operations or other activities involving disturbance of coastal sage scrub, a survey shall be conducted to locate gnatcatchers and cactus wrens within 100 feet of the outer extent of projected soil disturbance activities and the locations of any such species shall be clearly marked and identified on the construction/grading plans.</li><li>• A monitoring biologist, acceptable to USFWS/CDFW shall be onsite during any clearing of coastal sage scrub. The Property Owner/Developer shall advise USFWS/CDFW at least 7 calendar days prior to the clearing of any habitat occupied by Covered Species to allow USFWS/CDFW to work with the monitoring biologist in connection with bird flushing capture activities. The monitoring biologist shall flush Covered Species (avian or other mobile Covered Species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If birds cannot be flushed, they shall be captured in mist nets, if feasible, and relocated to areas of the site(s) to be</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>protected or to the NCCP/HCP Reserve System. It shall be the responsibility of the monitoring biologist to assure that Covered Bird Species shall not be directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities on a timely basis.</p> <ul style="list-style-type: none"><li>Following the completion of initial grading/earth movement activities, all areas of coastal sage scrub habitat to be avoided by construction equipment and personnel shall be marked with temporary fencing or other appropriate markers clearly visible to construction personnel. No construction access, parking, or storage of equipment shall be permitted within such marked areas.</li><li>In areas bordering the NCCP Reserve System containing significant coastal sage scrub identified in the NCCP/HCP for protection, vehicle transportation routes between cut-and-fill locations shall be restricted to a minimum number during construction consistent with Project construction requirements. Waste dirt or rubble shall not be deposited on adjacent coastal sage scrub identified in the NCCP/HCP for protection. Pre-construction meetings involving the monitoring biologist, construction supervisors, and equipment operators shall be conducted and documented to ensure maximum practicable adherence to these measures.</li><li>Coastal sage scrub identified in the NCCP/HCP for protection and located within the likely dust drift radius of construction areas shall be periodically sprayed with water to reduce accumulated dust on the leaves as recommended by the monitoring biologist.</li></ul> <p><b>MM BIO-2:</b> The Property Owner/Developer shall mitigate for impacts to chaparral vegetation (i.e., toyon-sumac chaparral and toyon-sumac chaparral/ruderal) prior to issuance of a grading permit through one or a combination of the following options, as elected by the Project Owner/Developer and as approved by the City of Anaheim: (1) payment of the adopted applicable in-lieu mitigation fee to an approved mitigation bank; (2) long-term preservation of existing chaparral habitat at an on-site or off-site location; and/or (3) restoration of chaparral habitat at an on-site or off-site location. Toyon-sumac chaparral shall be replaced at a minimum 1:1 ratio and toyon-sumac chaparral/ruderal shall be replaced at a minimum 0.5:1 ratio. The option selected by the Project Owner/Developer shall be approved by the City of Anaheim prior to issuance of a grading permit.</p> <p>If the in-lieu mitigation fee option is selected, the Property Owner/Developer shall pay the mitigation fee (calculated based on the above-referenced ratio) to the mitigation bank for the replacement of impacted chaparral resources prior to the issuance of a grading permit. If the preservation option is selected, a LTPMP shall be prepared by a qualified Restoration Ecologist for review and approval by the City of Anaheim prior to issuance of a grading permit. If appropriate, the LTPMP may be combined with the coastal sage scrub LTPMP (described under <b>MM BIO-1</b>). If the option of restoration of chaparral habitat is selected, a HMMP shall be prepared by a qualified Restoration Ecologist for review and approval by the City of Anaheim prior to the issuance of a grading permit. If appropriate, the HMMP may be combined with the coastal sage scrub HMMP (described under <b>MM BIO-1</b>). If either options #2 or #3 are selected, the Property Owner/Developer shall be responsible for implementing either the LTPMP or HMMP and ensuring that the mitigation program achieves the approved performance criteria. The Property Owner/Developer shall implement the LTPMP or HMMP per its specified requirements, materials, methods, and performance criteria.</p> <p>If selected, the HMMP shall include the following items:</p> <ul style="list-style-type: none"><li><b>Responsibilities and Qualifications.</b> The responsibilities and qualifications of the Property Owner/Developer, ecological specialists, and restoration (landscape) contracting personnel who shall implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of Southern California native habitat mitigation/restoration programs. A successful program shall be defined as one that has been signed off on by the City of Anaheim.</li></ul>	



TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"><li>• <b>Performance Criteria.</b> Mitigation performance criteria to be specified in the HMMP shall conform to the mitigation requirements. The HMMP shall state that the use of the mitigation site(s) by special status wildlife species, though not a requirement for site success, would be regarded by the City of Anaheim as a significant factor in considering eligibility for program sign-off.</li><li>• <b>Site Selection.</b> The mitigation site(s) shall be determined in coordination with the Property Owner/Developer and the City. To maximize the value of the habitat provided, the site(s) shall be contiguous to other permanently preserved parcels. The soils and other physical characteristics of the potential mitigation site(s) shall be analyzed to ensure that proper conditions exist for the establishment of chaparral habitat.</li><li>• <b>Seed Materials Procurement.</b> At least one year prior to mitigation implementation, the Property Owner/Developer or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin (i.e., collected within 20 miles, and within the same watershed, as the selected restoration/enhancement site), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized per habitat area, in the following order: (a) Project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.</li><li>• <b>Wildlife Surveys and Protection.</b> The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species) and biological monitoring that are required to avoid significant adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these tasks due to special status wildlife conditions on the mitigation site(s) (e.g., suspension of these tasks during the nesting bird season).</li><li>• <b>Site Preparation and Plant Materials Installation.</b> Mitigation site preparation shall include all of the following: (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not “photo-degradable” plastic mesh] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application.</li><li>• <b>Schedule.</b> An implementation schedule shall be developed that includes planting and seeding to occur in the fall and winter (i.e., between November 1 and January 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below) for five years or until the mitigation program achieves the approved performance criteria and has been released from maintenance requirements by the resource agencies.</li><li>• <b>Maintenance Program.</b> The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) following implementation of site preparation and plant materials installation activities. The mitigation site(s) shall be maintained for a period of five years to ensure successful coastal sage scrub habitat establishment within the restored/enhanced site(s); however, the Property Owner/Developer may request to be released</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>from maintenance requirements by the resource agencies prior to five years if the mitigation program has achieved all performance criteria.</p> <ul style="list-style-type: none"><li>• <b>Monitoring Program.</b> The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the Property Owner/Developer and the resource agencies for five years following implementation of site preparation and plant materials installation activities; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species’ use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address noncompliance (if any) with any performance criteria. The site(s) shall be monitored for five years following completion of site preparation and plant materials installation activities or until the Property Owner/Developer has been released from maintenance requirements by the resource agencies.</li><li>• <b>Long-term preservation.</b> Long-term preservation of the mitigation site(s) shall be outlined in the HMMP to ensure that the mitigation site(s) are not impacted by future development.</li></ul> <p><b>MM BIO-3:</b> Prior to initiation of relevant Project construction activities, the Property Owner/Developer shall obtain all necessary permits that are required under applicable laws and regulations for impacts to CDFW and RWQCB jurisdictional areas. Potential mitigation options shall include one or both of the following, as approved by CDFW and RWQCB: (1) payment of an in-lieu mitigation fee to an approved mitigation bank; (2) long-term preservation of existing riparian habitat at an on-site or off-site location; or (3) restoration of riparian habitat at an on-site or off-site location. Riparian habitat/jurisdictional areas shall be replaced at a minimum 1:1 ratio, or as otherwise determined by the resource agencies.</p> <p>If the in-lieu mitigation fee option is selected by the Property Owner/Developer, the Property Owner/Developer shall pay the applicable mitigation fee (calculated based on the above-referenced ratio) to the mitigation bank for the replacement of impacted riparian resources prior to the initiation of the relevant Project construction activities. If the preservation option is selected, a LTPMP shall be prepared by a qualified Restoration Ecologist for review and approval by the CDFW and RWQCB; if appropriate, the LTPMP may be combined with the coastal sage scrub LTPMP (described under MM BIO-1). If restoration of riparian habitat is selected, a HMMP shall be prepared by a qualified Restoration Ecologist for review and approval by the CDFW and RWQCB; if appropriate, the HMMP may be combined with the coastal sage scrub HMMP (described under MM BIO-1). If options #2 or 3 are selected, the Property Owner/Developer shall be responsible for implementing either the LTPMP or HMMP and ensuring that the mitigation program achieves the approved performance criteria. If options #2 or 3 are selected, the Property Owner/Developer shall implement the LTPMP or HMMP per its specified requirements, materials, methods, and performance criteria.</p> <p>The HMMP shall include the following items:</p> <ul style="list-style-type: none"><li>• <b>Responsibilities and Qualifications.</b> The responsibilities and qualifications of the Property Owner/Developer, ecological specialists, and restoration (landscape) contracting personnel who shall implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of Southern California native habitat mitigation/restoration programs, implemented under USACE, CDFW, and RWQCB permit conditions. A successful program shall be defined as one that has been signed off on by the resource agencies.</li><li>• <b>Performance Criteria.</b> Mitigation performance criteria to be specified in the HMMP shall conform to the resource agency permit conditions. The HMMP shall state that the use of the mitigation site(s) by special status wildlife species (e.g., least Bell’s vireo), though not a requirement for site</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>success, would be regarded by the resource agencies as a significant factor in considering eligibility for program sign-off.</p> <ul style="list-style-type: none"><li>• <b>Site Selection.</b> The mitigation site(s) shall be determined in coordination with the Property Owner/Developer and the resource agencies. To maximize the value of the habitat provided, the site(s) shall be contiguous to other permanently preserved parcels. The soils, hydrology/hydraulics, and other physical characteristics of the potential mitigation site(s) shall be analyzed to ensure that proper conditions exist for the establishment of riparian habitat.</li><li>• <b>Seed Materials Procurement.</b> At least one year prior to mitigation implementation, the Property Owner/Developer or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin; i.e., collected within 20 miles, and within the same watershed, as the selected restoration/enhancement site(s), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized per habitat area, in the following order: (a) project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.</li><li>• <b>Wildlife Surveys and Protection.</b> The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., least Bell’s vireo]) and biological monitoring that are required to avoid significant adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these tasks due to special status wildlife conditions on the mitigation site(s) (e.g., suspension of these tasks during the nesting bird season, as defined in project permits).</li><li>• <b>Site Preparation and Plant Materials Installation.</b> Mitigation site preparation shall include all of the following: (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not “photo-degradable” plastic mesh] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application.</li><li>• <b>Schedule.</b> An implementation schedule shall be developed that includes planting and seeding to occur in the fall and winter (i.e., between November 1 and January 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below) for five years or until the mitigation program achieves the approved performance criteria and has been released from maintenance requirements by the resource agencies.</li><li>• <b>Maintenance Program.</b> The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) following implementation of site preparation and plant materials installation activities. The mitigation site(s) shall be maintained for a period of five years to ensure successful riparian habitat establishment within the restored/enhanced sites; however, the Property Owner/Developer may request to be released from maintenance requirements by the resource agencies prior to five years if the mitigation program has achieved all performance criteria.</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<div><ul style="list-style-type: none"><li><b>Monitoring Program.</b> The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the Property Owner/Developer and the resource agencies for five years following implementation of site preparation and plant materials installation activities; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species’ use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address noncompliance with any performance criteria. The site(s) shall be monitored for five years or until the Property Owner/Developer has been released from maintenance requirements by the resource agencies.</li><li><b>Long-term preservation.</b> Long-term preservation of the mitigation site(s) shall be outlined in the HMMP to ensure that the mitigation sites are not impacted by future development.</li></ul></div> <div><p><b>MM BIO-4:</b> If CDFW determines that listing of the Crotch’s bumble bee is not warranted prior to or during implementation of the Project’s construction, this measure shall not be required and no further mitigation shall be necessary.</p><p>Until CDFW makes a determination, or if CDFW determines that listing of the Crotch’s bumble bee is warranted, the following measure shall be required.</p><p>Prior to issuance of a grading permit, the Property Owner/Developer shall retain a qualified Biologist to conduct pre-construction focused surveys for Crotch’s bumble bee within 500 feet of the relevant Project construction work area. The survey(s) shall be performed during the appropriate window for this species (i.e., March to July). Three visual surveys shall be conducted by a qualified Biologist. Surveys shall be conducted at least two hours after sunrise and three hours before sunset during suitable weather conditions. Sunny days with temperatures greater than 60 degrees Fahrenheit and wind speeds less than 8 mph are optimal, but partially cloudy days or overcast conditions are permissible if a person’s shadow is visible. Surveys shall not be conducted during wet, foggy, or rainy conditions. Meandering transects shall be walked slowly within the Project focused survey area to obtain a 100% survey cover. Transect spacing shall depend on the habitat. The Biologist shall search for Crotch’s bumble bee activity and the presence of ground nests. Cavities such as mammal burrows shall be inspected with binoculars for evidence of bumble bee use. If multiple exiting/entering bumble bees are observed at a cavity, further observation shall occur until nesting is confirmed (e.g., multiple individuals entering the cavity).</p><p>If no Crotch’s bumble bee are observed, no further action shall be required within the year that the focused surveys is conducted, and no further mitigation shall be necessary. Because Crotch’s bumble bee moves ground nests annually, the pre-construction focused surveys shall be repeated if construction does not begin before the spring (i.e., March 1) following the previous focused survey(s).</p><p>If Crotch bumble bee is present as determined by the focused survey(s), the Property Owner/Developer shall notify the City immediately and then shall consult with CDFW to determine if a permit (2081 or 2080.1) will be needed under applicable laws and regulations. If a permit is required under applicable laws and regulations, then the Property Owner/Developer shall obtain said permit prior to initiation of construction activities within 100 feet of the nest site. If no permit is needed, the Property Owner/Developer shall provide documentation to the City in the form of an email or memorandum from CDFW stating that no permit would be needed. If a ground nest is observed, it shall be protected in place until it is no longer active as determined by the qualified Biologist. An initial protective buffer of at least 100 feet shall be established around the active ground nest until CDFW can be consulted. A qualified Biologist shall determine the protective buffer distance needed depending on the location with respect to construction activities and the type of construction activities occurring and CDFW shall approve any protective buffer that is proposed that is under 100 feet.</p></div>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation																							
		<p>A Letter Report shall be prepared to document the results of the pre-construction surveys and shall be provided to the City and CDFW within 30 days of completion of the survey(s).</p> <p><b>MM BIO-5:</b> Per the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFW 2012), the Property Owner/Developer shall retain a qualified Biologist to conduct a pre-construction survey for the burrowing owl no less than 14 days prior to any ground disturbance by the Project's construction activities and no greater than 30 days prior to ground disturbance in each Project work area. The pre-construction survey(s) for each work area shall include the area of proposed disturbance plus a 500-foot buffer (if access is available). If the pre-construction survey does not result in observing an active burrow, then no further mitigation is required.</p> <p>If an active burrow is observed outside the breeding season (i.e., September 1 to January 31) and it cannot feasibly be avoided, the burrowing owl shall be passively excluded from the burrow following methods described in applicable CDFW guidelines. One-way doors shall be used to exclude owls from the burrows; doors shall be left in place for at least 48 hours. Once the burrow is determined to be unoccupied by the qualified Biologist, the burrow shall be closed by the qualified Biologist who shall excavate the burrow using hand tools. Once the foregoing occurs, then no further mitigation is required.</p> <p>If an active burrow is observed outside the breeding season (i.e., September 1 to January 31) and it can be feasibly avoided, the Biologist shall determine an appropriate protective buffer for the burrow based on applicable CDFW guidelines. The buffer shall range from 160 feet to 1,640 feet depending on the level of impact and the time of year (Table 10). The designated buffer shall be clearly marked in the field and shall be mapped as an Environmentally Sensitive Area (ESA) on construction plans. The WEAP training shall include information on the protective buffer. The Property Owner/Developer or its designee shall contact CDFW to determine whether a reduced buffer can be accommodated without adversely impacting occupied burrows.</p> <p>If an active burrow is observed during the breeding season (February 1 to August 31), the active burrow shall be protected until nesting activity has ended (i.e., all young have fledged from the burrow). The Biologist shall determine the appropriate protective buffer for the burrow based on applicable CDFW guidelines. The buffer shall range from 656 to 1,640 feet depending on the level of impact and the time of year (in the table below). The designated buffer shall be clearly marked in the field and shall be mapped as an ESA on construction plans. The Worker Environmental Awareness Program (WEAP) training shall include information on the protective buffer. The Property Owner/Developer or its designee shall contact CDFW to determine whether a reduced buffer can be accommodated without adversely impacting occupied burrows. Construction shall be allowed to proceed when the qualified Biologist has determined that all fledglings have left the nest.</p> <p><b>BURROWING OWL PROTECTIVE BUFFER SIZES</b></p> <table><tr><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance</th></tr><tr><th>Low</th><th>Medium</th><th>High</th></tr><tr><td>April 1 to August 15</td><td>656 feet (200 meters)</td><td>1,640 feet (500 meters)</td><td>1,640 feet (500 meters)</td></tr><tr><td>August 16 to October 15</td><td>656 feet (200 meters)</td><td>656 feet (200 meters)</td><td>1,640 feet (500 meters)</td></tr><tr><td>October 16 to March 31</td><td>164 feet (50 meters)</td><td>328 feet (100 meters)</td><td>1,640 feet (500 meters)</td></tr><tr><td colspan="4">These buffers will be utilized unless a reduced buffer is authorized by CDFW.</td></tr></table>	Time of Year	Level of Disturbance			Low	Medium	High	April 1 to August 15	656 feet (200 meters)	1,640 feet (500 meters)	1,640 feet (500 meters)	August 16 to October 15	656 feet (200 meters)	656 feet (200 meters)	1,640 feet (500 meters)	October 16 to March 31	164 feet (50 meters)	328 feet (100 meters)	1,640 feet (500 meters)	These buffers will be utilized unless a reduced buffer is authorized by CDFW.				
Time of Year	Level of Disturbance																									
	Low	Medium	High																							
April 1 to August 15	656 feet (200 meters)	1,640 feet (500 meters)	1,640 feet (500 meters)																							
August 16 to October 15	656 feet (200 meters)	656 feet (200 meters)	1,640 feet (500 meters)																							
October 16 to March 31	164 feet (50 meters)	328 feet (100 meters)	1,640 feet (500 meters)																							
These buffers will be utilized unless a reduced buffer is authorized by CDFW.																										

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>Upon completion of the pre-construction burrowing owl survey(s), a Letter Report shall be prepared and submitted to CDFW documenting the results of the survey(s) within two weeks of completion of the survey effort. If an active burrow is observed, the Letter Report shall include a description of the protective buffer that has been designated and a summary of any additional correspondence with the CDFW.</p> <p>If time lapses of greater than 30 days occur during grading in a particular portion of the work area, an additional survey shall be conducted by a qualified Biologist within 24 hours prior to vegetation clearing and/or ground disturbance in that area. If any new burrowing owl burrows are observed, the conditions above shall be applied.</p> <p><b>MM BIO-6:</b> To the extent feasible, vegetation clearing shall be conducted during the non-breeding season (i.e., September 16 to January 31) to minimize direct impacts on nesting birds. If vegetation clearing would be initiated during the breeding season for nesting birds/raptors (i.e., February 1–September 15), the construction activity shall be conducted in compliance with the applicable conditions set forth in the Migratory Bird Treaty Act.</p> <p>If vegetation clearing would be conducted during the breeding season (i.e., February 1–September 15), a pre-construction survey shall be conducted by a qualified Biologist (one with experience conducting nesting bird surveys) for nesting birds and/or raptors within three days prior to clearing of any vegetation or any work near existing structures The nesting bird survey area shall include a buffer of 100 feet around the work area for nesting birds and a buffer of 500 feet around the work area for nesting raptors. If the Biologist does not find any active nests within or immediately adjacent to the impact area, the vegetation clearing/construction work shall be allowed to proceed and no further mitigation shall be required.</p> <p>If the Biologist finds an active nest within or immediately adjacent to the construction area and determines that the nest may be impacted or breeding activities substantially disrupted, the Biologist shall delineate an appropriate buffer zone (at a minimum of 25 feet) around the nest depending on the sensitivity of the species and the nature of the construction activity. Any nest found during survey efforts shall be mapped on the construction plans. The active nest shall be protected until nesting activity has ended. To protect any nest site, the following restrictions to construction activities shall be required until nests are no longer active, as determined by a qualified Biologist: (1) clearing limits shall be established within a protective buffer around any occupied nest (the protective buffer shall be 25–100 feet for nesting birds; 300–500 feet for special status bird species or nesting raptors), and (2) access and surveying shall be restricted within the established protective buffer of any occupied nest. Encroachment into the protective buffer around a known nest shall only be allowed if the Biologist determines that the proposed activity would not disturb the nest occupants. Protective buffers may be reduced if noise reduction measures (e.g., temporary noise barriers, sound blankets) are implemented to ensure that the raptor nest is not indirectly affected by construction noise, as determined by the qualified Biologist. Construction shall be allowed to proceed when the qualified Biologist has determined that fledglings have left the nest, or the nest has failed.</p> <p><b>MM BIO-7:</b> A pre-construction roosting bat survey (including both day and evening efforts) shall be conducted by a qualified Biologist within two weeks prior to the initiation of construction within a specific work area to ensure that no active day-roosts would be significantly impacted. The day survey shall involve inspecting trees and xeric cliff faces within the relevant Project work area for sign of bat roosting. The evening survey shall involve monitoring each potential roost site for evening emergence, conducting exit counts, and acoustic monitoring (from a half an hour before sunset to at least one hour after sunset) near potential roosts. If active bat day-roosts occur within the relevant Project work area, bat exclusion devices shall be installed under the supervision of a qualified Biologist prior to the start of construction within the relevant Project work area.</p>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>If active bat day-roosts occur within xeric cliff faces, exclusionary measures, such as barriers with one-way doors or permanent exclusion (e.g., caulking or wire mesh), shall be installed under the supervision of a qualified Biologist.</p> <p>If active bat day-roosts occur within xeric cliff faces, exclusionary measures, such as barriers with one-way doors or permanent exclusion (e.g., caulking or wire mesh), shall be installed under the supervision of a qualified Biologist.</p> <p>If active bat day-roosts occur within trees proposed for removal, then the Property Owner/Developer shall elect to either (i) conduct the relevant tree removal between September and November (to avoid the bat maternity and the bat hibernation season), or (ii) proceed with the tree removal without any timing constraints but under the supervision of a qualified Biologist and utilizing phased tree trimming. Phased tree trimming consists of cutting off branches one day, and cutting down the stem(s) of a tree no sooner than 24 hours later. If avoidance of bat hibernation and bat maternity season is not feasible or if the Property Owner/Developer otherwise elects to proceed pursuant to option #2 above, then exclusionary measures, such as netting or phased tree trimming, shall be implemented after the evening roost emergence under the supervision of a qualified Biologist. Once bats have been excluded from the trees to be removed, then tree removal can proceed.</p> <p><b>MM BIO-8:</b> To limit the amount of human disturbance in habitat areas of the Project Site that would not be developed (i.e., undisturbed areas to the west, south, and east of the Project footprint) during the Project’s operation, the Property Owner/Developer shall prepare a fencing plan for review and approval by the City of Anaheim prior to issuance of a grading permit. The Project’s permanent fencing shall be designed to deter the Project’s residents (including their pets, horses, bicycles, and vehicles) from entering undeveloped portions of the Project Site, except along established roads and/or trails. The fencing plan shall specify the use of split-rail fencing to direct residents to keep out of sensitive habitat in undeveloped areas of the Project Site and shall include interpretive signage displaying the natural resources in the area (e.g., coastal California gnatcatcher, riparian areas, oak woodlands). Fencing shall be installed in accordance with the fencing plan prior to the issuance of an occupancy permit. Fencing shall be maintained in perpetuity by the Property Owner/Developer.</p> <p>Also, dogs shall be required to be kept on leash at all times while outdoors on the Project Site. The Property Owner/Developer shall post and maintain signage along the perimeter of the Project Site, between the Project’s grading footprint and the undeveloped areas of the Project Site, stating that dogs are required to be leashed at all times when outdoors within the Project Site.</p> <p><b>MM BIO-9:</b> During operation of the Project, anticoagulant rodenticides shall not be used anywhere within the Project Site. Specifications related to landscaping and maintenance of the Project’s commercial and multiple-family exterior areas and landscaping shall prohibit the use of anticoagulant rodenticides (e.g., difenacoum, brodifacoum, bromadiolone difethialone, warfarin, chlorophaninone, and diphacinone).</p> <p>Prior to final building and zoning inspections, the Project Owner/Developer shall provide CC&amp;Rs, reciprocal easements, or a similar document recorded on the property to the City for approval. To ensure ongoing compliance, the Community Codes and Regulations (CC&amp;Rs) reciprocal easements, or a similar document recorded on the property for the single-family residential, commercial, and multiple-family residential uses shall prohibit the use of rodenticides in exterior and landscaping areas. Modifications to the CC&amp;Rs shall also require City approval.</p> <p><b>MM BIO-10:</b> To avoid and minimize the introduction and spread of invasive exotic plant species, the following measures shall be implemented.</p>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"><li>• <b>Minimize Introduction of Weed Seeds:</b> Prior to issuance of a grading permit, the Property Owner/Develop shall demonstrate that Construction Plans include the following notes related to the introduction of weed seeds: (1) Construction vehicles (e.g., excavators, backhoes, dump trucks) shall be washed prior to delivery to the construction site to prevent weed seeds from entering the construction area in mud on the tires or undercarriage. (2) Track-clean or other methods of vehicle cleaning shall be used by the construction contractor to prevent weed seeds from entering/exiting the construction site on vehicles. (3) Wattles used for erosion control shall be biodegradable and certified as weed-free. These procedures shall be implemented throughout construction.</li><li>• <b>Minimize Introduction of Invasives in Landscaping:</b> Prior to issuance of a building permit, the Property Owner/Developer shall submit the Landscaping Plans to the City of Anaheim for review and approval prior to issuance of a building permit. The City of Anaheim will review the landscaping plans along with a qualified Biologist under contract to the City. The City’s Biologist shall make suggestions for suitable substitutes if needed.<ul style="list-style-type: none"><li>○ The review shall ensure that no invasive, exotic plant species are used in proposed landscaping and that suitable substitutes are proposed (i.e., those listed on the California Invasive Plant Council’s Invasive Plant Inventory with a Risk Rating of “High” [Cal-IPC 2023]).</li><li>○ To the extent practicable, the Project’s Landscaping Plans shall include transition zones in areas of the development that are adjacent to undeveloped areas (see Exhibit 4.3-7). The landscaping within these transition zone shall be designed to buffer adjacent natural habitats from human activity using native plantings (e.g., lemonade berry, western sycamore, coast live oak, etc.). Landscaping shall use plants native to the area from the Recommended Acceptable Fire Resistive Plant Species (Anaheim Fire &amp; Rescue 2018).</li></ul></li><li>• <b>C. Ongoing Compliance With Landscaping:</b> Prior to final building and zoning inspections, the Project Owner/Developer shall provide CC&amp;Rs, reciprocal easements, or a similar document recorded on the property to the City for approval. To ensure ongoing compliance, the CC&amp;Rs, reciprocal easements, or a similar document recorded on the property for commercial, multiple-family, and residential lots shall prohibit the use of highly invasive species (i.e., those listed on the California Invasive Plant Council’s Invasive Plant Inventory with a Risk Rating of “High” [Cal-IPC 2023]). Modifications to the CC&amp;Rs shall also require City approval.</li></ul> <p><b>MM BIO-11:</b> The Property Owner/Developer shall submit lighting plan for the Project to the City of Anaheim for review and approval prior to issuance of a grading permit. The lighting plan shall provide the type and location of all proposed exterior lighting. All exterior lighting within the proposed development (i.e., exterior building lights, ground level landscaping lights, and lighting on the rooftop deck) and roadways (i.e., streetlights) shall be directed away from undeveloped portions of the Project Site (i.e., undeveloped areas to the west, south, and east of the Project footprint, see Exhibit 4.3-7). Specifically, exterior lighting that is installed along the western, southern, and eastern edges of the Project development shall be down-cast, diffused, shielded, low intensity, and located so that direct rays are confined to the permanently impacted portions of the Project Site. The lighting plan shall demonstrate that lighting levels will not increase lighting levels more than 0.5-foot-candle over ambient conditions at the Project’s edge (i.e., where the buildings, roadways, landscaping, and lighting structures end) adjacent to undeveloped areas to the west, south, and east of the Project.</p> <p>Prior to final building and zoning inspections, the Project Owner/Developer shall provide CC&amp;Rs, reciprocal easements, or a similar document recorded on the property to the City for approval. To ensure ongoing compliance, this exterior lighting requirement shall be included as a mandatory requirement for future owners and occupants in the CC&amp;Rs, reciprocal easements, or a similar document recorded on the property, for commercial, multiple-family, and single-family residential lots. Modifications to the CC&amp;Rs shall also require City approval.</p>	



TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p><b>MM BIO-12:</b> Prior to issuance of a building permit, the Property Owner/Developer shall submit the Project’s plans for to the City of Anaheim for review and approval that demonstrates that window/glass designs for the multiple-family residential building, commercial buildings, perimeter fencing, and exterior landscaping minimizes bird strikes. This may include minimization measures such as the use of bird-safe glass or through the angling of windows/glass downward so that the windows reflect the ground instead of the surrounding habitat or sky. The American Bird Conservancy has established the “2 X 4 Rule”, which describes the distance between elements making up a pattern applied to windows for the purpose of preventing bird strikes. To be effective, the pattern must uniformly cover the entire window and consist of elements of any shape (e.g., lines, dots, other geometric figures) separated by no more than 2 inches if oriented in horizontal rows, or 4 inches if oriented in vertical columns (i.e., the 2 X 4 Rule). These patterns reduce bird-window collisions when applied to the outer surface of reflective panes. Greater spacing between pattern elements increases the risk of a strike and casualties. Bird-safe glass may include a uniformly dense dot, striped, or grid pattern created as ceramic frit on the external surface of the window or a uniformly dense dot, striped, or grid patterns of clear UV-reflecting and UV-absorbing film applied to the exterior of windows. It should be noted that single decals (e.g., falcon silhouettes or large eye patterns) are ineffective and shall not be used unless the entire glass surface is uniformly covered with the objects or patterns (Klem 1990).</p> <p><b>MM BIO-13</b> A Worker Environmental Awareness Program Training and biological monitoring will be implemented during the Project’s construction as detailed below.</p> <ul style="list-style-type: none"><li>• <b>Biological Monitoring:</b> Prior to issuance of a grading permit, the Property Owner/Developer shall hire a qualified Biologist or Biologists to oversee implementation of the mitigation program and regulatory permit conditions during construction. The qualified Biologist(s) shall be approved by the City, CDFW, and USFWS. Prior to the initiation of construction, a qualified Biologist shall ensure that the Project limits are clearly staked. A qualified Biologist shall be present during all vegetation clearing activities. A qualified Biologist shall ensure that construction and personal vehicles will be parked in designated areas and that smoking shall be limited to designated areas with appropriate containers for disposal of cigarette butts.</li><li>• <b>B. Worker Environmental Awareness Program (WEAP) Training:</b> Prior to the issuance of a grading permit, and for each subsequent phase of construction, a qualified Biologist shall provide a Worker Environmental Awareness Program (WEAP) training for construction personnel to review the mitigation measures and permit requirements applicable to construction. The training shall cover: Threatened, Endangered, and other special status species that occur immediately adjacent to the construction area; the Project’s location within a NCCP/HCP Existing Use area; consequences for violating the federal/State Endangered Species Acts and the Migratory Bird Treaty Act; risk of igniting fires adjacent to wildlands; leaving wildlife unharmed; applicable mitigation measures and permit conditions; and contact information for the Designated Biologist and the City of Anaheim. At the completion of each training, the Designated Biologist shall have trained personnel sign the WEAP Log to document that they have been trained and understand the mitigation measures and permit conditions. The WEAP training shall be repeated, as-needed, for new construction personnel; all construction staff members shall be trained within one week of beginning work on the Project.</li></ul>	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.	Significant Impact	<p><b>MM BIO-1:</b> The Property Owner/Developer shall mitigate for impacts to coastal sage scrub and coastal California gnatcatcher prior to the issuance of a grading permit through one or a combination of the following options, as elected by the Project Owner/Developer and approved by the USFWS and CDFW: (1) payment of the NCCP/HCP mitigation fee (only if allowed by the USFWS and CDFW because the Project is within an Existing Use area); (2) long-term preservation of existing coastal sage scrub habitat occupied by coastal California gnatcatchers at an on-site or off-site location; and/or (3) restoration of coastal sage scrub habitat at an on-</p>	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>site or off-site location. Coastal sage scrub shall be replaced at a minimum 1:1 ratio, or as otherwise determined by the USFWS and CDFW.</p> <p>Prior to the issuance of a grading permit, the Property Owner/Developer shall obtain a Biological Opinion from the USFWS describing the mitigation requirements. If the mitigation fee option is allowed, the Property Owner/Developer shall pay the mitigation fee (calculated based on the above-referenced ratio) to the NCCP Non-profit Corporation for the replacement of impacted coastal sage scrub resources prior to the issuance of a grading permit. If the preservation option is selected, a Long Term Protection and Management Plan (LTPMP) shall be prepared by a qualified Restoration Ecologist and shall be reviewed and approved by the USFWS and CDFW prior to the issuance of a grading permit. If the option of restoration of coastal sage scrub habitat is selected, a Habitat Mitigation and Monitoring Program (HMMP) shall be prepared by a qualified Restoration Ecologist and reviewed and approved by the USFWS and CDFW prior to the issuance of a grading permit. If either options #2 or #3 are selected, the Property Owner/Developer shall be responsible for implementing either the LTPMP and/or HMMP and ensuring that the mitigation program achieves the approved performance criteria. If either options #2 or #3 are selected, the Property Owner/Developer shall implement the LTPMP or HMMP per its specified requirements, materials, methods, and performance criteria.</p> <p>If option #3 is selected, the HMMP shall include the following items:</p> <ul style="list-style-type: none"><li>• <b>Responsibilities and Qualifications.</b> The responsibilities and qualifications of the Property Owner/Developer, ecological specialists, and restoration (landscape) contracting personnel who shall implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of Southern California native habitat mitigation/restoration programs. A successful program shall be defined as one that has been signed off on by the resource agencies.</li><li>• <b>Performance Criteria.</b> Mitigation performance criteria to be specified in the HMMP shall conform to the resource agency permit conditions. The HMMP shall state that the use of the mitigation site(s) by special status wildlife species (e.g., coastal California gnatcatcher), though not a requirement for site success, would be regarded by the resource agencies as a significant factor in considering eligibility for program sign-off.</li><li>• <b>Site Selection.</b> The mitigation site(s) shall be determined in coordination with the Property Owner/Developer and the resource agencies. To maximize the value of the habitat provided, the site(s) shall be contiguous to other permanently preserved parcels. The soils and other physical characteristics of the potential mitigation site(s) shall be analyzed to ensure that proper conditions exist for the establishment of coastal sage scrub habitat.</li><li>• <b>Seed Materials Procurement.</b> At least one year prior to mitigation implementation, the Property Owner/Developer or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin (i.e., collected within 20 miles, and within the same watershed, as the selected restoration/enhancement site), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized per habitat area, in the following order: (a) Project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.</li><li>• <b>Wildlife Surveys and Protection.</b> The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., coastal California gnatcatcher]) and biological monitoring that are required to avoid significant adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>HMMP shall also describe potential restrictions on these tasks due to special status wildlife conditions on the mitigation site(s) (e.g., suspension of these tasks during the nesting bird season).</p> <ul style="list-style-type: none"><li>• <b>Site Preparation and Plant Materials Installation.</b> Mitigation site preparation shall include all of the following: (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not “photo-degradable” plastic mesh] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application.</li><li>• <b>Schedule.</b> An implementation schedule shall be developed that includes planting and seeding to occur in the fall and winter (i.e., between November 1 and January 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below) for five years or until the mitigation program achieves the approved performance criteria and has been released from maintenance requirements by the resource agencies.</li><li>• <b>Maintenance Program.</b> The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) upon Project completion. The mitigation site(s) shall be maintained for a period of five years to ensure successful coastal sage scrub habitat establishment within the restored/enhanced sites; however, the Property Owner/Developer may request to be released from maintenance requirements by the resource agencies prior to five years if the mitigation program has achieved all performance criteria.</li><li>• <b>Monitoring Program.</b> The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the Property Owner/Developer and the resource agencies for five years following implementation of site preparation and plant materials installation activities; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species’ use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address noncompliance (if any) with any performance criteria. The site(s) shall be monitored for five years following completion of site preparation and plant materials installation activities or until the Property Owner/Developer has been released from maintenance requirements by the resource agencies.</li><li>• <b>Long-term preservation.</b> Long-term preservation of the mitigation site(s) shall be outlined in the HMMP to ensure that the mitigation site(s) are not impacted by future development.</li></ul> <p>The NCCP/HCP requires the following construction-related measures by implemented during construction:</p> <ul style="list-style-type: none"><li>• To the maximum extent practicable, no grading of coastal sage scrub habitat that is occupied by nesting gnatcatchers shall occur during the breeding season (i.e., February 15 through July 15). It</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>is expressly understood that this provision and the remaining provisions of these “construction-related minimization measures,” are subject to public health and safety considerations. These considerations include unexpected slope stabilization, erosion control measures, and emergency facility repairs. In the event of such public health and safety circumstances, the Property Owner/Developer shall provide USFWS/CDFW with the maximum practicable notice (or such notice as is specified in the NCCP/HCP) to allow for capture of gnatcatchers, cactus wrens, and any other coastal sage scrub Covered Species that are not otherwise flushed and shall carry out the following measures only to the extent as practicable in the context of the public health and safety considerations.</p> <ul style="list-style-type: none"><li>• Prior to the commencement of grading operations or other activities involving significant soil disturbance, all areas of coastal sage scrub habitat to be avoided under the provisions of the NCCP/HCP, shall be identified with temporary fencing or other markers clearly visible to construction personnel. Additionally, prior to the commencement of grading operations or other activities involving disturbance of coastal sage scrub, a survey shall be conducted to locate gnatcatchers and cactus wrens within 100 feet of the outer extent of projected soil disturbance activities and the locations of any such species shall be clearly marked and identified on the construction/grading plans.</li><li>• A monitoring biologist, acceptable to USFWS/CDFW shall be onsite during any clearing of coastal sage scrub. The Property Owner/Developer shall advise USFWS/CDFW at least 7 calendar days prior to the clearing of any habitat occupied by Covered Species to allow USFWS/CDFW to work with the monitoring biologist in connection with bird flushing capture activities. The monitoring biologist shall flush Covered Species (avian or other mobile Covered Species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If birds cannot be flushed, they shall be captured in mist nets, if feasible, and relocated to areas of the site(s) to be protected or to the NCCP/HCP Reserve System. It shall be the responsibility of the monitoring biologist to assure that Covered Bird Species shall not be directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities on a timely basis.</li><li>• Following the completion of initial grading/earth movement activities, all areas of coastal sage scrub habitat to be avoided by construction equipment and personnel shall be marked with temporary fencing or other appropriate markers clearly visible to construction personnel. No construction access, parking, or storage of equipment shall be permitted within such marked areas.</li><li>• In areas bordering the NCCP Reserve System containing significant coastal sage scrub identified in the NCCP/HCP for protection, vehicle transportation routes between cut-and-fill locations shall be restricted to a minimum number during construction consistent with Project construction requirements. Waste dirt or rubble shall not be deposited on adjacent coastal sage scrub identified in the NCCP/HCP for protection. Pre-construction meetings involving the monitoring biologist, construction supervisors, and equipment operators shall be conducted and documented to ensure maximum practicable adherence to these measures.</li><li>• Coastal sage scrub identified in the NCCP/HCP for protection and located within the likely dust drift radius of construction areas shall be periodically sprayed with water to reduce accumulated dust on the leaves as recommended by the monitoring biologist.</li></ul> <p><b>MM BIO-2:</b> The Property Owner/Developer shall mitigate for impacts to chaparral vegetation (i.e., toyon-sumac chaparral and toyon-sumac chaparral/ruderal) prior to issuance of a grading permit through one or a combination of the following options, as elected by the Project Owner/Developer and as approved by the City of Anaheim: (1) payment of the adopted applicable in-lieu mitigation fee to an approved mitigation bank; (2) long-term preservation of existing chaparral habitat at an on-site or off-site location; and/or (3) restoration of chaparral habitat at an on-site or off-site location. Toyon-sumac chaparral shall be replaced at a minimum 1:1 ratio and toyon-sumac chaparral/ruderal shall be replaced at a minimum 0.5:1 ratio. The</p>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>option selected by the Project Owner/Developer shall be approved by the City of Anaheim prior to issuance of a grading permit.</p> <p>If the in-lieu mitigation fee option is selected, the Property Owner/Developer shall pay the mitigation fee (calculated based on the above-referenced ratio) to the mitigation bank for the replacement of impacted chaparral resources prior to the issuance of a grading permit. If the preservation option is selected, a LTPMP shall be prepared by a qualified Restoration Ecologist for review and approval by the City of Anaheim prior to issuance of a grading permit. If appropriate, the LTPMP may be combined with the coastal sage scrub LTPMP (described under <b>MM BIO-1</b>). If the option of restoration of chaparral habitat is selected, a HMMP shall be prepared by a qualified Restoration Ecologist for review and approval by the City of Anaheim prior to the issuance of a grading permit. If appropriate, the HMMP may be combined with the coastal sage scrub HMMP (described under <b>MM BIO-1</b>). If either options #2 or #3 are selected, the Property Owner/Developer shall be responsible for implementing either the LTPMP or HMMP and ensuring that the mitigation program achieves the approved performance criteria. The Property Owner/Developer shall implement the LTPMP or HMMP per its specified requirements, materials, methods, and performance criteria.</p> <p>If selected, the HMMP shall include the following items:</p> <ul style="list-style-type: none"><li>• <b>Responsibilities and Qualifications.</b> The responsibilities and qualifications of the Property Owner/Developer, ecological specialists, and restoration (landscape) contracting personnel who shall implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of Southern California native habitat mitigation/restoration programs. A successful program shall be defined as one that has been signed off on by the City of Anaheim.</li><li>• <b>Performance Criteria.</b> Mitigation performance criteria to be specified in the HMMP shall conform to the mitigation requirements. The HMMP shall state that the use of the mitigation site(s) by special status wildlife species, though not a requirement for site success, would be regarded by the City of Anaheim as a significant factor in considering eligibility for program sign-off.</li><li>• <b>Site Selection.</b> The mitigation site(s) shall be determined in coordination with the Property Owner/Developer and the City. To maximize the value of the habitat provided, the site(s) shall be contiguous to other permanently preserved parcels. The soils and other physical characteristics of the potential mitigation site(s) shall be analyzed to ensure that proper conditions exist for the establishment of chaparral habitat.</li><li>• <b>Seed Materials Procurement.</b> At least one year prior to mitigation implementation, the Property Owner/Developer or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin (i.e., collected within 20 miles, and within the same watershed, as the selected restoration/enhancement site), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized per habitat area, in the following order: (a) Project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.</li><li>• <b>Wildlife Surveys and Protection.</b> The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species) and biological monitoring that are required to avoid significant adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these tasks due to special status wildlife conditions on the mitigation site(s) (e.g., suspension of these tasks during the nesting bird season).</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"><li>• <b>Site Preparation and Plant Materials Installation.</b> Mitigation site preparation shall include all of the following: (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not “photo-degradable” plastic mesh] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application.</li><li>• <b>Schedule.</b> An implementation schedule shall be developed that includes planting and seeding to occur in the fall and winter (i.e., between November 1 and January 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below) for five years or until the mitigation program achieves the approved performance criteria and has been released from maintenance requirements by the resource agencies.</li><li>• <b>Maintenance Program.</b> The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) following implementation of site preparation and plant materials installation activities. The mitigation site(s) shall be maintained for a period of five years to ensure successful coastal sage scrub habitat establishment within the restored/enhanced site(s); however, the Property Owner/Developer may request to be released from maintenance requirements by the resource agencies prior to five years if the mitigation program has achieved all performance criteria.</li><li>• <b>Monitoring Program.</b> The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the Property Owner/Developer and the resource agencies for five years following implementation of site preparation and plant materials installation activities; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species’ use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address noncompliance (if any) with any performance criteria. The site(s) shall be monitored for five years following completion of site preparation and plant materials installation activities or until the Property Owner/Developer has been released from maintenance requirements by the resource agencies.</li><li>• <b>Long-term preservation.</b> Long-term preservation of the mitigation site(s) shall be outlined in the HMMP to ensure that the mitigation site(s) are not impacted by future development.</li></ul>	
		<b>MM BIO-3:</b> Prior to initiation of relevant Project construction activities, the Property Owner/Developer shall obtain all necessary permits that are required under applicable laws and regulations for impacts to CDFW and RWQCB jurisdictional areas. Potential mitigation options shall include one or both of the following, as approved by CDFW and RWQCB: (1) payment of an in-lieu mitigation fee to an approved mitigation bank; (2) long-term preservation of existing riparian habitat at an on-site or off-site location; or (3) restoration of riparian	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>habitat at an on-site or off-site location. Riparian habitat/jurisdictional areas shall be replaced at a minimum 1:1 ratio, or as otherwise determined by the resource agencies.</p> <p>If the in-lieu mitigation fee option is selected by the Property Owner/Developer, the Property Owner/Developer shall pay the applicable mitigation fee (calculated based on the above-referenced ratio) to the mitigation bank for the replacement of impacted riparian resources prior to the initiation of the relevant Project construction activities. If the preservation option is selected, a LTPMP shall be prepared by a qualified Restoration Ecologist for review and approval by the CDFW and RWQCB; if appropriate, the LTPMP may be combined with the coastal sage scrub LTPMP (described under MM BIO-1). If restoration of riparian habitat is selected, a HMMP shall be prepared by a qualified Restoration Ecologist for review and approval by the CDFW and RWQCB; if appropriate, the HMMP may be combined with the coastal sage scrub HMMP (described under MM BIO-1). If options #2 or 3 are selected, the Property Owner/Developer shall be responsible for implementing either the LTPMP or HMMP and ensuring that the mitigation program achieves the approved performance criteria. If options #2 or 3 are selected, the Property Owner/Developer shall implement the LTPMP or HMMP per its specified requirements, materials, methods, and performance criteria.</p> <p>The HMMP shall include the following items:</p> <ul style="list-style-type: none"><li>• <b>Responsibilities and Qualifications.</b> The responsibilities and qualifications of the Property Owner/Developer, ecological specialists, and restoration (landscape) contracting personnel who shall implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of Southern California native habitat mitigation/restoration programs, implemented under USACE, CDFW, and RWQCB permit conditions. A successful program shall be defined as one that has been signed off on by the resource agencies.</li><li>• <b>Performance Criteria.</b> Mitigation performance criteria to be specified in the HMMP shall conform to the resource agency permit conditions. The HMMP shall state that the use of the mitigation site(s) by special status wildlife species (e.g., least Bell's vireo), though not a requirement for site success, would be regarded by the resource agencies as a significant factor in considering eligibility for program sign-off.</li><li>• <b>Site Selection.</b> The mitigation site(s) shall be determined in coordination with the Property Owner/Developer and the resource agencies. To maximize the value of the habitat provided, the site(s) shall be contiguous to other permanently preserved parcels. The soils, hydrology/hydraulics, and other physical characteristics of the potential mitigation site(s) shall be analyzed to ensure that proper conditions exist for the establishment of riparian habitat.</li><li>• <b>Seed Materials Procurement.</b> At least one year prior to mitigation implementation, the Property Owner/Developer or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin; i.e., collected within 20 miles, and within the same watershed, as the selected restoration/enhancement site(s), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized per habitat area, in the following order: (a) project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.</li><li>• <b>Wildlife Surveys and Protection.</b> The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., least Bell's vireo]) and biological monitoring that are required to avoid significant adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these tasks due to special status wildlife conditions on the</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>mitigation site(s) (e.g., suspension of these tasks during the nesting bird season, as defined in project permits).</p> <ul style="list-style-type: none"><li>• <b>Site Preparation and Plant Materials Installation.</b> Mitigation site preparation shall include all of the following: (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not “photo-degradable” plastic mesh] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application.</li><li>• <b>Schedule.</b> An implementation schedule shall be developed that includes planting and seeding to occur in the fall and winter (i.e., between November 1 and January 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below) for five years or until the mitigation program achieves the approved performance criteria and has been released from maintenance requirements by the resource agencies.</li><li>• <b>Maintenance Program.</b> The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) following implementation of site preparation and plant materials installation activities. The mitigation site(s) shall be maintained for a period of five years to ensure successful riparian habitat establishment within the restored/enhanced sites; however, the Property Owner/Developer may request to be released from maintenance requirements by the resource agencies prior to five years if the mitigation program has achieved all performance criteria.</li><li>• <b>Monitoring Program.</b> The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the Property Owner/Developer and the resource agencies for five years following implementation of site preparation and plant materials installation activities; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species’ use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address noncompliance with any performance criteria. The site(s) shall be monitored for five years or until the Property Owner/Developer has been released from maintenance requirements by the resource agencies.</li><li>• <b>Long-term preservation.</b> Long-term preservation of the mitigation site(s) shall be outlined in the HMMP to ensure that the mitigation sites are not impacted by future development.</li></ul>	
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.	Significant Impact	<b>MM BIO-3:</b> Prior to initiation of relevant Project construction activities, the Property Owner/Developer shall obtain all necessary permits that are required under applicable laws and regulations for impacts to CDFW and RWQCB jurisdictional areas. Potential mitigation options shall include one or both of the following, as approved by CDFW and RWQCB: (1) payment of an in-lieu mitigation fee to an approved mitigation bank; (2) long-term preservation of existing riparian habitat at an on-site or off-site location; or (3) restoration of riparian	Less Than Significant With Mitigation Incorporated



TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>habitat at an on-site or off-site location. Riparian habitat/jurisdictional areas shall be replaced at a minimum 1:1 ratio, or as otherwise determined by the resource agencies.</p> <p>If the in-lieu mitigation fee option is selected by the Property Owner/Developer, the Property Owner/Developer shall pay the applicable mitigation fee (calculated based on the above-referenced ratio) to the mitigation bank for the replacement of impacted riparian resources prior to the initiation of the relevant Project construction activities. If the preservation option is selected, a LTPMP shall be prepared by a qualified Restoration Ecologist for review and approval by the CDFW and RWQCB; if appropriate, the LTPMP may be combined with the coastal sage scrub LTPMP (described under MM BIO-1). If restoration of riparian habitat is selected, a HMMP shall be prepared by a qualified Restoration Ecologist for review and approval by the CDFW and RWQCB; if appropriate, the HMMP may be combined with the coastal sage scrub HMMP (described under MM BIO-1). If options #2 or 3 are selected, the Property Owner/Developer shall be responsible for implementing either the LTPMP or HMMP and ensuring that the mitigation program achieves the approved performance criteria. If options #2 or 3 are selected, the Property Owner/Developer shall implement the LTPMP or HMMP per its specified requirements, materials, methods, and performance criteria.</p> <p>The HMMP shall include the following items:</p> <ul style="list-style-type: none"><li>• <b>Responsibilities and Qualifications.</b> The responsibilities and qualifications of the Property Owner/Developer, ecological specialists, and restoration (landscape) contracting personnel who shall implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of Southern California native habitat mitigation/restoration programs, implemented under USACE, CDFW, and RWQCB permit conditions. A successful program shall be defined as one that has been signed off on by the resource agencies.</li><li>• <b>Performance Criteria.</b> Mitigation performance criteria to be specified in the HMMP shall conform to the resource agency permit conditions. The HMMP shall state that the use of the mitigation site(s) by special status wildlife species (e.g., least Bell’s vireo), though not a requirement for site success, would be regarded by the resource agencies as a significant factor in considering eligibility for program sign-off.</li><li>• <b>Site Selection.</b> The mitigation site(s) shall be determined in coordination with the Property Owner/Developer and the resource agencies. To maximize the value of the habitat provided, the site(s) shall be contiguous to other permanently preserved parcels. The soils, hydrology/hydraulics, and other physical characteristics of the potential mitigation site(s) shall be analyzed to ensure that proper conditions exist for the establishment of riparian habitat.</li><li>• <b>Seed Materials Procurement.</b> At least one year prior to mitigation implementation, the Property Owner/Developer or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin; i.e., collected within 20 miles, and within the same watershed, as the selected restoration/enhancement site(s), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized per habitat area, in the following order: (a) project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.</li><li>• <b>Wildlife Surveys and Protection.</b> The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., least Bell’s vireo]) and biological monitoring that are required to avoid significant adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these tasks due to special status wildlife conditions on the</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>mitigation site(s) (e.g., suspension of these tasks during the nesting bird season, as defined in project permits).</p> <ul style="list-style-type: none"><li>• <b>Site Preparation and Plant Materials Installation.</b> Mitigation site preparation shall include all of the following: (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not “photo-degradable” plastic mesh] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application.</li><li>• <b>Schedule.</b> An implementation schedule shall be developed that includes planting and seeding to occur in the fall and winter (i.e., between November 1 and January 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below) for five years or until the mitigation program achieves the approved performance criteria and has been released from maintenance requirements by the resource agencies.</li><li>• <b>Maintenance Program.</b> The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) following implementation of site preparation and plant materials installation activities. The mitigation site(s) shall be maintained for a period of five years to ensure successful riparian habitat establishment within the restored/enhanced sites; however, the Property Owner/Developer may request to be released from maintenance requirements by the resource agencies prior to five years if the mitigation program has achieved all performance criteria.</li><li>• <b>Monitoring Program.</b> The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the Property Owner/Developer and the resource agencies for five years following implementation of site preparation and plant materials installation activities; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species’ use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address noncompliance with any performance criteria. The site(s) shall be monitored for five years or until the Property Owner/Developer has been released from maintenance requirements by the resource agencies.</li><li>• <b>Long-term preservation.</b> Long-term preservation of the mitigation site(s) shall be outlined in the HMMP to ensure that the mitigation sites are not impacted by future development.</li></ul>	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	Significant Impact	<b>MM BIO-6:</b> To the extent feasible, vegetation clearing shall be conducted during the non-breeding season (i.e., September 16 to January 31) to minimize direct impacts on nesting birds. If vegetation clearing would be initiated during the breeding season for nesting birds/raptors (i.e., February 1–September 15), the	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>construction activity shall be conducted in compliance with the applicable conditions set forth in the Migratory Bird Treaty Act.</p> <p>If vegetation clearing would be conducted during the breeding season (i.e., February 1–September 15), a pre-construction survey shall be conducted by a qualified Biologist (one with experience conducting nesting bird surveys) for nesting birds and/or raptors within three days prior to clearing of any vegetation or any work near existing structures The nesting bird survey area shall include a buffer of 100 feet around the work area for nesting birds and a buffer of 500 feet around the work area for nesting raptors. If the Biologist does not find any active nests within or immediately adjacent to the impact area, the vegetation clearing/construction work shall be allowed to proceed and no further mitigation shall be required.</p> <p>If the Biologist finds an active nest within or immediately adjacent to the construction area and determines that the nest may be impacted or breeding activities substantially disrupted, the Biologist shall delineate an appropriate buffer zone (at a minimum of 25 feet) around the nest depending on the sensitivity of the species and the nature of the construction activity. Any nest found during survey efforts shall be mapped on the construction plans. The active nest shall be protected until nesting activity has ended. To protect any nest site, the following restrictions to construction activities shall be required until nests are no longer active, as determined by a qualified Biologist: (1) clearing limits shall be established within a protective buffer around any occupied nest (the protective buffer shall be 25–100 feet for nesting birds; 300–500 feet for special status bird species or nesting raptors), and (2) access and surveying shall be restricted within the established protective buffer of any occupied nest. Encroachment into the protective buffer around a known nest shall only be allowed if the Biologist determines that the proposed activity would not disturb the nest occupants. Protective buffers may be reduced if noise reduction measures (e.g., temporary noise barriers, sound blankets) are implemented to ensure that the raptor nest is not indirectly affected by construction noise, as determined by the qualified Biologist. Construction shall be allowed to proceed when the qualified Biologist has determined that fledglings have left the nest, or the nest has failed.</p>	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Less Than Significant Impact	None	Less Than Significant Impact
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.	Significant Impact	<p><b>MM BIO-1:</b> The Property Owner/Developer shall mitigate for impacts to coastal sage scrub and coastal California gnatcatcher prior to the issuance of a grading permit through one or a combination of the following options, as elected by the Project Owner/Developer and approved by the USFWS and CDFW: (1) payment of the NCCP/HCP mitigation fee (only if allowed by the USFWS and CDFW because the Project is within an Existing Use area); (2) long-term preservation of existing coastal sage scrub habitat occupied by coastal California gnatcatchers at an on-site or off-site location; and/or (3) restoration of coastal sage scrub habitat at an on-site or off-site location. Coastal sage scrub shall be replaced at a minimum 1:1 ratio, or as otherwise determined by the USFWS and CDFW.</p> <p>Prior to the issuance of a grading permit, the Property Owner/Developer shall obtain a Biological Opinion from the USFWS describing the mitigation requirements. If the mitigation fee option is allowed, the Property Owner/Developer shall pay the mitigation fee (calculated based on the above-referenced ratio) to the NCCP Non-profit Corporation for the replacement of impacted coastal sage scrub resources prior to the issuance of a grading permit. If the preservation option is selected, a Long Term Protection and Management Plan (LTPMP) shall be prepared by a qualified Restoration Ecologist and shall be reviewed and approved by the USFWS and CDFW prior to the issuance of a grading permit. If the option of restoration of coastal sage scrub habitat is selected, a Habitat Mitigation and Monitoring Program (HMMP) shall be prepared by a qualified Restoration Ecologist and reviewed and approved by the USFWS and CDFW prior to the issuance of a grading permit. If either options #2 or #3 are selected, the Property Owner/Developer shall be responsible for implementing either the LTPMP and/or HMMP and ensuring that the mitigation program achieves the approved performance criteria. If either options #2 or #3 are selected, the Property Owner/Developer shall</p>	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>implement the LTPMP or HMMP per its specified requirements, materials, methods, and performance criteria.</p> <p>If option #3 is selected, the HMMP shall include the following items:</p> <ul style="list-style-type: none"><li>• <b>Responsibilities and Qualifications.</b> The responsibilities and qualifications of the Property Owner/Developer, ecological specialists, and restoration (landscape) contracting personnel who shall implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of Southern California native habitat mitigation/restoration programs. A successful program shall be defined as one that has been signed off on by the resource agencies.</li><li>• <b>Performance Criteria.</b> Mitigation performance criteria to be specified in the HMMP shall conform to the resource agency permit conditions. The HMMP shall state that the use of the mitigation site(s) by special status wildlife species (e.g., coastal California gnatcatcher), though not a requirement for site success, would be regarded by the resource agencies as a significant factor in considering eligibility for program sign-off.</li><li>• <b>Site Selection.</b> The mitigation site(s) shall be determined in coordination with the Property Owner/Developer and the resource agencies. To maximize the value of the habitat provided, the site(s) shall be contiguous to other permanently preserved parcels. The soils and other physical characteristics of the potential mitigation site(s) shall be analyzed to ensure that proper conditions exist for the establishment of coastal sage scrub habitat.</li><li>• <b>Seed Materials Procurement.</b> At least one year prior to mitigation implementation, the Property Owner/Developer or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin (i.e., collected within 20 miles, and within the same watershed, as the selected restoration/enhancement site), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized per habitat area, in the following order: (a) Project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.</li><li>• <b>Wildlife Surveys and Protection.</b> The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., coastal California gnatcatcher]) and biological monitoring that are required to avoid significant adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these tasks due to special status wildlife conditions on the mitigation site(s) (e.g., suspension of these tasks during the nesting bird season).</li><li>• <b>Site Preparation and Plant Materials Installation.</b> Mitigation site preparation shall include all of the following: (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not “photo-degradable” plastic mesh] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application.</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"><li>• <b>Schedule.</b> An implementation schedule shall be developed that includes planting and seeding to occur in the fall and winter (i.e., between November 1 and January 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below) for five years or until the mitigation program achieves the approved performance criteria and has been released from maintenance requirements by the resource agencies.</li><li>• <b>Maintenance Program.</b> The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) upon Project completion. The mitigation site(s) shall be maintained for a period of five years to ensure successful coastal sage scrub habitat establishment within the restored/enhanced sites; however, the Property Owner/Developer may request to be released from maintenance requirements by the resource agencies prior to five years if the mitigation program has achieved all performance criteria.</li><li>• <b>Monitoring Program.</b> The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the Property Owner/Developer and the resource agencies for five years following implementation of site preparation and plant materials installation activities; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species’ use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address noncompliance (if any) with any performance criteria. The site(s) shall be monitored for five years following completion of site preparation and plant materials installation activities or until the Property Owner/Developer has been released from maintenance requirements by the resource agencies.</li><li>• <b>Long-term preservation.</b> Long-term preservation of the mitigation site(s) shall be outlined in the HMMP to ensure that the mitigation site(s) are not impacted by future development.</li></ul> <p>The NCCP/HCP requires the following construction-related measures by implemented during construction:</p> <ul style="list-style-type: none"><li>• To the maximum extent practicable, no grading of coastal sage scrub habitat that is occupied by nesting gnatcatchers shall occur during the breeding season (i.e., February 15 through July 15). It is expressly understood that this provision and the remaining provisions of these “construction-related minimization measures,” are subject to public health and safety considerations. These considerations include unexpected slope stabilization, erosion control measures, and emergency facility repairs. In the event of such public health and safety circumstances, the Property Owner/Developer shall provide USFWS/CDFW with the maximum practicable notice (or such notice as is specified in the NCCP/HCP) to allow for capture of gnatcatchers, cactus wrens, and any other coastal sage scrub Covered Species that are not otherwise flushed and shall carry out the following measures only to the extent as practicable in the context of the public health and safety considerations.</li><li>• Prior to the commencement of grading operations or other activities involving significant soil disturbance, all areas of coastal sage scrub habitat to be avoided under the provisions of the NCCP/HCP, shall be identified with temporary fencing or other markers clearly visible to construction personnel. Additionally, prior to the commencement of grading operations or other activities involving disturbance of coastal sage scrub, a survey shall be conducted to locate</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>gnatcatchers and cactus wrens within 100 feet of the outer extent of projected soil disturbance activities and the locations of any such species shall be clearly marked and identified on the construction/grading plans.</p> <ul style="list-style-type: none"><li>• A monitoring biologist, acceptable to USFWS/CDFW shall be onsite during any clearing of coastal sage scrub. The Property Owner/Developer shall advise USFWS/CDFW at least 7 calendar days prior to the clearing of any habitat occupied by Covered Species to allow USFWS/CDFW to work with the monitoring biologist in connection with bird flushing capture activities. The monitoring biologist shall flush Covered Species (avian or other mobile Covered Species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If birds cannot be flushed, they shall be captured in mist nets, if feasible, and relocated to areas of the site(s) to be protected or to the NCCP/HCP Reserve System. It shall be the responsibility of the monitoring biologist to assure that Covered Bird Species shall not be directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities on a timely basis.</li><li>• Following the completion of initial grading/earth movement activities, all areas of coastal sage scrub habitat to be avoided by construction equipment and personnel shall be marked with temporary fencing or other appropriate markers clearly visible to construction personnel. No construction access, parking, or storage of equipment shall be permitted within such marked areas.</li><li>• In areas bordering the NCCP Reserve System containing significant coastal sage scrub identified in the NCCP/HCP for protection, vehicle transportation routes between cut-and-fill locations shall be restricted to a minimum number during construction consistent with Project construction requirements. Waste dirt or rubble shall not be deposited on adjacent coastal sage scrub identified in the NCCP/HCP for protection. Pre-construction meetings involving the monitoring biologist, construction supervisors, and equipment operators shall be conducted and documented to ensure maximum practicable adherence to these measures.</li><li>• Coastal sage scrub identified in the NCCP/HCP for protection and located within the likely dust drift radius of construction areas shall be periodically sprayed with water to reduce accumulated dust on the leaves as recommended by the monitoring biologist.</li></ul>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
Section 4.4 – Cultural Resources			
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.	Significant Impact	<b>MM CUL-1</b>  Prior to the issuance of the first grading permit for each Project phase (i.e., the multiple-family, commercial and single-family components, respectively), the Property Owner/Developer shall provide written evidence to the City that the Property Owner/Developer has retained a qualified archaeologist who meets the Secretary of the Interior’s Professional Qualification standards for archaeology to observe grading activities within previously undisturbed soils, and to evaluate any previously unknown archaeological resources (if any), as necessary, which are discovered during Project construction. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance within previously undisturbed soils, and shall establish, in cooperation with the Property Owner/Developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts, as appropriate pursuant to applicable laws and regulations. If soils cannot be shown in geotechnical reports or by other means to have been previously disturbed, archaeological monitoring shall be conducted. If archaeological resources are inadvertently unearthed during excavation or other ground-disturbing activities, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery and the archaeologist and City shall be notified immediately. If the City, in consultation with the archaeologist, determines the archaeological resources to be significant, then the qualified archaeologist shall make recommendations to the City on the feasible measures that shall be implemented to protect the discovered resource(s), including, but not limited to, exploration, excavation, and/or salvage in accordance with State CEQA Guidelines Section 15064.5. Any previously undiscovered resource(s) found during construction within the Project Site shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms.  If the relevant resource(s) (if any) are determined to be historical resources as defined under CEQA Guideline Section 15064.5 or a unique archaeological resource in Public Resources Code Section 21083.2, feasible mitigation measures and an archaeological treatment plan shall be developed by the qualified Archaeologist and recommended to the Property Owner/Developer and the City. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the find(s) as detailed in the archaeological treatment plan. After the find has been appropriately and feasibly avoided or mitigated, work in the area shall be permitted to resume.	Less Than Significant With Mitigation Incorporated
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	Significant Impact	<b>MM CUL-1</b>  Prior to the issuance of the first grading permit for each Project phase (i.e., the multiple-family, commercial and single-family components, respectively), the Property Owner/Developer shall provide written evidence to the City that the Property Owner/Developer has retained a qualified archaeologist who meets the Secretary of the Interior’s Professional Qualification standards for archaeology to observe grading activities within previously undisturbed soils, and to evaluate any previously unknown archaeological resources (if any), as necessary, which are discovered during Project construction. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance within previously undisturbed soils, and shall establish, in cooperation with the Property Owner/Developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts, as appropriate pursuant to applicable laws and regulations. If soils cannot be shown in geotechnical reports or by other means to have been previously disturbed, archaeological monitoring shall be conducted. If archaeological resources are inadvertently unearthed during excavation or other ground-disturbing activities, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery and the archaeologist and City shall be notified immediately. If the City, in consultation with the archaeologist, determines the archaeological resources to be significant, then the qualified archaeologist shall make recommendations to the City on the feasible measures that shall be implemented to protect the discovered resource(s), including, but not limited to, exploration, excavation, and/or salvage in accordance with State CEQA Guidelines Section 15064.5. Any previously undiscovered	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>resource(s) found during construction within the Project Site shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms.</p> <p>If the relevant resource(s) (if any) are determined to be historical resources as defined under CEQA Guideline Section 15064.5 or a unique archaeological resource in Public Resources Code Section 21083.2, feasible mitigation measures and an archaeological treatment plan shall be developed by the qualified Archaeologist and recommended to the Property Owner/Developer and the City. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the find(s) as detailed in the archaeological treatment plan. After the find has been appropriately and feasibly avoided or mitigated, work in the area shall be permitted to resume.</p>	
c) Disturb any human remains, including those interred outside of formal cemeteries.	Significant Impact	<p><b>MM CUL-1</b></p> <p>Prior to the issuance of the first grading permit for each Project phase (i.e., the multiple-family, commercial and single-family components, respectively), the Property Owner/Developer shall provide written evidence to the City that the Property Owner/Developer has retained a qualified archaeologist who meets the Secretary of the Interior’s Professional Qualification standards for archaeology to observe grading activities within previously undisturbed soils, and to evaluate any previously unknown archaeological resources (if any), as necessary, which are discovered during Project construction. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance within previously undisturbed soils, and shall establish, in cooperation with the Property Owner/Developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts, as appropriate pursuant to applicable laws and regulations. If soils cannot be shown in geotechnical reports or by other means to have been previously disturbed, archaeological monitoring shall be conducted. If archaeological resources are inadvertently unearthed during excavation or other ground-disturbing activities, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery and the archaeologist and City shall be notified immediately. If the City, in consultation with the archaeologist, determines the archaeological resources to be significant, then the qualified archaeologist shall make recommendations to the City on the feasible measures that shall be implemented to protect the discovered resource(s), including, but not limited to, exploration, excavation, and/or salvage in accordance with State CEQA Guidelines Section 15064.5. Any previously undiscovered resource(s) found during construction within the Project Site shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms.</p> <p>If the relevant resource(s) (if any) are determined to be historical resources as defined under CEQA Guideline Section 15064.5 or a unique archaeological resource in Public Resources Code Section 21083.2, feasible mitigation measures and an archaeological treatment plan shall be developed by the qualified Archaeologist and recommended to the Property Owner/Developer and the City. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the find(s) as detailed in the archaeological treatment plan. After the find has been appropriately and feasibly avoided or mitigated, work in the area shall be permitted to resume.</p> <p><b>MM CUL-2</b></p> <p>If any human remains are accidentally found or recognized during ground-disturbing activities, then the following steps shall be taken:</p> <ol style="list-style-type: none"><li>1. No further excavation or disturbance of the area where the remains were found or any nearby area that is reasonably suspected to overlie adjacent remains shall occur, in accordance with Section 7050.5 of the California Health and Safety Code, until the County Coroner is notified of the discovery, which shall happen immediately and the following steps are taken. If the Coroner determines that the remains are or believed to be Native American, s/he shall notify the NAHC in West Sacramento within 24 hours of the discovery. In accordance with Section 5097.98 of the California Public Resources Code, the NAHC shall identify and must immediately notify those persons it believes to be the most likely descended (MLD) from the deceased Native American. The</li></ol>	Less Than Significant With Mitigation Incorporated



TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours of being notified by the NAHC, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98; OR,</p> <p>2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the Project Site in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"><li>The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.</li><li>The MLD identified fails to make a recommendation.</li><li>The landowner or his or her authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.</li></ul>	
Section 4.5 – Energy			
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	Significant Impact	<p><b>MM GHG-1:</b> New residential and commercial uses shall be all-electric (i.e., natural gas usage shall be prohibited) except as otherwise provided for in this MM GHG-1. Natural gas usage and the extension of existing natural gas infrastructure shall be permitted for the multiple-family residential building: (A) for all fire elements located (1) at the front entrance, (2) on the rooftop deck, (3) in all common areas, and (B) for each individual residential unit stove (but not for ovens or heating/cooling systems within each unit). Prior to the issuance of the building permit for vertical construction of the subject Project component (i.e., multiple-family residential, commercial, or single-family residential), the Property Owner/Developer shall submit a utility plan to the City showing compliance with this <b>MM GHG-1</b>.</p> <p><b>MM GHG-2:</b> The Property Owner/Developer use diligent and good faith efforts to install and maintain solar power generation in the Project Site to generate at least 15% of the Project’s electrical demand on-site. Solar panels may be installed on rooftops, above the surface parking lot for the commercial buildings, behind (south of) the commercial buildings, and/or elsewhere in the Project Site to satisfy this <b>MM GHG-2</b>. The locations of on-site power generation shall be subject to review and approval by the City Planning Department to confirm compatibility with the scenic corridor overlay requirements. Solar panels shall not be visible from Santa Ana Canyon Road. Prior to issuance of the building permit for vertical construction of the subject Project component (i.e., multiple-family residential, commercial, or single-family residential), the Property Owner/Developer shall submit a memorandum and plan to the City Planning Department for review and approval reasonably documenting (a) compliance with this <b>MM GHG-2</b> with respect to the subject Project component and (b) demonstrating that the proposed solar panels would not result in a substantial source of glare for neighboring properties and for local roadways. By February 1 of each year, the Property Owner/Developer shall submit a memorandum to the City Planning Department describing the prior year’s electrical usage and on-site power generation. If the 15% on-site power generation was not achieved in the prior year, the memorandum shall contain feasible measures that the Property Owner/Developer shall implement to reduce electrical usage and/or to increase on-site renewable energy generation to achieve this target.</p> <p><b>MM GHG-3:</b> The Property Owner/Developer shall enter into a Power Purchasing Agreement with Anaheim Public Utilities for the purchase of at least 60% “green power” for the Project’s electricity demand that cannot be produced on-site, if available. The Property Owner/Developer shall submit documentation of green power</p>	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		purchases for the prior year, or documentation that it is not available, to the City Planning Department each February 1. This information shall be included in the memorandum that is required by <b>MM GHG-2</b> .	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	Less Than Significant Impact	None	Less Than Significant Impact
<b>Section 4.6 – Geology and Soils</b>			
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.	Less Than Significant Impact	None	Less Than Significant Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: ii. Strong seismic ground shaking	Less Than Significant Impact	None	Less Than Significant Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: iii. Seismic-related ground failure, including liquefaction	Less Than Significant Impact	None	Less Than Significant Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: iv. Landslides	Less Than Significant Impact	None	Less Than Significant Impact
(b) Result in substantial soil erosion or the loss of topsoil.	Less Than Significant Impact	None	Less Than Significant Impact
(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	None	Less Than Significant Impact
(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.	Significant Impact	<b>MM GEO-1</b> During fine grading activities and prior to building construction for each building, advanced expansive soils testing shall be conducted by an approved geotechnical consultant to confirm that any proposed fill placed within the new building areas consists of very low expansion potential (EI<50). The geotechnical consultant shall provide recommendations related to the expansion potential of the soils that are evaluated to the Property Owner/Developer, which shall be incorporated into the Project’s final design to the satisfaction of the City’s Public Works Department.	Less Than Significant With Mitigation Incorporated
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of waste water.	No Impact	None	No Impact
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Significant Impact	<b>MM GEO-2</b> In the event that paleontological resources are inadvertently unearthed during excavation activities, the contractor shall temporarily halt or delay all earth-disturbing activities within a 25-foot radius of the area of discovery until the discovery is examined by a qualified Paleontologist in accordance with Society of	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures		Level of Significance After Mitigation
			Vertebrate Paleontology standards, and the contractor shall contact the City’s Planning and Building Department immediately. In connection with each specific individual development proposal, the relevant Applicant shall include a standard inadvertent discovery clause in every Project-related construction contract to inform contractors of this requirement. The Property Owner/Developer shall retain a qualified professional paleontologist to evaluate the significance of the find, and in consultation with the City’s Planning and Building Department, determine an appropriate course of action to feasibly mitigate impacts to same. If the paleontological resources are found to be significant, the paleontologist, in consultation with the City’s Planning and Building Department, shall determine appropriate and feasible actions for avoidance, exploration, salvage, and/or curation that is consistent with the standards prescribed by the Society of Vertebrate Paleontology in the guideline document Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010). Any recovered fossil should be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where it will be properly curated and made accessible for future studies. After the recommended measures have been implemented, work within the 25-foot vicinity of the find shall be permitted to resume and no further mitigation for said find shall be necessary.	
Section 4.7 – Greenhouse Gas Emissions				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	Significant Impact	<b>MM GHG-1:</b>	New residential and commercial uses shall be all-electric (i.e., natural gas usage shall be prohibited) except as otherwise provided for in this MM GHG-1. Natural gas usage and the extension of existing natural gas infrastructure shall be permitted for the multiple-family residential building: (A) for all fire elements located (1) at the front entrance, (2) on the rooftop deck, (3) in all common areas, and (B) for each individual residential unit stove (but not for ovens or heating/cooling systems within each unit). Prior to the issuance of the building permit for vertical construction of the subject Project component (i.e., multiple-family residential, commercial, or single-family residential), the Property Owner/Developer shall submit a utility plan to the City showing compliance with this <b>MM GHG-1</b> .	Significant and Unavoidable
		<b>MM GHG-2:</b>	The Property Owner/Developer use diligent and good faith efforts to install and maintain solar power generation in the Project Site to generate at least 15% of the Project’s electrical demand on-site. Solar panels may be installed on rooftops, above the surface parking lot for the commercial buildings, behind (south of) the commercial buildings, and/or elsewhere in the Project Site to satisfy this <b>MM GHG-2</b> . The locations of on-site power generation shall be subject to review and approval by the City Planning Department to confirm compatibility with the scenic corridor overlay requirements. Solar panels shall not be visible from Santa Ana Canyon Road. Prior to issuance of the building permit for vertical construction of the subject Project component (i.e., multiple-family residential, commercial, or single-family residential), the Property Owner/Developer shall submit a memorandum and plan to the City Planning Department for review and approval reasonably documenting (a) compliance with this MM GHG-2 with respect to the subject Project component and (b) demonstrating that the proposed solar panels would not result in a substantial source of glare for neighboring properties and for local roadways. By February 1 of each year, the Property Owner/Developer shall submit a memorandum to the City Planning Department describing the prior year’s electrical usage and on-site power generation. If the 15% on-site power generation was not achieved in the prior year, the memorandum shall contain measures that the Property Owner/Developer shall implement to reduce electrical usage and/or to increase on-site renewable energy generation to achieve this target.	
		<b>MM GHG-3:</b>	The Property Owner/Developer shall enter into a Power Purchasing Agreement with Anaheim Public Utilities for the purchase of at least 60% “green power” for the Project’s electricity demand that cannot be produced on-site, if available. The Property Owner/Developer shall submit documentation of green power purchases for the prior year, or documentation that it is not available, to the City Planning Department each February 1. This information shall be included in the memorandum that is required by <b>MM GHG-2</b> .	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures		Level of Significance After Mitigation
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	Less Than Significant Impact	None		Less Than Significant Impact
Section 4.8 – Hazards and Hazardous Materials				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Significant Impact	MM HAZ-1	The Property Owner/Developer shall include appropriate contractual provisions in the agreement with the Project Contractor that obligates the Contractor adhere to the following requirements. First, the Contractor shall transport materials deemed as hazardous in compliance with the applicable requirements of Title 22, Division 4.5 of the California Code of Regulations, the U.S. Department of Transportation regulations in the Code of Federal Regulations (specifically, Title 49, Hazardous Materials Transportation Act and Title 40, Part 263, Subtitle C of Resource Conservation and Recovery Act), California Department of Transportation (Caltrans) standards, and Occupational Safety and Health Administration (OSHA) standards. To ensure implementation of these requirements, the Contractor shall complete the required tracking and reporting in accordance with applicable provisions of the EPA’s Hazardous Waste Manifest System requirements. In addition, the Contractor shall ensure that City is copied on all reporting to regulatory agencies throughout the construction process. Prior to issuance of an occupancy permit, the Contractor shall submit to the City a log of all reporting to regulatory agencies for review to document compliance with the foregoing requirements.	Less Than Significant With Mitigation Incorporated
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.	Significant Impact	MM HAZ-1	The Property Owner/Developer shall include appropriate contractual provisions in the agreement with the Project Contractor that obligates the Contractor adhere to the following requirements. First, the Contractor shall transport materials deemed as hazardous in compliance with the applicable requirements of Title 22, Division 4.5 of the California Code of Regulations, the U.S. Department of Transportation regulations in the Code of Federal Regulations (specifically, Title 49, Hazardous Materials Transportation Act and Title 40, Part 263, Subtitle C of Resource Conservation and Recovery Act), California Department of Transportation (Caltrans) standards, and Occupational Safety and Health Administration (OSHA) standards. To ensure implementation of these requirements, the Contractor shall complete the required tracking and reporting in accordance with applicable provisions of the EPA’s Hazardous Waste Manifest System requirements. In addition, the Contractor shall ensure that City is copied on all reporting to regulatory agencies throughout the construction process. Prior to issuance of an occupancy permit, the Contractor shall submit to the City a log of all reporting to regulatory agencies for review to document compliance with the foregoing requirements.	Less Than Significant With Mitigation Incorporated
		MM HAZ-2	Prior to issuance of the Project’s first grading permit, the Property Owner/Developer shall properly remove and dispose of the abandoned light-duty pickup truck located on the Project Site’s east-central portion pursuant to applicable laws and regulations. If during truck removal, fuel or other hazardous materials are released or if odors or soil discoloration are observed on the ground, the Property Owner/Developer shall hire a specialized environmental professional to assess, address the extent of any subsurface contamination, and identify appropriate remediation pursuant to applicable laws and regulations, for which the Property Owner/Developer shall implement. After completion of the activities set forth in this MM HAZ-2, a memorandum shall be submitted to the City documenting the completion of MM HAZ-2.	
		MM HAZ-3	Prior to issuance of the Project’s first grading permit, the Property Owner/Developer shall submit reasonable documentation to the City that additional soil sampling has been conducted for arsenic in the northern portion of the Project Site where past agricultural uses occurred, the purpose of which is to confirm the levels of any residual arsenic. Based on the results of this additional soil sampling, the Property Owner/Developer shall develop and submit a soil management plan based on the results to specify the proper handling and transport procedures (if any) for the impacted soils within the Project Site to minimize potential exposure in accordance with applicable State and Federal laws and regulations. The soil management plan shall be provided to the relevant governing regulatory agency (e.g., DTSC, County, etc.) (or the City, if no other governing regulatory agency) for review pursuant to applicable laws and regulations,	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		which shall be approved prior to the issuance of the applicable grading permit. The approved soil management plan shall be implemented by the Contractor during construction.	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Significant Impact	<b>MM HAZ-1</b> The Property Owner/Developer shall include appropriate contractual provisions in the agreement with the Project Contractor that obligates the Contractor adhere to the following requirements. First, the Contractor shall transport materials deemed as hazardous in compliance with the applicable requirements of Title 22, Division 4.5 of the California Code of Regulations, the U.S. Department of Transportation regulations in the Code of Federal Regulations (specifically, Title 49, Hazardous Materials Transportation Act and Title 40, Part 263, Subtitle C of Resource Conservation and Recovery Act), California Department of Transportation (Caltrans) standards, and Occupational Safety and Health Administration (OSHA) standards. To ensure implementation of these requirements, the Contractor shall complete the required tracking and reporting in accordance with applicable provisions of the EPA's Hazardous Waste Manifest System requirements. In addition, the Contractor shall ensure that City is copied on all reporting to regulatory agencies throughout the construction process. Prior to issuance of an occupancy permit, the Contractor shall submit to the City a log of all reporting to regulatory agencies for review to document compliance with the foregoing requirements.	Less Than Significant With Mitigation Incorporated
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	None	Less Than Significant Impact
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	None	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Significant Impact	<b>MM HAZ-4</b> Prior to the issuance of each grading permit, a Construction Management Plan shall be prepared by the Property Owner/Developer for the review and approval of the City of Anaheim. The Construction Management Plan shall be prepared in accordance with the applicable requirements contained in the Manual on Uniform Traffic Control Devices (MUTCD). Construction activities shall comply with the approved Construction Management Plan to the reasonable satisfaction of the City of Anaheim. The Property Owner/Developer shall begin coordination with the City on the Construction Management Plan as soon as practicable during the final design process and in advance of construction so that effective measures can be developed to avoid, minimize, and mitigate, to the extent feasible, construction impacts to parking and circulation on-site and in the vicinity of the Project Site.  At a minimum, the Construction Management Plan shall: <ul style="list-style-type: none"><li>Describe the durations and locations of any temporary lane closures that are needed on Santa Ana Canyon Road.</li><li>Describe the traffic control measures that would be implemented for any temporary lane closures or other disruptions to traffic that would result from Project construction.</li><li>Identify the routes that construction vehicles shall utilize for the delivery of construction materials to access the Project Site and for egress from the Project Site.</li><li>Identify the location of parking and materials storage for construction workers during all phases of construction. Parking for construction workers shall be provided on-site or at additional off-site locations that are not on public streets. Also see <b>MM BIO-13</b>.</li></ul>	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"><li>Identify emergency access points and emergency access routes to allow for adequate emergency access to/within the Project Site and to parcels to the south of the Project Site throughout all Project construction phases.</li><li>Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.</li><li>Requirements that the Contractor keep all haul routes reasonably clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Contractor shall take reasonable and diligent steps to clean adjacent streets of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. Also see <b>MM BIO-10</b>.</li><li>The Property Owner/Developer shall obtain a transportation permit pursuant to applicable laws and regulations for oversized loads which will list the applicable haul routes and haul hours. All hauling or transport of oversized loads shall occur between the hours of 8:30 AM and 3:30 PM only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport shall be allowed during nighttime hours, weekends or Federal holidays.</li><li>Include details on the reasonable maintenance of existing bicycle and pedestrian facilities and connectivity through the Project Site during construction to the reasonable satisfaction of the City Engineer.</li><li>Require that haul trucks entering or exiting public streets shall at all times yield to public traffic, pedestrians, bicyclists, and other users.</li><li>Provisions for the Contractor to repair existing pavement, streets, curbs, sidewalks, and/or gutters that may be damaged during Project construction. The repairs shall be completed in consultation with and to the reasonable satisfaction of the City Engineer.</li><li>Require that all construction-related parking and staging of vehicles shall be kept out of the adjacent public roads and shall occur either on-site or on designated off-site parcels that would not adversely affect access to or parking for nearby residences or businesses.</li></ul> <p><b>MM HAZ-5</b> Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.</p> <p><b>MM HAZ-9:</b> Prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of “Know Your Way” evacuation planning and protocols.</p>	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.	Significant Impact	<p><b>MM HAZ-4</b> Prior to the issuance of each grading permit, a Construction Management Plan shall be prepared by the Property Owner/Developer for the review and approval of the City of Anaheim. The Construction Management Plan shall be prepared in accordance with the applicable requirements contained in the Manual on Uniform Traffic Control Devices (MUTCD). Construction activities shall comply with the approved Construction Management Plan to the reasonable satisfaction of the City of Anaheim. The Property Owner/Developer shall begin coordination with the City on the Construction Management Plan as soon as practicable during the final design process and in advance of construction so that effective measures can be developed to avoid, minimize, and mitigate, to the extent feasible, construction impacts to parking and circulation on-site and in the vicinity of the Project Site.</p>	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>At a minimum, the Construction Management Plan shall:</p> <ul style="list-style-type: none"><li>Describe the durations and locations of any temporary lane closures that are needed on Santa Ana Canyon Road.</li><li>Describe the traffic control measures that would be implemented for any temporary lane closures or other disruptions to traffic that would result from Project construction.</li><li>Identify the routes that construction vehicles shall utilize for the delivery of construction materials to access the Project Site and for egress from the Project Site.</li><li>Identify the location of parking and materials storage for construction workers during all phases of construction. Parking for construction workers shall be provided on-site or at additional off-site locations that are not on public streets. Also see <b>MM BIO-13</b>.</li><li>Identify emergency access points and emergency access routes to allow for adequate emergency access to/within the Project Site and to parcels to the south of the Project Site throughout all Project construction phases.</li><li>Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.</li><li>Requirements that the Contractor keep all haul routes reasonably clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Contractor shall take reasonable and diligent steps to clean adjacent streets of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. Also see <b>MM BIO-10</b>.</li><li>The Property Owner/Developer shall obtain a transportation permit pursuant to applicable laws and regulations for oversized loads which will list the applicable haul routes and haul hours. All hauling or transport of oversized loads shall occur between the hours of 8:30 AM and 3:30 PM only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport shall be allowed during nighttime hours, weekends or Federal holidays.</li><li>Include details on the reasonable maintenance of existing bicycle and pedestrian facilities and connectivity through the Project Site during construction to the reasonable satisfaction of the City Engineer.</li><li>Require that haul trucks entering or exiting public streets shall at all times yield to public traffic, pedestrians, bicyclists, and other users.</li><li>Provisions for the Contractor to repair existing pavement, streets, curbs, sidewalks, and/or gutters that may be damaged during Project construction. The repairs shall be completed in consultation with and to the reasonable satisfaction of the City Engineer.</li><li>Require that all construction-related parking and staging of vehicles shall be kept out of the adjacent public roads and shall occur either on-site or on designated off-site parcels that would not adversely affect access to or parking for nearby residences or businesses.</li></ul>	
		<p><b>MM HAZ-5</b> Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.</p>	
		<p><b>MM HAZ-6</b> To minimize wildfire risks to the residents of the existing residences west of the Project Site as they wait to evacuate their neighborhood during a future evacuation event, the Property Owner/Developer shall maintain a fuel modification zone along the entire western boundary of the Project Site. As with other fuel</p>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>modification zones, these additional fuel modification areas shall be maintained twice annually and in perpetuity by the Property Owner/Developer, with this requirement being implemented by the Property Owner/Developer or a Homeowner's Association pursuant to recorded Conditions, Covenants and Restrictions (CC&amp;Rs). The additional areas that are added to the Project's fuel modification zones by this measure are depicted in Exhibits 4.8-1 and 4.8-2 of the Draft EIR, which shall be incorporated into this <b>MM HAZ-6</b> by this reference.</p> <p><b>MM HAZ-7</b> Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall develop and implement a project-specific wildfire evacuation and awareness plan. The plan shall be subject to review and approval by the City of Anaheim Planning Department, APD, and Anaheim Fire and Rescue staff. The plan shall include the following minimum requirements:</p> <ul style="list-style-type: none"><li>• The plan shall be provided to all tenants along with all lease agreements for tenants.</li><li>• The plan shall include provisions and travel movements for evacuating the Project Site during a wildfire event that is located in the undeveloped areas immediately adjacent to the Project Site and for other events where the wildfire threat is further away.</li><li>• The plan shall include the development and dissemination of wildfire evacuation outreach materials. These materials shall be provided to residents and employees within the Project Site annually. The outreach materials shall depict evacuation routes to use in case of a wildfire event and shall provide other practical wildfire preparedness information.</li><li>• The plan shall include requirements for annual emergency evacuation drills for residents and employees in the Project Site.</li><li>• The plan shall include the development, implementation, and ongoing maintenance of a method for the Property Owner/Develop to quickly and effectively communicate evacuation instructions to individuals at the Project Site, such as through the installation and maintenance of a wireless Public Address (PA) system and/or wireless texting services.</li><li>• The plan shall include the provisions and ongoing maintenance of a camera. The camera would be oriented towards the southern edge of the Project Site with the primary purpose of providing additional information for emergency service providers to facilitate enhanced emergency response. The Property Owner/Developer shall provide a connection to the City's real-time crime center.</li></ul> <p><b>MM HAZ-8</b> Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement emergency vehicle preemption at traffic signals on Santa Ana Canyon Road from Weir Canyon Road to Imperial Highway.</p> <p><b>MM HAZ-9:</b> Prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of "Know Your Way" evacuation planning and protocols.</p> <p><b>MM HAZ-10</b> The Property Owner/Developer shall prepare and implement a construction fire prevention plan that shall designate fire safety measures that shall be implemented by the Project's contractor to reduce the possibility of fires during all construction phases of the Project. The plan shall include requirements for adequate fuel breaks between areas with flammable vegetation and all grading, site work, and other construction activities in accordance with applicable requirements and standards. The plan shall also include the following measures: fire watch/ fire guards during hot work and during use of heavy machinery; hose lines attached to hydrants or a water tender at multiple accessible locations throughout the construction site; Red Flag</p>	



TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		warning weather period work restrictions; required on-site fire resources; and other measures as determined to be necessary.	
Section 4.9 – Hydrology and Water Quality			
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.	Less Than Significant Impact	None	Less Than Significant Impact
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	None	Less Than Significant Impact
c) Substantially alter the existing drainage pattern of the site or area, including 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	None	Less Than Significant Impact
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	Less Than Significant Impact	None	Less Than Significant Impact
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: iii. create or contribute runoff water which would exceed the capacity of existing or planner stormwater drainage systems or provide substantial additional sources of polluted runoff;	Less Than Significant Impact	None	Less Than Significant Impact
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: iv. impede or redirect flood flows.	Less Than Significant Impact	None	Less Than Significant Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.	No Impact	None	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	Less Than Significant Impact	None	Less Than Significant Impact
Section 4.10 – Land Use and Planning			
a) Physically divide an established community.	Less Than Significant Impact	None	Less Than Significant Impact
a) 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.	Significant Impact	<b>MM BIO-10:</b> To avoid and minimize the introduction and spread of invasive exotic plant species, the following measures shall be implemented.	Less Than Significant Impact

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<div><ul style="list-style-type: none"><li>• <b>Minimize Introduction of Weed Seeds:</b> Prior to issuance of a grading permit, the Property Owner/Develop shall demonstrate that Construction Plans include the following notes related to the introduction of weed seeds: (1) Construction vehicles (e.g., excavators, backhoes, dump trucks) shall be washed prior to delivery to the construction site to prevent weed seeds from entering the construction area in mud on the tires or undercarriage. (2) Track-clean or other methods of vehicle cleaning shall be used by the construction contractor to prevent weed seeds from entering/exiting the construction site on vehicles. (3) Wattles used for erosion control shall be biodegradable and certified as weed-free. These procedures shall be implemented throughout construction.</li><li>• <b>Minimize Introduction of Invasives in Landscaping:</b> Prior to issuance of a building permit, the Property Owner/Developer shall submit the Landscaping Plans to the City of Anaheim for review and approval prior to issuance of a building permit. The City of Anaheim will review the landscaping plans along with a qualified Biologist under contract to the City. The City’s Biologist shall make suggestions for suitable substitutes if needed.<ul style="list-style-type: none"><li>○ The review shall ensure that no invasive, exotic plant species are used in proposed landscaping and that suitable substitutes are proposed (i.e., those listed on the California Invasive Plant Council’s Invasive Plant Inventory with a Risk Rating of “High” [Cal-IPC 2023]).</li><li>○ To the extent practicable, the Project’s Landscaping Plans shall include transition zones in areas of the development that are adjacent to undeveloped areas (see Exhibit 4.3-7). The landscaping within these transition zone shall be designed to buffer adjacent natural habitats from human activity using native plantings (e.g., lemonade berry, western sycamore, coast live oak, etc.). Landscaping shall use plants native to the area from the Recommended Acceptable Fire Resistive Plant Species (Anaheim Fire &amp; Rescue 2018).</li></ul></li><li>• <b>C. Ongoing Compliance With Landscaping:</b> Prior to final building and zoning inspections, the Project Owner/Developer shall provide CC&amp;Rs, reciprocal easements, or a similar document recorded on the property to the City for approval. To ensure ongoing compliance, the CC&amp;Rs, reciprocal easements, or a similar document recorded on the property for commercial, multiple-family, and residential lots shall prohibit the use of highly invasive species (i.e., those listed on the California Invasive Plant Council’s Invasive Plant Inventory with a Risk Rating of “High” [Cal-IPC 2023]). Modifications to the CC&amp;Rs shall also require City approval.</li></ul></div> <div><b>MM AES-3</b><p>To partially screen views of retaining walls, all retaining walls in the Project Site that are visible from Santa Ana Canyon Road shall be landscaped (as defined below) and/or they shall have an aesthetic treatment such as a rock façade treatment. If landscaping is used as the screening method, at a minimum the retaining wall landscaping shall include trees and/or shrubs that are planted at the base of the retaining wall that mature to at least ¾ of the average height of the wall. Alternatively, or in addition, landscaping of retaining walls can consist of the use of climbing vines and/or by using plantable walls. In areas that landscaping is used as a screen, plant materials shall screen at least 50% of each wall when viewed from Santa Ana Canyon Road. Prior to the issuance of a permit for the construction of retaining walls, the Property Owner/Developer shall depict retaining wall aesthetic treatments consistent with the Specific Plan Design Standards, and landscaping on plans and shall submit the plans to the City for review and approval, and shall thereafter adhere to same.</p></div>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures		Level of Significance After Mitigation
Section 4.11 – Noise				
a) Substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	Significant Impact	<b>MM NOI-1:</b>	The Property Owner/Developer provide a form lease provision to the City for review and approval. The lease provision shall be included in all of the leases for the multiple-family residential units. The lease provision shall include the following minimum requirements for every tenant: (1) adherence to all applicable noise standards in the City’s Municipal Code (including those relating to amplified sound in Section 6.72); and (2) adherence to applicable provisions of the Hills Preserve Skydeck (Roof Deck) Operations Memorandum (as it may be amended from time to time by Property Owner/Developer).	Less Than Significant Impact
b) Generation of excessive groundborne vibration or groundborne noise levels.	Less Than Significant Impact	None		Less Than Significant Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.	No Impact	None		No Impact
Section 4.12 – Population and Housing				
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	None		Less Than Significant Impact
a) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	No Impact	None		No Impact
Section 4.13 – Public Services				
a) 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: <div>(i) Fire protection.</div>	Potentially Significant Impact	<b>MM HAZ-5</b>	Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.	Less Than Significant With Mitigation Incorporated
		<b>MM HAZ-8</b>	Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement emergency vehicle preemption at traffic signals on Santa Ana Canyon Road from Weir Canyon Road to Imperial Highway.	
		<b>MM HAZ-9:</b>	Prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of “Know Your Way” evacuation planning and protocols.	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures		Level of Significance After Mitigation
<div>a) 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:<div>(ii) Police protection.</div></div>	Potentially Significant Impact	<b>MM HAZ-5</b> <div>Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.</div>	<b>MM HAZ-8</b> <div>Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement emergency vehicle preemption at traffic signals on Santa Ana Canyon Road from Weir Canyon Road to Imperial Highway.</div>	Less Than Significant With Mitigation Incorporated
<div>a) 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:<div>(iii) School.</div></div>	Less Than Significant Impact	None		Less Than Significant Impact
<div>a) 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:<div>(iv) Parks.</div></div>	Less Than Significant Impact	None		Less Than Significant Impact
<div>a) 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:<div>(v) Other public facilities.</div></div>	Less Than Significant Impact	None		Less Than Significant Impact
Section 4.14 – Recreation				
<div>a) 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.</div>	Less Than Significant Impact	None		Less Than Significant Impact
<div>b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</div>	Less Than Significant Impact	None		Less Than Significant Impact
Section 4.15 – Transportation				
<div>a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.</div>	Less Than Significant Impact	None		Less Than Significant Impact

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures		Level of Significance After Mitigation
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	Significant Impact	MM TRANS-1	<b>Implement Commute Trip Reduction Marketing.</b> This measure consists of the implementation of a marketing strategy to promote the Project’s Commute Trip Reduction (CTR) program that would be available to all employees within the commercial component (through provision of same to the relevant tenants) and multiple-family residential component of the Project. This measure is not applicable to contractors. The intention of this measure is that additional information sharing and marketing as required by this measure shall promote and educate employees about their travel choices to the employment location beyond driving, such as carpooling, taking transit, walking, and biking, thereby reducing VMT and GHG emissions. 100% of employees (i.e., employees who are employed by tenants housed in the commercial component as well as those who are employed by the Property Owner/Developer to serve the multiple-family component) shall be eligible to participate in the CTR program. Prior to issuance of a certificate of occupancy for the multi-family component or the commercial component of the Project, as applicable, the Property Owner/Developer shall document the provision of designated priority parking to the employees of the commercial or multi-family component, as applicable, in the amount required pursuant to applicable requirements for those employees who carpool and also for those that travel to work using electric vehicles and/or zero emission vehicles. As part of the CTR program, the Property Owner/Developer shall provide a minimum \$50 monthly stipend to each participating employee that bicycles or walks to work an average of three or more days per week each month. By February 1 of each year, the Property Owner/Developer shall submit a memorandum to the City describing the marketing measures that had been implemented in the prior year.	Significant and Unavoidable
		MM TRANS-2	<b>Provide Information Regarding Ridesharing Opportunities.</b> Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips, VMT and GHG emissions. Prior to issuance of an occupancy permit for the commercial component or the multiple-family residential component in the Project, the Property Owner/Developer shall develop and implement a ridesharing information program for participating employees within the Project Site as part of the CTR program discussed above in <b>MM TRANS-1</b> . As part of this measure and implementation of the CTR Program, the Property Owner/Developer shall establish, support, maintain, and fund a transportation demand management (TDM) coordinator, whose role would be to provide information regarding ridesharing opportunities to all employees in the Project Site. The CTR program shall provide information regarding ride-matching opportunities to facilitate committed vanpool groups for employees traveling similar routes at similar times. The CTR program shall also include a minimum \$100 monthly stipend per person to each participating employee that carpools to work at least three days per week per month. By February 1 of each year, the Property Owner/Developer shall submit a memorandum to the City describing the measures taken pursuant to this measure to promote ridesharing that had been implemented in the prior year.	
		MM TRANS-3	<b>Provide End-of-Trip Bicycle Facilities.</b> This measure includes the installation and maintenance of end-of-trip facilities for employees of the multiple-family residential and commercial buildings in the Project Site. End-of-trip facilities shall include bike parking, bike lockers, showers, and personal lockers, which will be provided by the Property Owner/Developer. In addition to the provision of showers and/or personal lockers that may be required to be incorporated into the Project pursuant to applicable laws and regulations, the Property Owner/Developer shall provide a total of: (a) 52 long-term bicycle parking spaces via secure bike lockers and/or storage rooms and two short-term bike stalls for the multiple-family component, and (b) 20 long-term bicycle parking spaces via secure bike lockers and/or storage rooms and two short-term bicycle parking stalls for the commercial component. The facilities discussed in this measure shall be depicted on the relevant Project plans to be reviewed and approved by the City, and the facilities shall be installed prior to issuance of the relevant occupancy permit.	
		MM TRANS-4	<b>Provide Pedestrian Network Improvements.</b> As part of this measure and to ensure implementation of the relevant design features, prior to issuance of a certificate of occupancy for	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>the commercial and/or multiple-family residential components (whichever comes first), the Property Owner/Developer shall construct approximately 2,850 linear feet of a multi-use (pedestrian, bicycle and equestrian) trail along the south side of Santa Ana Canyon Road that would extend from the northwestern limits of the Project Site (approximately 385 feet east of Eucalyptus Avenue) to an existing sidewalk that ends approximately 385 feet west of Festival Drive. Also, prior to issuance of a certificate of occupancy for the commercial and/or multiple-family residential components (whichever comes first), the Property Owner/Developer shall construct approximately 2,950 linear feet of new sidewalk along the north side of Santa Ana Canyon Road from Eucalyptus Avenue to approximately 760 feet west of Festival Drive, if feasible. The Property Owner/Developer shall include a pedestrian crossing at the intersection of Deer Canyon Road and Santa Ana Canyon Road. During final design and prior to issuance of a grading permit as part of the City's Right-of-Way Construction Application Permit, the Property Owner/Developer shall provide the City with updated roadway improvement plans for review and approval that depict the sidewalk improvements described in this measure.</p> <p><b>MM TRANS-5</b></p> <p><b>Provide Information Regarding Telecommute and/or Alternative Work Schedule Opportunities; Support Telecommuting for Project Residents.</b> Prior to issuance of an occupancy permit for the commercial components in the Project, the TDM coordinator shall provide, as part of the Project's CTR program discussed above under MM TRANS-1, to all tenants of the commercial component available information regarding ways in which employers may consider telecommuting and alternative work schedule opportunities. In addition, the Property Owner/Developer shall provide all Project residents of the multiple-family residential component access to on-site "work-from-home" communal spaces, and shall also consider reasonable opportunities for employees of the multiple-family residential component, taking into due account job responsibilities, to telecommute to work at least one day per work week, and/or to have an alternative work schedule such as a 9/80 or 10/40 schedule to allow for fewer overall trips to the office.</p>	
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	None	Less Than Significant Impact
d) Result in inadequate emergency access.	Significant Impact	<p><b>MM HAZ-4</b></p> <p>Prior to the issuance of each grading permit, a Construction Management Plan shall be prepared by the Property Owner/Developer for the review and approval of the City of Anaheim. The Construction Management Plan shall be prepared in accordance with the applicable requirements contained in the Manual on Uniform Traffic Control Devices (MUTCD). Construction activities shall comply with the approved Construction Management Plan to the reasonable satisfaction of the City of Anaheim. The Property Owner/Developer shall begin coordination with the City on the Construction Management Plan as soon as practicable during the final design process and in advance of construction so that effective measures can be developed to avoid, minimize, and mitigate, to the extent feasible, construction impacts to parking and circulation on-site and in the vicinity of the Project Site.</p> <p>At a minimum, the Construction Management Plan shall:</p> <ul style="list-style-type: none"><li>Describe the durations and locations of any temporary lane closures that are needed on Santa Ana Canyon Road.</li><li>Describe the traffic control measures that would be implemented for any temporary lane closures or other disruptions to traffic that would result from Project construction.</li></ul>	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"><li>Identify the routes that construction vehicles shall utilize for the delivery of construction materials to access the Project Site and for egress from the Project Site.</li><li>Identify the location of parking and materials storage for construction workers during all phases of construction. Parking for construction workers shall be provided on-site or at additional off-site locations that are not on public streets. Also see <b>MM BIO-13</b>.</li><li>Identify emergency access points and emergency access routes to allow for adequate emergency access to/within the Project Site and to parcels to the south of the Project Site throughout all Project construction phases.</li><li>Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.</li><li>Requirements that the Contractor keep all haul routes reasonably clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Contractor shall take reasonable and diligent steps to clean adjacent streets of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. Also see <b>MM BIO-10</b>.</li><li>The Property Owner/Developer shall obtain a transportation permit pursuant to applicable laws and regulations for oversized loads which will list the applicable haul routes and haul hours. All hauling or transport of oversized loads shall occur between the hours of 8:30 AM and 3:30 PM only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport shall be allowed during nighttime hours, weekends or Federal holidays.</li><li>Include details on the reasonable maintenance of existing bicycle and pedestrian facilities and connectivity through the Project Site during construction to the reasonable satisfaction of the City Engineer.</li><li>Require that haul trucks entering or exiting public streets shall at all times yield to public traffic, pedestrians, bicyclists, and other users.</li><li>Provisions for the Contractor to repair existing pavement, streets, curbs, sidewalks, and/or gutters that may be damaged during Project construction. The repairs shall be completed in consultation with and to the reasonable satisfaction of the City Engineer.</li><li>Require that all construction-related parking and staging of vehicles shall be kept out of the adjacent public roads and shall occur either on-site or on designated off-site parcels that would not adversely affect access to or parking for nearby residences or businesses.</li></ul> <p><b>MM HAZ-5</b> Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.</p>	
<b>Section 4.16 – Tribal Cultural Resources</b>			
a) 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, sacred place, or object with cultural value to a California Native American tribe, and that is:  i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k), or	Less Than Significant Impact	None	Less Than Significant Impact

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures		Level of Significance After Mitigation
<p>a) 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, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	Significant Impact	<b>MM TCR-1</b>	<p>Prior to the issuance of the first grading permit, the Property Owner/Developer or contractor as designee shall provide evidence in the form of an executed Agreement to the City of Anaheim Planning and Building Department that they have retained a qualified Native American tribal monitor to provide third-party monitoring (Monitor) during specified excavation and grading activities and to evaluate any previously unknown TCRs that are discovered during Project ground-disturbing activities, and also to provide recommended mitigation measures, such as, for example, recovery and catalogue, as necessary to the extent the find is determined to be significant. The Monitor shall be from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation, and shall be a qualified professional based on generally accepted professional qualifications and/or certifications, as may be applicable.</p> <p>The Agreement shall include (i) professional qualifications of Monitor; (ii) a reasonably detailed scope of services to be provided including but not limited to pre-construction education, observation, evaluation, protection, salvage, notification, and/or curation requirements, as applicable, with final documentation/report to Public Works Inspector; (iii) contact information; (iv) communication protocols between Contractor and Monitor for scheduling to facilitate timely performance; (v) acknowledgment that if the Monitor is unavailable or unresponsive based on terms stipulated in the Agreement, Property Owner/Developer or Contractor as designee may contract with another qualified Monitor reasonably acceptable to the City.</p> <p>The cover sheet of the grading plans shall include a note to identify that (a) third party monitoring for tribal cultural resources is required during specified excavation and grading activities in accordance with the Agreement; and (b) contact information for the Tribe-approved Monitor shall be provided by the Contractor to the City inspector at the pre-construction meeting.</p>	Less Than Significant With Mitigation Incorporated
		<b>MM CUL-1</b>	<p>Prior to the issuance of the first grading permit for each Project phase (i.e., the multiple-family, commercial and single-family components, respectively), the Property Owner/Developer shall provide written evidence to the City that the Property Owner/Developer has retained a qualified archaeologist who meets the Secretary of the Interior’s Professional Qualification standards for archaeology to observe grading activities within previously undisturbed soils, and to evaluate any previously unknown archaeological resources (if any), as necessary, which are discovered during Project construction. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance within previously undisturbed soils, and shall establish, in cooperation with the Property Owner/Developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts, as appropriate pursuant to applicable laws and regulations. If soils cannot be shown in geotechnical reports or by other means to have been previously disturbed, archaeological monitoring shall be conducted. If archaeological resources are inadvertently unearthed during excavation or other ground-disturbing activities, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery and the archaeologist and City shall be notified immediately. If the City, in consultation with the archaeologist, determines the archaeological resources to be significant, then the qualified archaeologist shall make recommendations to the City on the feasible measures that shall be implemented to protect the discovered resource(s), including, but not limited to, exploration, excavation, and/or salvage in accordance with State CEQA Guidelines Section 15064.5. Any previously undiscovered resource(s) found during construction within the Project Site shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms.</p> <p>If the relevant resource(s) (if any) are determined to be historical resources as defined under CEQA Guideline Section 15064.5 or a unique archaeological resource in Public Resources Code Section 21083.2, feasible mitigation measures and an archaeological treatment plan shall be developed by the qualified Archaeologist and recommended to the Property Owner/Developer and the City. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the find(s) as detailed in the archaeological</p>	



TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		treatment plan. After the find has been appropriately and feasibly avoided or mitigated, work in the area shall be permitted to resume.	
Section 4.17 – Utilities and Service Systems			
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	None	Less Than Significant Impact
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	None	Less Than Significant Impact
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	None	Less Than Significant Impact
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	None	Less Than Significant Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.	Less Than Significant Impact	None	Less Than Significant Impact
Section 4.18 – Wildfire			
a) Substantially impair an adopted emergency response plan or emergency evacuation plan.	Significant Impact	<b>MM HAZ-4</b>  Prior to the issuance of each grading permit, a Construction Management Plan shall be prepared by the Property Owner/Developer for the review and approval of the City of Anaheim. The Construction Management Plan shall be prepared in accordance with the applicable requirements contained in the Manual on Uniform Traffic Control Devices (MUTCD). Construction activities shall comply with the approved Construction Management Plan to the reasonable satisfaction of the City of Anaheim. The Property Owner/Developer shall begin coordination with the City on the Construction Management Plan as soon as practicable during the final design process and in advance of construction so that effective measures can be developed to avoid, minimize, and mitigate, to the extent feasible, construction impacts to parking and circulation on-site and in the vicinity of the Project Site.  At a minimum, the Construction Management Plan shall: <ul style="list-style-type: none"><li>Describe the durations and locations of any temporary lane closures that are needed on Santa Ana Canyon Road.</li><li>Describe the traffic control measures that would be implemented for any temporary lane closures or other disruptions to traffic that would result from Project construction.</li><li>Identify the routes that construction vehicles shall utilize for the delivery of construction materials to access the Project Site and for egress from the Project Site.</li></ul>	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"><li>Identify the location of parking and materials storage for construction workers during all phases of construction. Parking for construction workers shall be provided on-site or at additional off-site locations that are not on public streets. Also see <b>MM BIO-13</b>.</li><li>Identify emergency access points and emergency access routes to allow for adequate emergency access to/within the Project Site and to parcels to the south of the Project Site throughout all Project construction phases.</li><li>Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.</li><li>Requirements that the Contractor keep all haul routes reasonably clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Contractor shall take reasonable and diligent steps to clean adjacent streets of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. Also see <b>MM BIO-10</b>.</li><li>The Property Owner/Developer shall obtain a transportation permit pursuant to applicable laws and regulations for oversized loads which will list the applicable haul routes and haul hours. All hauling or transport of oversized loads shall occur between the hours of 8:30 AM and 3:30 PM only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport shall be allowed during nighttime hours, weekends or Federal holidays.</li><li>Include details on the reasonable maintenance of existing bicycle and pedestrian facilities and connectivity through the Project Site during construction to the reasonable satisfaction of the City Engineer.</li><li>Require that haul trucks entering or exiting public streets shall at all times yield to public traffic, pedestrians, bicyclists, and other users.</li><li>Provisions for the Contractor to repair existing pavement, streets, curbs, sidewalks, and/or gutters that may be damaged during Project construction. The repairs shall be completed in consultation with and to the reasonable satisfaction of the City Engineer.</li><li>Require that all construction-related parking and staging of vehicles shall be kept out of the adjacent public roads and shall occur either on-site or on designated off-site parcels that would not adversely affect access to or parking for nearby residences or businesses.</li></ul> <p><b>MM HAZ-5</b> Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.</p> <p><b>MM HAZ-9:</b> Prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of “Know Your Way” evacuation planning and protocols.</p>	
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.	Significant Impact	<p><b>MM HAZ-4</b> Prior to the issuance of each grading permit, a Construction Management Plan shall be prepared by the Property Owner/Developer for the review and approval of the City of Anaheim. The Construction Management Plan shall be prepared in accordance with the applicable requirements contained in the Manual on Uniform Traffic Control Devices (MUTCD). Construction activities shall comply with the approved Construction Management Plan to the reasonable satisfaction of the City of Anaheim. The Property Owner/Developer shall begin coordination with the City on the Construction Management Plan as soon as practicable during the final design process and in advance of construction so that effective measures can be</p>	Less Than Significant With Mitigation Incorporated

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<p>developed to avoid, minimize, and mitigate, to the extent feasible, construction impacts to parking and circulation on-site and in the vicinity of the Project Site.</p> <p>At a minimum, the Construction Management Plan shall:</p> <ul style="list-style-type: none"><li>Describe the durations and locations of any temporary lane closures that are needed on Santa Ana Canyon Road.</li><li>Describe the traffic control measures that would be implemented for any temporary lane closures or other disruptions to traffic that would result from Project construction.</li><li>Identify the routes that construction vehicles shall utilize for the delivery of construction materials to access the Project Site and for egress from the Project Site.</li><li>Identify the location of parking and materials storage for construction workers during all phases of construction. Parking for construction workers shall be provided on-site or at additional off-site locations that are not on public streets. Also see <b>MM BIO-13</b>.</li><li>Identify emergency access points and emergency access routes to allow for adequate emergency access to/within the Project Site and to parcels to the south of the Project Site throughout all Project construction phases.</li><li>Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.</li><li>Requirements that the Contractor keep all haul routes reasonably clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Contractor shall take reasonable and diligent steps to clean adjacent streets of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. Also see <b>MM BIO-10</b>.</li><li>The Property Owner/Developer shall obtain a transportation permit pursuant to applicable laws and regulations for oversized loads which will list the applicable haul routes and haul hours. All hauling or transport of oversized loads shall occur between the hours of 8:30 AM and 3:30 PM only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport shall be allowed during nighttime hours, weekends or Federal holidays.</li><li>Include details on the reasonable maintenance of existing bicycle and pedestrian facilities and connectivity through the Project Site during construction to the reasonable satisfaction of the City Engineer.</li><li>Require that haul trucks entering or exiting public streets shall at all times yield to public traffic, pedestrians, bicyclists, and other users.</li><li>Provisions for the Contractor to repair existing pavement, streets, curbs, sidewalks, and/or gutters that may be damaged during Project construction. The repairs shall be completed in consultation with and to the reasonable satisfaction of the City Engineer.</li><li>Require that all construction-related parking and staging of vehicles shall be kept out of the adjacent public roads and shall occur either on-site or on designated off-site parcels that would not adversely affect access to or parking for nearby residences or businesses.</li></ul> <p><b>MM HAZ-5</b> Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.</p>	

TABLE 1-1  
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES AND LEVEL OF SIGNIFICANCE

Threshold of Significance	Impact Before Significance	Mitigation Measures	Level of Significance After Mitigation
		<b>MM HAZ-9:</b> Prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of “Know Your Way” evacuation planning and protocols.	
c) Require 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.	Less Than Significant Impact	None	Less Than Significant Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage change.	Less Than Significant Impact	None	Less Than Significant Impact

*This page intentionally left blank*

## **2.0 INTRODUCTION**

---

### **2.1 SUMMARY OF THE PROJECT**

This Draft Environmental Impact Report (Draft EIR) has been prepared by the City of Anaheim (City) and its CEQA consultant, Psomas, to evaluate the potential environmental effects that could result from the Hills Preserve Project (Project). This Draft EIR has been prepared in conformance with the California Environmental Quality Act of 1970 (CEQA) statutes (Cal. Pub. Res. Code, Section 21000 et. seq., as amended) and implementing guidelines (Cal. Code Regs., Title 14, Section 15000 et. seq.) (collectively, CEQA). Prior to public review, this Draft EIR was extensively reviewed and evaluated by the City. This Draft EIR reflects the independent judgment and analysis of the City as required by CEQA.

The City is the lead agency under CEQA for the preparation of this Draft EIR.

The Project Site consists of an approximately 76-acre property (Project Site) located south of East Santa Ana Canyon Road and west of South Festival Drive in the City of Anaheim within Orange County, California.

The Project consists of the phased development of the Project Site with a maximum of 498 wrap-style, market rate, for-rent apartment units, a maximum of six single-family residences, and a maximum of 80,000 square feet of commercial land uses, along with related on- and off-site improvements to serve the Project as further described in Section 2.0, Project Description, of this Draft EIR.

### **2.2 CEQA REQUIREMENTS**

An EIR is an informational document prepared by a lead agency (in this case, the City) when considering approval of a proposed project. CEQA requires the preparation of an EIR for any project that a lead agency determines may have a significant impact on the environment. According to Section 21002.1(a) of the Public Resources Code, “The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.” CEQA also establishes mechanisms whereby the public, other interested organizations, and decision makers can be informed about the nature of the project being proposed, and the extent and types of impacts that the project and its alternatives would have on the environment if they were to be implemented.

An EIR should analyze the environmental consequences of a proposed development based on a stable project description, identify ways to feasibly reduce or avoid the proposed project’s potential environmental effects, and identify a reasonable range of potentially feasible alternatives to the proposed project that can avoid or reduce impacts while still achieving most of the project objectives. Pursuant to CEQA, State and local government agencies must consider the environmental consequences of projects over which they have discretionary authority. This Draft EIR provides information to be used in the planning and

decision-making process. It is not the purpose of an EIR to recommend approval or denial of a project.

### **2.2.1 ENVIRONMENTAL PROCEDURES**

The basic purposes of CEQA are to accomplish the following:

1. Inform governmental decision makers, other interested organizations, and the public about the potential, significant environmental effects of proposed activities;
2. Identify the ways that environmental damage can be feasibly avoided or be significantly reduced;
3. Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
4. Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved (Section 15002 of the State CEQA Guidelines).

Before approval of the Project, the City, as lead agency and the decision-making entity, is required to certify that this EIR has been completed in compliance with CEQA, that the information in the EIR has been considered, and that the EIR reflects the independent judgment of the City.

### **2.2.2 SCOPING PERIOD**

As part of the EIR process for this Project, a Notice of Preparation (NOP) was released on August 24, 2023 (Appendix A, Notice of Preparation), beginning the 30-day public scoping period for the EIR, which ended on September 25, 2023. The NOP was sent to interested agencies and stakeholders as well as to property owners of parcels adjacent to the Project Site pursuant to applicable notice requirements under the law. The NOP was posted at the County Clerk, on the State Clearinghouse's CEQAnet website, and on the City's website. Also, notice was posted at the physical location of the Project Site.

During the 30-day NOP scoping period leading up to publication of this Draft EIR, the City received a total of approximately 346 written comments, including five public agency comment letters and 341 comment letters from other individuals and organizations. Copies of the NOP comment letters are provided in Appendix B, Scoping Comment Letters.

During the scoping period, the City held a scoping meeting on September 7, 2023 at the East Anaheim Community Center.

To the extent required under CEQA, this Draft EIR has appropriately considered the comments received from the public and public agencies in response to the NOP in terms of the scope of the analysis contained herein. Environmental issues that have been raised during the scoping period regarding the Project are summarized below in Tables 2-1 and 2-2.

**TABLE 2-1**  
**SUMMARY OF MAIN TOPICS RAISED BY COMMENTERS**  
**AT THE SCOPING MEETING THAT WAS HELD ON SEPTEMBER 7, 2023**  
**AT THE EAST ANAHEIM COMMUNITY CENTER.**

<b>Topics Raised at the Scoping Meeting</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
<b><u>Aesthetics</u></b>	Section 4.1, Aesthetics
Concerns were raised related to the Project's effects on views	
A meeting attendee requested that the Project be modified and/or reduced in scale given its location along a scenic corridor.	
Concerns were expressed related to the Project's design and development intensity. Some attendees stated that they believed the Project was incompatible with the area.	
Some residents stated that the Project would conflict with aspects of the Community Design Element of the City's General Plan.	
Concerns were raised that the Project would increase lighting	
Concerns were raised related to potential glare from new glass and other reflective surfaces proposed by the Project.	
<b><u>Air Quality</u></b>	Section 4.2, Air Quality
Concerns were raised related to construction air quality and dust coming from the Project Site (e.g., fugitive dust)	
<b><u>Biological Resources</u></b>	Section 4.3, Biological Resources
Concerns were raised related to plants and animals that would be affected by the Project, including coastal California gnatcatcher.	
Concerns were raised related to the loss of open space that would result from the Project and the effects that would have on wildlife.	
<b><u>Geology and Soils</u></b>	Section 4.6, Geology and Soils
Some attendees noted that there have been historic landslides in the Project vicinity.	
A commenter noted that removing trees along Santa Ana Canyon Road would cause landslides.	
<b><u>Hydrology and Water Quality</u></b>	Section 4.9, Hydrology and Water Quality
A commenter mentioned that east of SR-57 and south of SR-91 they do not have access to groundwater, and that this should be assumed in the Draft EIR's analyses.	
<b><u>Noise</u></b>	Section 4.11, Noise
Residents were curious how the roof deck would be operated, what its noise effects would be.	
Some residents were interested in how noise would potentially echo throughout the landscape.	
<b><u>Public Services</u></b>	Section 4.13, Public Services and Section 4.17, Utilities and Service Systems
Some meeting attendees expressed concern that the Project would require additional police and fire services that would require these departments to expand and/or hire additional staff.	



**TABLE 2-1**  
**SUMMARY OF MAIN TOPICS RAISED BY COMMENTERS**  
**AT THE SCOPING MEETING THAT WAS HELD ON SEPTEMBER 7, 2023**  
**AT THE EAST ANAHEIM COMMUNITY CENTER.**

<b>Topics Raised at the Scoping Meeting</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
Concerns were raised that the quality and performance of existing public service providers, including response times, would be stretched with implementation of the Project.	
<b><u>Schools</u></b>	
A meeting attendees discussed Project effects related to schools and suggested that the EIR include discussions and evaluations of additional enrollment that would result from the Project, the potential need for expansion of existing schools to accommodate new students generated by the Project.	Section 4.13, Public Services
A meeting attendee pointed out that no bussing occurs in the Project Site vicinity so students would need to be driven to school or walk.	
<b><u>Transportation</u></b>	
Some meeting attendees expressed concern related to the traffic that would be generated by the Project. Some expressed concern that the roads are already busy at certain times and that the Project would worsen traffic conditions.	Section 4.15, Transportation
Concerns were raised related to pedestrian safety along Santa Ana Canyon due to lack of sidewalks in existing conditions.	
Concerns were raised that the traffic counts that were collected for the Project were collected when schools were out.	
<b><u>Wildfire</u></b>	
Concerns were raised related to how the Project would affect the evacuation of the area, including evacuation timing.	Section 4.8, Hazards and Hazardous Materials; Section 4.13, Public Services; and Section 4.18, Wildfire
Concerns were raised related to how the Project would affect emergency response	
A resident stated that the EIR preparers should include a discussion of research that has been conducted recently that has found that more people in the urban wildland interface leads to increased fire ignitions.	
Residents were concerned that the Project would not have a secondary emergency access for evacuation and for emergency responders to access the Project Site.	

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
<b><u>Federal Agencies</u></b>			
9/26/2023	U.S. Fish and Wildlife Service - Carlsbad FandW Office	<ul style="list-style-type: none"> <li>• Stated that the Project Site is within the boundaries of the Orange County Central and Coastal Subregions Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) for which the City of Anaheim is a Participating Jurisdiction.</li> <li>• Noted that the NCCP/HCP shows the Project Site as occurring within an "Existing Use" land use designation where the NCCP/HCP did not evaluate or provide "coverage" for impacts to sensitive species and habitats.</li> <li>• Recommended that the Draft EIR include analysis of the Project's biological impacts.</li> <li>• Requested that the Draft EIR evaluate consistency of the Project with the NCCP/HCP, and that it identify measures that would be implemented to avoid, minimize and mitigate impacts to sensitive species and habitats.</li> </ul>	Section 4.3, Biological Resources
<b><u>State and Local Agencies:</u></b>			
9/12/2023	Orange County Sanitation District	<ul style="list-style-type: none"> <li>• Stated that stormwater from parking structures are not allowed to drain to or connect to a County sewer.</li> <li>• Stated that the City's sewer system eventually connects to OC San sewers that lead to the Reclamation Plant in Fountain Valley.</li> <li>• Requested the opportunity to review the Project's sewer study.</li> </ul>	Section 4.17, Utilities and Service Systems
9/14/2023	California Department of Transportation	<ul style="list-style-type: none"> <li>• Requested that traffic operations at Caltrans freeway ramps be evaluated in the Project's traffic study.</li> <li>• Requested that vehicle miles traveled (VMT) be evaluated.</li> <li>• Suggested that the Project incorporate complete streets elements that support pedestrians and bicyclists.</li> </ul>	Section 4.15, Transportation

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>• Suggested that bike parking be incorporated in the Project.</li> <li>• Suggested that the topic of equity be evaluated.</li> <li>• Noted that an encroachment permit would be required for any Project work that would be required in Caltrans right-of-way.</li> </ul>	
9/25/2023	California Department of Fish and Wildlife	<ul style="list-style-type: none"> <li>• Stated that Crotch's bumble bee should be evaluated;</li> <li>• Noted that impacts to biological resources should be mitigated;</li> <li>• Provided recommendations regarding how CDFW staff believes the undeveloped portions of the Project Site should be managed in the long-term;</li> <li>• Provided recommendations for the approaches that should be used to evaluate the existing biological conditions within the Project Site.</li> <li>• Requested that direct, indirect, and cumulative impacts to biological resources be discussed in the Draft EIR.</li> <li>• Requested that fuel modification impacts to biological resources be discussed in the Draft EIR.</li> </ul>	Section 4.3, Biological Resources
8/25/2023	Native American Heritage Commission	<ul style="list-style-type: none"> <li>• Recommended consultation be conducted with California Native American tribes that are traditionally and culturally affiliated with the Project Site consistent with Senate Bill 18 and Assembly Bill 52.</li> <li>• Provided recommendations regarding best practices for archaeological assessment of the Project.</li> </ul>	Section 4.4, Cultural Resources, and Section 4.16, Tribal Cultural Resources
9/25/2023	South Coast Air Quality Management District	<ul style="list-style-type: none"> <li>• Requested that electronic versions of all emission calculation spreadsheets, modeling, and other related inputs be submitted to SCAQMD for review during the public review period for the Draft EIR.</li> </ul>	Section 4.2, Air Quality

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>• Provided recommendations on the methodology to be used for air quality analyses for the Project pursuant to CEQA;</li> <li>• Provided suggestions related to the types of mitigation measures that might be appropriate for the Project.</li> <li>• Stated that health risk reduction strategies should be evaluated in the Draft EIR.</li> </ul>	
<b><u>Individuals and Organizations</u></b>			
8/23/2023	James Matthews	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic: stated that Santa Canyon Road is already congested.</li> <li>○ Aesthetics: stated that the Project does not align with the current aesthetics of the neighborhood and would be an “eyesore”.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, and Section 4.15, Transportation
8/23/2023	John Erb	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Traffic and safety hazards: noted that the stretch of Santa Ana Canyon Road near the Project Site is dangerous and narrow in existing conditions, and proposed traffic signals and lanes are inadequate to address this existing issue.</li> <li>○ Resident access to the Deer Canyon Park Preserve: noted that Deer Canyon Park Preserve is one of the few parks in the area.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.14, Recreation, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
8/24/2023	Rick Clark	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics: stated that the area surrounding the Project Site contains single family residential and the Project would be out of character. Also stated the Project would impact a scenic corridor.</li> <li>○ Air quality: noted that the increased traffic that would result from the Project would cause worse air quality.</li> <li>○ Energy and water: stated there is an ongoing drought.</li> <li>○ Noise pollution.</li> <li>○ Traffic: noted that Santa Ana Canyon Road is already gridlocked, and the Project would worsen traffic.</li> <li>○ Fire hazards.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.2, Air Quality, Section 4.5, Energy, Section 4.14, Recreation, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
8/25/2023	Jenny Stewart	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Aesthetics – stated the Project is out of character with the existing conditions.</li> <li>○ Local wildlife and habitat loss.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
8/25/2023	Joy Pickett	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Emergency evacuation: stated that it took two hours to get from Festival Drive to Yorba Linda during the last evacuation.</li> <li>○ Wildlife habitat loss.</li> </ul>	
8/25/2023	Julie Sone	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Noise pollution.</li> <li>○ Light pollution: noted 24-hour lights resulting from Project would be a nuisance to residents.</li> <li>○ Wildlife habitat loss and displacement.</li> <li>○ Fire hazards.</li> <li>○ Evacuation hazards.</li> <li>○ Traffic: noted that El Rancho Charter School creates a traffic issue on Santa Ana Canyon Road already and the Project would worsen that.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, and Section 4.18, Wildfire
8/25/2023	Madeleine Semaan	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics and Section 4.15, Transportation.
8/25/2023	Madeleine Semaan	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic: stated the Project would cause gridlock on Santa Ana Canyon Road</li> <li>○ Fire and evacuation hazards: Project would impact residents' ability to safely evacuate during an emergency.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Wildlife: stated the Project would reduce and destroy available habitat for local wildlife and threaten the safety of residents and pets.</li> <li>○ Aesthetics: stated the Project does not make sense aesthetically for the neighborhood.</li> </ul>	
8/25/2023	Shelley Shuff	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Emergency evacuation: noted several instances of hindered ability to evacuate due to existing high traffic; one instance of complete inability to evacuate during a fire, had to sit in car for over 6 hours with family in a nearby parking lot surrounded by fires.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation and Section 4.18, Wildfire
8/26/2023	Carolyn Ikemura	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Wildlife displacement and habitat loss.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
8/26/2023	Joseph Owens	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic: The commenter stated that Santa Ana Canyon Road is currently used as an alternative route to bypass SR-91, resulting in high levels of existing traffic.</li> <li>○ Emergency evacuation: The commenter noted that there is only one evacuation route from their neighborhood, and the Project would significantly impact that route.</li> <li>○ Schools: The commenter stated that El Rancho Charter School, being the only middle school in the area, would not be able to accommodate the major influx of new students resulting from the Project.</li> <li>○ Wildlife: The commenter stated the Project would destroy wildlife habitats, disrupt migration routes, and fragment ecosystems.</li> <li>○ Aesthetics: The commenter stated the Project was out of character for the neighborhood;</li> <li>○ Property value: The commenter stated the Project would diminish property value.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
8/26/2023	Karla Rebel	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Traffic.</li> <li>○ Wildlife disruption.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire



**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
8/27/2023	Candy A. Ambrose	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Traffic.</li> <li>Emergency evacuation.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
8/27/2023	Rick Pollgreen	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics: noted that the original long-term plan for the area laid out mix of open space, housing, and shopping.</li> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife disruption and habitat loss.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
8/27/2023	Rima Perian	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics: commenter noted that they purchased their home because of the peaceful and natural environment surrounding the area, and the commenter feels the Project would negatively impact that.</li> </ul> </li> </ul>	Section 4.1, Aesthetics
8/27/2023	Rouhina Mehregan	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Wildlife disruption and habitat loss: noted that wildlife in the area is struggling as is.</li> <li>Traffic and emergency evacuation: noted that during the last emergency evacuation it took them three hours to get down the hill from their neighborhood.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
8/28/2023	Frances D'Errico	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>“Environmental”</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.15, Transportation
8/28/2023	Gonzalo De Vera	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement and habitat loss.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
8/28/2023	Sujit Kabbinahally	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement and habitat loss.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
8/28/2023	Tim Olaerts	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics.</li> <li>Fire hazards.</li> <li>Emergency evacuation: noted two evacuations where roads were virtually blocked, and the commenter had to drive over the median and through grass to get out. Stated that this area does not have the infrastructure to support additional residents.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
8/29/2023	Ann Ma	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Emergency evacuation. The commenter stated that in the last fire, it took four hours to travel down Santa Ana Canyon Road.</li> <li>○ Habitat loss for wildlife such as coyotes.</li> <li>○ Community character. The commenter characterized the Project as a modern style and stated the design does not fit the current style of the city.</li> <li>○ Water supply.</li> </ul> </li> <li>• Also, the commenter stated that additional connections to trails are not needed, as the public can already access Deer Canyon Park Preserve.</li> <li>• The commenter stated opposition to any rezoning of the Project Site.</li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
8/29/2023	Ann Grand	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project due to aesthetic impacts it would have on Santa Ana Canyon Road, which is a scenic corridor.</li> </ul>	Section 4.1, Aesthetics
8/29/2023	Charles Bertocchini	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics: commenter stated that the Project goes against what the city marketed this area as to residents decades ago.</li> </ul> </li> </ul>	Section 4.1, Aesthetics
8/29/2023	Heather Fenner	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Traffic.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
8/29/2023	Jana Gable	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Geological: commenter stated that faults run through the Project Site.</li> </ul> </li> </ul>	Section 4.6, Geology and Soils, and Section 4.15, Transportation
8/29/2023	John Carusillo	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics: commenter stated the Project would negatively impact the scenic nature of the area.</li> </ul> </li> </ul>	Section 4.1, Aesthetics
8/29/2023	Keri Prochnow	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuation: noted the personal traumatizing impact of previous wildfire evacuations to emphasize the danger of adding more residents.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, and Section 4.18, Wildfire
8/29/2023	Lesa Thomas	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuation: noted previous wildfire evacuation gridlock.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, and Section 4.18, Wildfire
8/29/2023	Linda Chapman	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics.</li> <li>Traffic.</li> <li>Emergency evacuation.</li> <li>Displacement of wildlife.</li> <li>Light pollution.</li> <li>Noise pollution.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
8/29/2023	Linda Merrell	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> </ul>	Not applicable.
8/29/2023	Randal Massaro	<ul style="list-style-type: none"> <li>Identified himself as writing on behalf of an organization by the name of the Union Members for the Preservation of Wildlife International.</li> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Wildlife: Project activities would disrupt and disturb wildlife, as well as increase the threat towards residents and pets; stated that wildlife are sacred to Native American community.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Traffic: noted possible longer response time for emergency vehicles.</li> <li>Noise and air pollution.</li> </ul> </li> </ul>	Section 4.2, Air Quality, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, and Section 4.18, Wildfire
8/30/2023	Mary Ellen Rooney	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic: noted that they live on Canyon Rim, across from the reservoir, on a street that has limited visibility to oncoming traffic; expressed concern over emergency vehicle response time.</li> <li>Schools: noted that the surrounding schools do not have the infrastructure or resources to accommodate an influx of new students.</li> </ul> </li> </ul>	Section 4.13, Public Services, and Section 4.15, Transportation
8/30/2023	“mdesq1” Note: This email did not include a name for the sender.	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials,

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Wildlife disruption and habitat loss.</li> <li>○ Aesthetics: Stated the Project is out of character for the neighborhood; stated that lights from 24-hour rooftop bar would be disruptive.</li> </ul>	Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
8/30/2023	Scot Witke	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Decreased land/home values.</li> <li>○ Wildlife disruption and habitat loss.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, and Section 4.15, Transportation
8/30/2023	Tammy Witke	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
8/31/2023	Andrew Winger	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Wildfires.</li> <li>○ Emergency evacuation.</li> </ul> </li> </ul>	Section 4.13, Public Services, and Section 4.18, Wildfire
8/31/2023	Ari Hamilton	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Emergency evacuation.</li> </ul> </li> </ul>	Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
8/31/2023	Eric Loveng	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Wildlife disruption/displacement and habitat loss.</li> <li>○ Light and noise pollution from both construction and new residents.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Decreased property value.</li> <li>○ Emergency evacuation.</li> <li>○ Increased strain on schools.</li> <li>○ Increased strain on water and other resources.</li> </ul>	
8/31/2023	Hovic Perian	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Wildlife disruption and habitat loss.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, and Section 4.3, Biological Resources
8/31/2023	Kim Collell	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics: commenter stated that they have lived in the neighborhood since 1989 and chose the area due to the rural and natural environment.</li> <li>○ Traffic: noted that access to SR-91 at Weir Canyon gets backed up as far as two miles on Fridays.</li> <li>○ Wildlife disruption and habitat loss: have witnessed loss of wildlife and habitat firsthand resulting from new construction in the area over the years.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation: noted dozens of evacuations and described the most recent evacuation as chaotic and panicked.</li> <li>○ Inadequate infrastructure: stated that the area does not have sufficient resources/infrastructure to support new residents.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
8/31/2023	Kirk Newkirk	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics: noted this type of development is out of character for the neighborhood.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Decreased property value.</li> <li>Wildlife displacement and habitat loss.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, and Section 4.18, Wildfire
8/31/2023	Linda Loveng	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics.</li> <li>Wildlife disruption/displacement and habitat loss.</li> <li>Light and noise pollution from both construction and new residents.</li> <li>Fire hazards.</li> <li>Decreased property values.</li> <li>Emergency evacuation.</li> <li>Increased strain on schools.</li> <li>Increased strain on water and other resources.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, and Section 4.18, Wildfire
8/31/2023	Lisa Goldstein	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation: noted that evacuations during the Canyon fire were extremely difficult due to congestion.</li> <li>Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, and Section 4.18, Wildfire



**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
8/31/2023	Nancy Flores	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Noise pollution.</li> <li>Ecological disruption and degradation.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.11, Noise, and Section 4.15, Transportation
8/31/2023	Randall Peters	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic: SR-91 congestion and existing issues with out-of-sync traffic lights.</li> </ul> </li> </ul>	Section 4.15, Transportation
8/31/2023	Joanne and Charles Shelton	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife disruption and displacement.</li> <li>Insufficient school infrastructure.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/1/2023	DeWayne Filppi	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Traffic.</li> <li>Emergency evacuation: noted that people abandoned their cars on gridlocked Santa Ana Canyon Road during a wildfire evacuation event that occurred a few years ago.</li> <li>Community standards: stated that the Project would violate the General Plan.</li> <li>Aesthetics.</li> <li>Insufficient infrastructure/resources for schools.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/1/2023	Donna Scales	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would result in increased traffic congestion.</li> </ul>	Section 4.15, Transportation,
9/1/2023	Doug Yount	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic: noted that Project would add to pre-existing traffic issues.</li> </ul> </li> </ul>	Section 4.15, Transportation,
9/1/2023	Jyoti Gaur	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Aesthetics: noted that this type of development does not belong in this area.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/1/2023	Elizabeth and Peter Riley	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic: mentioned Serrano Road and not being able to leave the house after 3 PM.</li> <li>Insufficient infrastructure: noted that garbage pickup is inconsistent, and they had to establish a neighborhood watch due to increased theft and burglaries; stated that current residents are not cared for by the City and they do not need more residents.</li> </ul> </li> </ul>	Section 4.13, Public Services, and Section 4.15, Transportation
9/1/2023	Spencer Puskas	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics.</li> <li>Community: small town feel where people come to raise families and get away from the city.</li> <li>Traffic.</li> <li>Fire hazards.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Emergency evacuation: noted an evacuation event in the past where residents could not exit their neighborhood.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> </ul>	
9/1/2023	Zachary Atkinson	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Moved to the neighborhood specifically for the quiet, scenic, and natural “feel” in the area. Opposed to any alterations to the existing community such as the Project.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources
9/2/2023	Ava Berg	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project as well as to all other residential development on Santa Ana Canyon Road.</li> <li>• Mentioned various topics, including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Pollution.</li> <li>○ Higher rents.</li> </ul> </li> </ul>	Section 4.2, Air Quality, and Section 4.15, Transportation
9/2/2023	Bernice Schoenberg	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic. Stated the Project would worsen traffic, which is already congested during certain times of day. Noted that parents block Santa Ana Canyon Road during pick up time.</li> <li>○ Wildfire evacuation. Stated the Project would delay wildfire evacuation and would impede emergency responders.</li> <li>○ Geotechnical hazards. Stated that a geotechnical study should be prepared for the Project.</li> <li>○ Stated the Project Site is susceptible to liquefaction.</li> </ul> </li> </ul>	Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/2/2023	Dan Cress	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic: stated there is already congestion on Santa Ana Canyon Road and SR-91.</li> <li>Fire hazards.</li> <li>Emergency evacuations.</li> <li>Wildlife displacement and habitat loss.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/2/2023	Jamie Martinez	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Wildfire evacuation.</li> </ul> </li> <li>Noted that there are already too many people and vehicles in the area.</li> </ul>	Section 4.15, Transportation, and Section 4.18, Wildfire
9/2/2023	Jeff Evans	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic. Stated that Santa Ana Canyon Road is already at full capacity and people commuting from the Inland Empire use it to cut through Anaheim Hills and enter the SR-91 at Gypsum Canyon.</li> <li>Fire hazards. Stated that the Project is in the middle of an extreme fire zone and the large population of residents in the hills already have a difficult time evacuating.</li> <li>Biological resources. Stated that the Project would have an adverse impact on local wildlife.</li> <li>Schools. Mentioned that the Project and resulting increased population would threaten the safety of</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		the school children at El Rancho Charter School and community.	
9/2/2023	Jessica Esparza	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Biological resources. Stated that the Project would destroy open space and displace wildlife.</li> <li>○ Aesthetics. Stated that the Project would destroy the aesthetics of the community.</li> <li>○ Lighting: Expressed concern over the 24-hour lighting on the rooftop bar, as well as noise from the rooftop deck.</li> <li>○ Fire Risk: Stated the Project would substantially increase the fire risk in Deer Canyon and surrounding communities, and significantly hinder residents' ability to evacuate.</li> <li>○ Traffic: Expressed concern over increased traffic on Santa Ana Canyon Road</li> <li>○ Schools: Stated that the Project would result in a strain on local schools, as well as water and other resources.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/2/2023	Joseph Abbey	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project.</li> <li>• Stated that the Project does not fit the aesthetics or values of the community.</li> </ul>	Section 4.1, Aesthetics, and Section 4.10, Land Use and Planning

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/2/2023	Kristi Tanaka	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Geology. Commenter stated that the Project could have devastating effects similar to the 1993 Santiago Landslide.</li> </ul> </li> <li>Commenter attached a written statement opposing the Project and an environmental analysis of the region conducted in 2004 for the 1993 Santiago Landslide in Anaheim Hills; stated that the ridgeline that fell has the same geological makeup as the Project Site.</li> <li>Commenter mentioned that she is a certified horticulturist and “permaculturist” who has studied the geography, geology, hydrology, and environmental vectors of their property and surrounding areas.</li> </ul>	Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/2/2023	Linda Rima and Bill Goodale	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic. Stated that traffic is congested on Santa Ana Canyon Road in existing conditions, specifically between Imperial Highway and Weir Canyon Road to avoid the SR-91; stated that the Project would significantly worsen this issue between 3PM-8PM.</li> <li>Evacuation. Expressed concern regarding not being able to safely evacuate for emergency reasons; stated that people were trapped in the area during the last major fire due to traffic on Santa Ana Canyon Road, and that it took four hours to go three miles.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Stated that the impact to wildlife, plants, and habitat in Deer Canyon would be devastating; mentioned that the local wildlife is highly valued in the community.</li> <li>○ Expressed concern over emergency response time; stated that the local police and fire department are already strained; mentioned occurrences of human trafficking rings out of Festival Center, burglaries, and theft in the vicinity of the Project Site and is concerned about more people moving to the area.</li> <li>○ Stated that property values would decrease in the community due to the potential “inappropriate” lower cost housing.</li> </ul>	
9/2/2023	Liz Borrelli	<ul style="list-style-type: none"> <li>● Expressed opposition to the project for the following reasons:               <ul style="list-style-type: none"> <li>○ Stated that it took 3-5 hours to evacuate during a wildfire ~5 years ago; stated that had the fire crossed over to Santiago Canyon, they would not have made it out alive.</li> <li>○ Proposes that the city appropriately addresses solutions to the traffic issue before building anything.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/2/2023	Pam Kuhnlein	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project due to traffic.</li> </ul>	Section 4.15, Transportation
9/2/2023	Rick Moyer	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project for the following reasons:               <ul style="list-style-type: none"> <li>○ Stated that he has recently served on the board of the Santiago Geologic Hazard Abatement District and has insight into the “challenging geology” of the Project Site and vicinity.</li> </ul> </li> </ul>	Section 4.6, Geology and Soils, and Section 4.8, Hazards and Hazardous Materials,

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Attached three files detailing: <ul style="list-style-type: none"> <li>▪ The geological, political, and jurisdictional challenges faced during the early development of Anaheim Hills in the 1970's.</li> <li>▪ Document from the City Council (1975) showing the City's adoption of contour grading for all of Anaheim Hills.</li> <li>▪ Document from the City of Anaheim, after a 1993 landslide event that stated that the geologic engineering consultant was negligent in pre-development assessments.</li> <li>▪ Requested to view the geotechnical report for the Project.</li> </ul> </li> </ul>	
9/3/2023	Andrea Cockrell	<ul style="list-style-type: none"> <li>• The commenter stated that Santa Ana Canyon becomes congested when: commuters are returning home from work; commuters bypass the SR-91; during student pick-up at El Rancho Charter School; at the end of the school day at Canyon High School.</li> <li>• The commenter expressed concern that the Project's additional residents would adversely affect emergency evacuation.</li> <li>• The commenter asked if traffic for the proposed veterans cemetery has been evaluated.</li> <li>• The commenter mentioned the SR-91 (SR-57 to SR-55 Improvement Project, which she stated may lead to increased traffic on Santa Ana Canyon.</li> <li>• The commenter expressed concern over additional vehicular trips that would be generated by the Project.</li> </ul>	Section 4.12, Population and Housing, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire



**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>• The commenter asked about the relationship between the current Project and a prior proposed development within a portion of the Project Site.</li> <li>• The commenter expressed preference for new housing in previously developed areas of the City rather than on the current Project Site.</li> </ul>	
9/3/2023	Bob Kuhnlein	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project</li> <li>• Mentioned high levels of existing traffic on Santa Ana Canyon Road.</li> </ul>	Section 4.15, Transportation
9/3/2023	Mark and Bonnie Van Holt	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project</li> <li>• Stated the Project would worsen traffic on Santa Ana Canyon Road.</li> <li>• Noted the high levels of daily traffic at El Rancho Charter School.</li> </ul>	Section 4.13, Public Services, and Section 4.15, Transportation
9/3/2023	Carol Barnes	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project</li> <li>• Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Plants and wildlife.</li> <li>○ Traffic on Santa Ana Canyon.</li> <li>○ Emergency evacuation with addition of more cars.</li> <li>○ Overcrowding of local schools.</li> <li>○ Character of the development not “fitting” the local area.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/3/2023	George Morcos	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project for the following reasons: <ul style="list-style-type: none"> <li>○ The commentator expressed their passion to preserve the natural beauty and wildlife in the community; stated that Deer Canyon is a cherished natural gem in the neighborhood.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.10, Land Use and Planning, and Section 4.14, Recreation

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Stated the Project Site should be preserved due to: biodiversity; quality of life; educational value; and property values.</li> <li>○ Requested that environmental planner uses influence and authority to implement measure to protect Deer Canyon – mentioned zoning regulations, land acquisition, and collaboration with local conservation organizations.</li> </ul>	
9/3/2023	Jeff Walton	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Stated that rezoning the land would result in congested living and traffic; mentioned existing traffic on Santa Ana Canyon Road.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Recreational impacts.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, Section 4.14, Recreation, Section 4.15, Transportation, and Section 4.18, Wildfire
9/3/2023	Kimberly and Richard Job	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife. Commenter expressed preference to preserve the Project Site.</li> <li>○ Recreation.</li> <li>○ Traffic.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.14, Recreation, Section 4.15, Transportation, and Section 4.18, Wildfire
9/4/2023	Barbara Cristiano	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project.</li> <li>● Stated the Project would make existing traffic worse.</li> <li>● Noted traffic is already heavy during school pick up and drop off times.</li> </ul>	Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>• Stated the Project would exacerbate existing emergency evacuation delays. Mentioned residents on Mohler Drive as being particularly at-risk.</li> <li>• Stated the Project would adversely impact property values.</li> </ul>	
9/4/2023	Bryan Galaz	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project.</li> <li>• Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Wildlife.</li> </ul> </li> <li>• Suggested the Project Site be preserved instead of being developed.</li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.14, Recreation Section 4.15, Transportation, and Section 4.18, Wildfire
9/4/2023	Debra Slater	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project.</li> <li>• Commenter stated that she is a resident and recent retiree from Running Springs Elementary school and taught there during the fires in October 2017.</li> <li>• Mentioned that evacuations went smoothly, except for the buses travelling to Canyon High School, which were at a standstill due to traffic in Anaheim Hills.</li> <li>• Expressed that it was frightening trying to keep the children calm while safely evacuating them and is concerned that the Project would exacerbate this issue during future fires.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/4/2023	Inez Slick	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic and gridlock on Santa Ana Canyon Road resulting from SR-91 congestion.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ No insurance coverage: The commenter stated that many residents on their block have had their</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		insurance coverage denied due to the high wildfire risk, mentioned that new residents of the Project may not be able to get insurance coverage.	
9/4/2023	Jeff Walton	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Stated that rezoning the land would result in traffic congestion; mentioned that traffic on Santa Ana Canyon Road is backed up every evening from Lakeview Avenue to Gypsum Canyon Road.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, Section 4.15, Transportation, and Section 4.18, Wildfire
9/4/2023	Julie Jarvi	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> <li>Expressed displeasure that commenter only received notice of the Project at their personal mailbox in the Ralphs shopping center, instead of notice at their home in the area.</li> <li>Stated the following concerns in opposition to the Project:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuation. stated that their children attended Running Springs Elementary during the fire that occurred in October 2017 and it took the school bus hours to travel five miles; noted that evacuation route signs that have since been installed by the City would not improve traffic or panic.</li> <li>Traffic and insufficient parking infrastructure for the new residents, leading to overflow into surrounding neighborhoods.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/4/2023	Kristin Smith	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Overcrowding of schools. Stated that schools would become even more overcrowded with the Project; mentioned that their daughter attends Crescent Elementary School and their 4<sup>th</sup> grade class had 39 students with one teacher and no teaching aids – their daughter fell behind and teacher let parents know he is spread too thin to give extra help.</li> <li>Traffic.</li> <li>Emergency evacuation.</li> </ul> </li> </ul>	Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/4/2023	Lenora Yuen	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Crime.</li> </ul> </li> </ul>	Section 4.15, Transportation
9/4/2023	Linda Oster	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Aesthetics.</li> <li>Wildlife.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, and Section 4.15, Transportation
9/4/2023	Roger Johnson	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> </ul>	Not applicable
9/4/2023	Yong Zhu	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic. Commenter stated that it takes 25 minutes to drive two miles to the SR-91 in existing conditions during school pick-up times; stated that it takes 45 minutes to travel two miles at 5-6 PM from residence to the SR-91 and Weir Canyon Road on-ramp.</li> </ul> </li> </ul>	Section 4.15, Transportation

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/5/2023	Breana and Robert Lopez	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project and re-zoning of the Project Site.</li> <li>• Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Fire hazards;</li> <li>○ Emergency evacuations;</li> <li>○ Wildlife; and</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17 Utilities and Service Systems, and Section 4.18, Wildfire
9/5/2023	Carla Munin	<ul style="list-style-type: none"> <li>○ Expressed opposition to the Project.</li> </ul>	Not applicable
9/5/2023	David A. Rosenberg	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project and re-zoning of the Project Site.</li> <li>• Discussed concerns related to previous evacuation panic and traffic, stating that people's lives are at risk if the Project were to be approved.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/5/2023	John Hirai	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic congestion and safety: noted existing SR-91 and Santa Ana Canyon Road congestion; mentioned that the left turn lane from Santa Ana Canyon Road onto Weir Canyon Road is backed up past Roosevelt Road during rush hour.</li> <li>○ Aesthetics. Stated the Project does not fit in with the surrounding neighborhood.</li> <li>○ Wildlife displacement. Expressed concern that a seven-story building near a park reserve would impact bird populations.</li> <li>○ Resources: stated that the local Police are spread too thin and need more assistance, requested that resources for the Project are put towards that.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.13, Public Services, and Section 4.15, Transportation

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/5/2023	Sharon McLuckey	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Emergency evacuation.</li> <li>Energy and Water supply. Questioned how the City would support this new population when current residents are told to preserve their energy and water.</li> </ul> </li> </ul>	Section 4.5, Energy, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/6/2023	Cindy Hauck	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Parking.</li> <li>Traffic.</li> <li>Emergency Evacuation.</li> <li>Wildfire Risk.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/6/2023	Julie Vanderpool	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Emergency evacuation.</li> <li>Increased wildfire risk for existing homes and residents.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/6/2023	Mark Balan, Ashwin Balan, Kamala Balan	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics.</li> <li>Infrastructure.</li> <li>Quality of life.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.13, Public Services, and Section 4.17, Utilities and Service Systems
9/6/2023	Michelle Bohen	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Emergency evacuation. Commenter mentioned that past wildfires have prompted many people to drive</li> </ul> </li> </ul>	Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		erratically on narrow and dangerous roads throughout the hills, including instances of people travelling in the wrong lane, head-on, to evacuate.	
9/6/2023	Sinnary Sam	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> <li>Stated that it recently took two hours to pick up daughter from Canyon High School, which is only three lights from their residence.</li> <li>Mentioned that existing SR-91 traffic already makes it difficult to get around.</li> <li>Stated that local schools are at full capacity and cannot support new students.</li> </ul>	Section 4.13, Public Services, and Section 4.15, Transportation
9/6/2023	<p>Talia Nimmer from the law office of Mitchell M. Tsai</p> <p>Written on behalf of the Southwest Mountain States Regional Council of Carpenters (Southwest Carpenters)</p>	<ul style="list-style-type: none"> <li>Stated that the City should: <ul style="list-style-type: none"> <li>Require the Project to be built using local workers. The letter includes a memorandum related to potential greenhouse gas emissions benefits that may result from local hire requirements.</li> <li>Impose training requirements for construction activities to prevent the spread of COVID and other diseases.</li> </ul> </li> </ul>	The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.
9/6/2023	Teresa Alonso	<ul style="list-style-type: none"> <li>Expressed opposition to the Project and opposition to rezoning of the Project Site.</li> <li>Noted traffic and fire hazards as reasoning for opposition.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire



**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/7/2023	Allison Valdivia	<ul style="list-style-type: none"> <li>• The commenter stated that during a 2017 fire they were told to evacuate their home but was not able to exit their neighborhood due to traffic.</li> <li>• The commenter asked why the scoping meeting was not recorded.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/7/2023	Bill Whetstone	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project</li> <li>• Asked that the EIR evaluate biological resources. Stated that birds would be impacted by the proposed glass windows.</li> <li>• Stated a “fire survey” is needed.</li> <li>• Stated the Project does not blend in with the surroundings.</li> <li>• Suggested to make the Project smaller.</li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, and Section 4.18, Wildfire
9/7/2023	Christie Campbell	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/7/2023	Dale and Sharon Woodward	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project as they were unable to attend the meeting.</li> </ul>	The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.
9/7/2023	Evy Washington	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project.</li> <li>• Stated that the Project would worsen traffic issues, degrade environment and wildlife, and does not fit-in with the aesthetics of the community,</li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, and Section 4.15, Transportation

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/7/2023	Fabiola Sperling	<ul style="list-style-type: none"> <li>Expressed opposition to the Project and rezoning of Project Site.</li> <li>The commenter listed concerns regarding traffic, fire hazards, evacuation routes, wildlife displacement, and water shortages.</li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/7/2023	George Fates	<ul style="list-style-type: none"> <li>Expressed opposition to the Project stating it is too big.</li> </ul>	Section 4.10, Land Use and Planning
9/7/2023	James Oppeau	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>Traffic. Stated that roads need to be built prior to housing to ensure infrastructure can support new population.</li> <li>Emergency evacuation.</li> <li>Increased fire hazards.</li> <li>Earthquakes.</li> </ul> </li> </ul>	Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/7/2023	Jeff Schleiger	<ul style="list-style-type: none"> <li>Expressed opposition to the Project for the following reasons: <ul style="list-style-type: none"> <li>Air quality.</li> <li>Biological resources.</li> <li>Cultural resources.</li> <li>Geology and soils.</li> <li>Hazardous materials.</li> <li>Land use.</li> <li>Noise.</li> <li>Population.</li> <li>Public services.</li> <li>Recreation.</li> <li>Wildfire.</li> </ul> </li> </ul>	Section 4.2, Air Quality, Section 4.3, Biological Resources, Section 4.4, Cultural Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, Section 4.11, Noise, Section 4.12, Population and Housing, Section 4.13, Public Services, Section 4.14, Recreation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/7/2023	Jose Sanchez	<ul style="list-style-type: none"> <li>Expressed opposition to the Project due to the increased traffic that would result.</li> <li>Requested that multiple traffic studies be conducted.</li> </ul>	Section 4.15, Transportation
9/7/2023	Maria Meyer	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> <li>Stated that the past expansions of Serrano to Santiago have greatly increased traffic and accidents.</li> <li>Proposed that someone from the City observe traffic in the area to fully understand the issue.</li> <li>Stated that insurance companies rarely cover residences in the area due to the high fire risk.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/7/2023	Michael Bilello	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> <li>Mentioned fire hazards and the size of the Project.</li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, and Section 4.18, Wildfire
9/7/2023	Richard Licerio	<ul style="list-style-type: none"> <li>Expressed support for the Project due to new tax revenues that may result, as well.</li> <li>Stated that he has coworkers waiting to move into new development.</li> </ul>	
9/7/2023	Shari Jensen	<ul style="list-style-type: none"> <li>Expressed opposition to the Project due to concerns about fire hazards, evacuation routes, wildlife displacement, and water shortages.</li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/7/2023	William and Grace Good	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Emergency evacuation. Stated that it took them ~4 hours to drive from the corner of Oak Canyon Drive/Serrano Avenue to Imperial Highway during the 2017 fire evacuation.</li> <li>Community safety.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/8/2023	Francis Hu	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Emergency evacuation.</li> <li>Plants and wildlife.</li> <li>Traffic</li> <li>Aesthetics.</li> <li>Property values.</li> <li>Water supply.</li> <li>Inadequate infrastructure.</li> <li>Parking. Stated the Project was not proposing to provide enough parking.</li> <li>Noise pollution.</li> <li>Light pollution.</li> <li>Overcrowding of schools.</li> <li>Impacts to local businesses.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/8/2023	Gina and Ron Wilkinson	<ul style="list-style-type: none"> <li>Expressed opposition to the Project due to traffic and safety impacts.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/8/2023	Rich Fagner	<ul style="list-style-type: none"> <li>Expressed gratitude for the information following the scoping meeting.</li> <li>Suggested that Imperial Highway, Weir Canyon, and Serrano Avenue should be looked at for the traffic studies.</li> </ul>	Section 4.15, Transportation
9/8/2023	John Levi	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> <li>Concerned about evacuation routes and safety. Stated that roads cannot handle any more people.</li> </ul>	Section 4.15, Transportation, and Section 4.18, Wildfire
9/8/2023	Julie Sone	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>Aesthetics.</li> <li>Noise pollution.</li> <li>Light pollution: noted 24-hour lights resulting from Project would be a nuisance to residents.,</li> <li>Wildlife habitat loss and displacement.</li> <li>Fire hazards.</li> <li>Evacuation hazards.</li> <li>Traffic: noted that El Rancho Charter School creates a traffic issue on Santa Ana Canyon Road already and the Project would worsen that.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, and Section 4.18, Wildfire
9/8/2023	Pamela Kim	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> <li>Stated that traffic would be significantly impacted by the Project.</li> <li>Stated that local schools are at full capacity already and will not be able to accommodate new students.</li> </ul>	Section 4.13, Public Services, and Section 4.15, Transportation
9/8/2023	Sharon Achs	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>Increased traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Wildlife displacement and habitat loss.</li> <li>○ Water shortages.</li> </ul>	
9/8/2023	Ted Cramer	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project.</li> <li>• Stated the Project would be a gross violation of the intentions of the Scenic Corridor.</li> </ul>	Section 4.1, Aesthetics, Section 4.10, Land Use and Planning
9/8/2023	Vishal Chheda	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Increased crime.</li> <li>○ Mental health of current residents.</li> <li>○ Insufficient infrastructure and resources.</li> <li>○ Wildlife displacement.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.17, Utilities and Service Systems
9/9/2023	Dan Booth	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project.</li> </ul>	The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.
9/9/2023	Douglas Robbins	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Traffic.</li> <li>○ Evacuation routes.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/9/2023	Helen Scott	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Wildlife displacement.</li> <li>○ Environmental degradation.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Evacuation routes.</li> <li>○ Traffic.</li> <li>○ Insufficient infrastructure and public resources.</li> </ul>	
9/9/2023	John Kennedy	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project due to traffic concerns.</li> </ul>	Section 4.15, Transportation
9/9/2023	Chris and Sherry Carver	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project but acknowledged the city's need for more housing.</li> <li>• Requested a less intrusive and damaging project design be prepared.</li> <li>• Suggested that the Anaheim Hills Regal Theater is developed into a "small work/live building" that would benefit the surrounding retail businesses as well.</li> </ul>	Section 4.1, Aesthetics, and Section 4.10, Land Use and Planning
9/9/2023	Sherry Mitchell	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Schools.</li> <li>○ Wildlife.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.13, Public Resources, and Section 4.15, Transportation
9/9/2023	William B. Armstrong	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project and noted opposition to re-zoning of the Project Site.</li> <li>• Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Increased fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/10/2023	Brenda Marquez	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Schools.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Emergency evacuation.</li> <li>• Asked whether the Project would require the removal of oak trees.</li> </ul>	Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/10/2023	Maria Castro-Villarino	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project, noting the issue of traffic and congestion from commuters.</li> <li>• Mentioned that the proposed Veteran Cemetery would add traffic that should also be considered in addition to the proposed Project.</li> </ul>	Section 4.15, Transportation
9/10/2023	Shannon McChurch	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Emergency evacuation. Stated that she was a teacher at Running Springs Elementary for the past 15 years and was stuck on a bus with children for hours during the 2017 evacuations.</li> <li>○ Wildfire risks. Stated that the Santa Ana winds at the top of the hill off Weir Canyon Road are significantly stronger than other regions.</li> <li>○ Traffic. Invited City staff to stay at their home and spend a day in the area with them to witness the unique traffic issues that occur in the Project Site vicinity in existing conditions.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/10/2023	Sheri Gray	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Fire hazards;</li> <li>○ Water supply.</li> <li>○ Parking.</li> <li>○ Traffic.</li> <li>○ Emergency evacuation.</li> <li>○ Displacement of wildlife.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, and Section 4.18, Wildfire



**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Geology. Expressed concerns related to geology and soils. Stated that some homes in the area have recently had soil stability issues.</li> </ul>	
9/11/2023	Betty Kimes	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project</li> <li>• Stated that Santa Ana Canyon Road is already a dangerous road.</li> </ul>	Section 4.15, Transportation
9/11/2023	Nathanial Booth	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/11/2023	Douglas Elliott	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/11/2023	Jeanne Gonzalves	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Overcrowding of local schools.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/11/2023	Mark and Jennifer Maguire	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project.</li> <li>• Stated that the Project would negatively impact traffic.</li> </ul>	Section 4.15, Transportation

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/11/2023	Linda Ruiz	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> <li>Stated she has gone through three evacuations during their 25 years of residency in the Project vicinity and each incident was a nightmare.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/11/2023	Maxine Gilles	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/11/2023	Nasrin Rasouli	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/11/2023	Rebecca Booth	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Stated that during the Triangle fire, SR-91 and Serrano Avenue shut down making it impossible to evacuate.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/12/2023	Alyssa Weiner	<ul style="list-style-type: none"> <li>Expressed opposition to the Project</li> <li>Commenter mentioned traffic concerns.</li> </ul>	Section 4.15, Transportation

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/12/2023	Catherine Giangrande	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> <li>Asked why the Weir Canyon Road expansion was never completed.</li> <li>Expressed concerns about traffic.</li> </ul>	Section 4.15, Transportation
9/12/2023	Leslie Dianne Hollon	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Water supply.</li> <li>Landslides.</li> <li>Overcrowding of local schools.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/12/2023	Dianne Ostrosky	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/12/2023	Elaine and Wayne Moulden	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/12/2023	Georgette Larsen	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul>	and Service Systems, and Section 4.18, Wildfire
9/12/2023	Gloria Hu	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Degradation of Deer Canyon Park Preserve.</li> <li>○ Water supply.</li> <li>○ Aesthetics/Scenic corridor</li> <li>○ Parking. Stated that not enough is being provided by the Project.</li> <li>○ Overcrowding of local schools.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/12/2023	Joe Giangrande	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project.</li> <li>● Noted traffic concerns on Santa Ana Canyon Road and SR-91.</li> </ul>	Section 4.15, Transportation
9/12/2023	Karen Azling	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project.</li> <li>● Expressed concerns related to traffic and safety hazards with El Rancho Charter School nearby.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/12/2023	Larry Larsen	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Water supply.</li> </ul>	
9/12/2023	Larry Ostrosky	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/12/2023	Robert Diesto	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project due to traffic impacts.</li> </ul>	Section 4.15, Transportation
9/12/2023	William and Wanda Arment	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Construction activities would negatively impact the daily life of residents.</li> <li>○ Insufficient infrastructure (water, sewer, gas and electric, internet).</li> <li>○ Lacking police and fire personnel to support more people.</li> <li>○ Traffic.</li> <li>○ Overcrowding of local schools.</li> <li>○ Wildfire.</li> <li>○ Floods.</li> <li>○ Landslides.</li> <li>○ Plants and wildlife.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Anonymous	<ul style="list-style-type: none"> <li>• This scoping comment card was received at the scoping meeting and referenced Maui ("Thin Maui"), presumably referring to the 2023 wildfire event that occurred in the weeks preceding the scoping meeting.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, and Section 4.18, Wildfire
9/13/2023	Barbara Wahlbrink	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project and opposition to any required zone change for the Project.</li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15,

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards;</li> <li>Emergency evacuations;</li> <li>Wildlife; and</li> <li>Water supply.</li> </ul> </li> </ul>	Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Betty Farnsworth	<ul style="list-style-type: none"> <li>Expressed opposition to the Project and opposition to any required zone change for the Project.</li> <li>Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Wildlife and endangered species.</li> <li>Water consumption.</li> <li>Noise</li> <li>Public services.</li> <li>Traffic.</li> <li>Emergency evacuation.</li> <li>Aesthetics. Stated a seven-story building does not fit into Scenic Corridor.</li> <li>Landslides. Stated the Project would be at potential risk of landslides due to the proposed grading and retaining walls.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Charles Bittel	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/13/2023	Christine Ney	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Dana Farnsworth	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	James Myers	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Jeffrey Dunn	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/13/2023	Karen Cooper	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Karen Dunn	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Kimberly Salceda	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Larry Campbell	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire



**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/13/2023	Linda Lewis	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Meredith Bittel	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Nancy Bertocchini	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Nicholas Yagar	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/13/2023	Robert Conklin	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics/Design.</li> <li>○ Aesthetics/Light pollution.</li> <li>○ Noise.</li> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Biological resources.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/13/2023	Scott Adams	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/14/2023	Fauzia Adams	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/14/2023	Kelly Jung	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics/Design.</li> <li>○ Aesthetics/Light pollution.</li> <li>○ Noise.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, Section 4.17, Utilities

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Biological resources.</li> <li>○ Water supply.</li> </ul>	and Service Systems, and Section 4.18, Wildfire
9/14/2023	Rob Clayton	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Overcrowding of local schools.</li> </ul> </li> <li>• Asked why Deer Canyon Park Preserve would be developed when it is supposed to be a preserve.</li> </ul>	Section 4.3, Biological Resources, Section 4.13, Public Services, and Section 4.15, Transportation
9/15/2023	Betty Farnsworth	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic and pedestrian safety. Stated that their biggest concern is the effect the Project would have on Santa Ana Canyon Road (speeding and child safety, evacuation routes).</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation. Stated it took them two hours to travel less than three miles on Santa Ana Canyon Road during evacuations.</li> <li>○ Aesthetics.</li> <li>○ Plants and wildlife.</li> <li>○ Water supply.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Public services and emergency response time.</li> <li>○ Landslides.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.2, Air Quality, Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.7, Greenhouse Gas Emissions, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/15/2023	Claudia Thielmann	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Crime/Safety.</li> <li>Quality of life.</li> <li>Air quality.</li> <li>Noise pollution.</li> <li>Light pollution.</li> <li>Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.2, Air Quality, Section 4.3, Biological Resources, Section 4.7, Greenhouse Gas Emissions, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/15/2023	John Schreiner	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> <li>Concerned about former mayor Sidhu's role in the Project and requested that the former mayor's involvement be investigated prior to moving forward with rezoning or permitting.</li> <li>Expressed concerns related to the Mormon Church's role in the Project as they are providing majority of funding and are also under investigation for illegal spending of donations; requested they are investigated before moving forward.</li> <li>Stated that another apartment complex is proposed nearby that may make the Project unnecessary.</li> </ul>	Section 4.10, Land Use and Planning, Section 4.12, Population and Housing
9/16/2023	Charles Ney	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/16/2023	Elia Castaneda	<ul style="list-style-type: none"> <li>Requested that a fire evacuation study be conducted for the Project.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/16/2023	Marcia Zonich	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Water supply.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/16/2023	Melissa Raymond	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Plants and wildlife.</li> <li>Traffic.</li> <li>Overcrowding of schools.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.13, Public Services, and Section 4.15, Transportation
9/17/2023	Howard and Valerie Jacobs	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Crime/Safety.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/17/2023	Krystyna Kisting	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Water supply.</li> <li>Light pollution.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/18/2023	Eric Mendoza	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/18/2023	Jeannie Averill	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuation.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/18/2023	Julie Filppi	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts to emergency evacuation. Stated that the Project would impede the Know Your Way evacuation plan that was recently created.</li> </ul>	Section 4.10, Land Use and Planning, and Section 4.18, Wildfire
9/18/2023	Maria V. Bessem And Eric P. Bessem	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic. Stated the proposed improvements on Santa Ana Canyon Road are insufficient to accommodate the Project.</li> <li>Overcrowding.</li> <li>Wildfire risk.</li> <li>Evacuation routes.</li> <li>Aesthetics.</li> <li>Public transportation. Stated that existing public transport is insufficient.</li> <li>Public services. Stated that existing service levels are insufficient.</li> <li>Noise pollution.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Light pollution.</li> <li>○ Wildlife and ecological disturbance.</li> </ul>	
9/18/2023	Robert Conklin	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Plant and wildlife.</li> <li>○ Aesthetics.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Traffic.</li> <li>○ Fire and evacuation risk.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/18/2023	Wayne Westerman	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Overcrowding and traffic.</li> <li>○ Fire and evacuation risks.</li> <li>○ Wildlife displacement and habitat destruction.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/19/2023	April and Thomas Hughes	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire risk.</li> <li>○ Emergency evacuation. Stated that Santa Ana Canyon Road was a “parking lot” during the November 2008 wildfire event.</li> <li>○ Parking. Stated that the Project is not providing enough parking spaces.</li> <li>○ Plant and wildlife habitat.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/19/2023	Kathy Hines	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics.</li> <li>Traffic.</li> <li>Wildlife displacement and ecological destruction.</li> <li>Fire and evacuation risks.</li> <li>Impacts to utilities/service systems. Asked if the power grid would be upgraded to accommodate the next residents that would result from the Project.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.5, Energy, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/19/2023	Mary Drummond	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire and evacuation hazards.</li> <li>Wildlife displacement.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/19/2023	Michelle Higgins	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Evacuation hazards.</li> <li>Wildlife and ecological destruction.</li> <li>Lack of school capacity.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/19/2023	Pilar Mata	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire risk</li> <li>Water supply.</li> <li>Impacts to scenic corridor.</li> <li>Traffic.</li> </ul> </li> <li>Stated that any Project proposed under Sidhu's administration needs to be reevaluated.</li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire



**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

Date Comment Was Received	Agency/ Commenter	Topics Raised in This Comment Letter	Location in this Draft EIR Where This Topic Is Discussed
		<ul style="list-style-type: none"> <li>• Stated that their residence borders Deer Canyon and that they are not able to find insurance coverage for wildfires; stated that AAA does not cover homes in that area and State Farm is declining new policies.</li> <li>• Stated that there are not sufficient evacuation routes in existing conditions. Stated that there are only two roads out of their housing tract. Stated that Mohler Drive, connecting to Santa Ana Canyon Road, is not a safe evacuation route and other exit routes require them to travel back up though the hills onto Fairmont.</li> <li>• Suggested that the Anaheim City Council:               <ul style="list-style-type: none"> <li>○ Work with the City of Yorba Linda to complete the Fairmont Connector to provide an additional evacuation route.</li> <li>○ Increase evacuation route signage.</li> <li>○ Contract with goat operators to put more goats in Deer Canyon, Oak Canyon, and the Project Site to reduce fire risk.</li> </ul> </li> </ul>	
9/19/2023	Sharon Hlapcich	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Traffic.</li> <li>○ Public services.</li> <li>○ Displacement of wildlife.</li> <li>○ Water supply.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/19/2023	Susan Boyd Wilson	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics; land use and planning (access to Deer Canyon).</li> <li>Noise pollution.</li> <li>Population and housing (affordable housing or luxury?).</li> <li>Transportation/traffic.</li> <li>Wildfire and evacuation hazards.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, Section 4.11, Noise, Section 4.12, Population and Housing, Section 4.15, Transportation, and Section 4.18, Wildfire
9/20/2023	Douglas Hill	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Wildlife displacement and ecological destruction;</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Traffic.</li> <li>Slope stability.</li> <li>Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/20/2023	Kelly Jung	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Plants and wildlife.</li> <li>Aesthetics. Impacts to views.</li> <li>Light pollution.</li> <li>Noise pollution from the proposed rooftop deck.</li> <li>Fire hazard.</li> <li>Emergency evacuation.</li> <li>Water supply.</li> </ul> </li> <li>Noted that she had to evacuate due to a fire in 2008 and it took more than two hours until they were safely away from the fires.</li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>• Stated that additional traffic lanes, the size of Santa Ana Canyon Road and extending from the east end to the SR-55, would need to be added to accommodate the Project.</li> <li>• Suggested that the City builds a small parking area south of Santa Ana Canyon Road and revitalizes the restroom and picnic areas.</li> </ul>	
9/20/2023	Linda Balsamo	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project.</li> <li>• The commenter described an instance of being tailgated on Old Bridge Road and followed around the neighborhood but could not get help from Anaheim Police Department because no one was available.</li> <li>• Described a time shortly after the event described above where they witnessed someone stealing from the local Rite-Aid.</li> <li>• Stated that she does not feel safe enough to walk around and is concerned that more residents would worsen crime.</li> <li>• Described frequent crime in the neighborhood (i.e., mail theft, car theft, burglaries, being followed).</li> <li>• Stated that Nohl Ranch Road., Serano Avenue, and Santa Ana Canyon Road are dangerous because people speed and run red lights frequently.</li> </ul>	Section 4.13, Public Services, and Section 4.15, Transportation
9/20/2023	Lisa Young	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazard.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/20/2023	Ramona Adamson	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Wildlife displacement.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/21/2023	Adriana Sung	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Overcrowding of local schools. The commenter noted local schools were already overcrowded. The commenter stated that El Rancho Charter School has over 1,000 students and that Canyon High School has over 2,000 students. The commenter noted that classrooms at these local schools are already crowded and that teacher to student ratios are already high.</li> <li>○ Traffic.</li> <li>○ Impacts to Deer Canyon Park Preserve.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.13, Public Services, Section 4.14, Recreation, Section 4.15, Transportation, and Section 4.18, Wildfire
9/21/2023	Carole Anne White	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Wildlife displacement.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/21/2023	Deana Ramseyer	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Wildlife displacement.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Utilities/service systems.</li> </ul>	and Service Systems, and Section 4.18, Wildfire
9/21/2023	Frannie D'Errico	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, and Section 4.15, Transportation
9/21/2023	Ingrid Kjellin	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/21/2023	Jeanne Spence	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Wildlife displacement.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/21/2023	Jennifer Hillyer	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Habitat destruction and wildlife displacement.</li> <li>○ Aesthetics.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Traffic.</li> <li>○ Lack of school capacity.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/21/2023	Lindsey Doe	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire and evacuation hazards.</li> <li>○ Lack of school capacity.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15,

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Mudslides/geology.</li> <li>○ Crime.</li> <li>○ Aesthetics.</li> <li>○ Wildlife displacement and ecological destruction.</li> </ul>	Transportation, and Section 4.18, Wildfire
9/21/2023	Lisa Morrow	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Lack of school capacity.</li> <li>○ Insufficient public services.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/21/2023	Melody Sadowski	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Lack of school capacity and infrastructure.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/21/2023	Mihaela Stan	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project.</li> </ul>	The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.
9/21/2023	Paul Gendron	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project.</li> </ul>	The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/21/2023	Rick Pollgreen	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire and evacuation hazards.</li> <li>Wildlife displacement.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/21/2023	Shai Noam and Terri Faloney	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire and evacuation hazards.</li> <li>Wildlife displacement.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/21/2023	Tina Nelissen	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Crime.</li> <li>Fire and evacuation hazards.</li> <li>Stress on public services.</li> <li>Wildlife displacement and habitat destruction.</li> <li>Water shortages.</li> <li>Aesthetics.</li> <li>Noise pollution.</li> <li>Light pollution.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/21/2023	Thomas Young	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire and evacuation hazards.</li> <li>Wildlife displacement.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/22/2023	Arthur Romo	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> <li>Mentioned the impacts of past fire events on residents. Noted there was panic during past fire events that led to heavy traffic.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/22/2023	Bonnie Chaffee Hays	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>Emergency evacuation.</li> <li>Wildlife.</li> <li>Overcrowding of local schools.</li> <li>Noise from the proposed roof deck.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/22/2023	Brenda Nardolillo	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts related to traffic.</li> </ul>	Section 4.15, Transportation
9/22/2023	Constance Kouri	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>Traffic and congestion.</li> <li>Fire and evacuation hazards.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/22/2023	“Coral Reef” The commenter’s name was not provided in the email.	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>Traffic impacts.</li> <li>Fire and evacuation hazards.</li> <li>Water shortages.</li> <li>Wildlife displacement and habitat loss.</li> </ul> </li> <li>Stated that bicycle plans, and “connection of riding walking plans” have “disappeared” from proposal.</li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire



**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/22/2023	Danielle Ward	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Wildlife displacement.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/22/2023	Eileen M. Anderon	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Impacts on wildlife and local ecology.</li> <li>○ Traffic.</li> <li>○ Overcrowding schools and buses.</li> <li>○ Utilities/service system impacts.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/22/2023	Gail Canossi	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Traffic.</li> <li>○ Geology (Whittier fault)</li> <li>○ Overcrowding of local schools.</li> <li>○ Impacts to response time for public service providers.</li> </ul> </li> </ul>	Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/22/2023	Jeanne L. Bullington	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic and congestion.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Wildlife displacement.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/22/2023	Jeff Shimkus	<ul style="list-style-type: none"> <li>• Stated he is a retired Anaheim Fire Captain with 28 years of service in the area.</li> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic: evacuation hazards, Santa Ana Canyon Road. is the only feasible way out.</li> <li>○ Increased strain on local infrastructure: schools, water, power, etc.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/22/2023	Jorg Hesser	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Wildlife displacement and habitat loss.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/22/2023	Karen Carlson	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Noise pollution.</li> <li>○ Traffic.</li> </ul> </li> </ul>	Section 4.11, Noise, and Section 4.15, Transportation
9/22/2023	Kristin Lasher	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Drought/water shortages.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Traffic.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/22/2023	Leslie Schultz	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Wildlife displacement and habitat loss.</li> </ul>	
9/22/2023	Mack Oliver	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic impacts.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Impacts to public service provider response time.</li> <li>○ No home insurance.</li> <li>○ Landslides.</li> <li>○ Noise and air pollution.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.2, Air Quality, Section 4.6, Geology and Soils, Section 4.7, Greenhouse Gas Emissions, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/22/2023	Marcia Zonich	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Water shortages.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/22/2023	Mark Adams	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire and evacuation hazards.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Traffic and congestion.</li> </ul> </li> <li>• Suggested that City staff are corrupt and doing favors.</li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, and Section 4.18, Wildfire
9/22/2023	Michael Gonzalez	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Displacement of wildlife.</li> <li>○ Overcrowding of schools.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/22/2023	James and Misty Matz	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Overcrowding of schools.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/22/2023	Rick DuBeau	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Wildlife displacement and ecological destruction/habitat loss.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/22/2023	Ruth Lugo	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Aesthetics/noise/light pollution.</li> <li>○ Wildlife displacement and ecological destruction/habitat loss.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Overcrowding of schools.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/22/2023	Sarah Hughes	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Noise/light pollution.</li> <li>○ Air pollution.</li> <li>○ Wildlife displacement and ecological destruction/habitat loss.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.2, Air Quality, Section 4.3, Biological Resources, Section 4.7, Greenhouse Gases, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Fire and evacuation hazards.</li> <li>○ Overcrowding of schools.</li> <li>○ Aesthetics.</li> <li>○ Lack of infrastructure (walking/bicycle lanes).</li> <li>○ Water shortages.</li> </ul>	4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/22/2023	Tiffany and Ryan Mueller	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project due to traffic impacts.</li> </ul>	Section 4.15, Transportation
9/23/2023	Andrea Phelps	<ul style="list-style-type: none"> <li>• Commenter requested that a traffic study be conducted for the Project and requested that specific road segment be analyzed during specific times of day near school drop-off and pick-up times while schools are in session.</li> <li>• The commenter requested that the Project's traffic study evaluate potential delay that would be caused to emergency evacuation by Project's new residents.</li> <li>• The commenter requested a map showing fuel modification zones that would be required for the Project ne provided for public review.</li> </ul>	Section 4.15, Transportation
9/23/2023	April Bayraktar	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Wildlife.</li> <li>○ The (existing) hiking trails.</li> <li>○ The "semi-rural feel of the community".</li> <li>○ Emergency evacuation and public safety during wildfire events.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.14, Recreation, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/23/2023	Brendan Bayraktar	<ul style="list-style-type: none"> <li>○ Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Wildlife habitat.</li> <li>○ Noise.</li> <li>○ Traffic.</li> <li>○ Wildfire risk.</li> <li>○ Safety of the existing residents.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, and Section 4.18, Wildfire
9/23/2023	Carolyn Baker	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Wildlife displacement. and habitat loss.</li> <li>○ Impacts to utilities/service systems.</li> <li>○ Water shortages.</li> <li>○ Crime.</li> <li>○ Glare from building surfaces.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/23/2023	Constance Kouri	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Water shortages.</li> <li>○ Wildlife displacement and habitat loss.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/23/2023	Daena Cox	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Water shortages.</li> <li>○ Wildlife displacement and habitat loss.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/23/2023	Dennis Oneill	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Wildlife displacement and habitat loss.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Overcrowding of schools.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/23/2023	Jeff and Linda Schleiger	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Wildlife displacement and habitat loss/ecological destruction.</li> <li>○ Impacts to recreation.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.14, Recreation, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/23/2023	Nancy Schilling	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/23/2023	Paula Villmer	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic (Santa Ana Canyon Road and SR-91 with school pick up congestion).</li> <li>○ Fire and evacuation hazards (Santa Ana Canyon Road and Nohl Ranch Road gridlock).</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/23/2023	Sarah Bayraktar	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Wildlife displacement and habitat loss/ecological destruction.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Traffic.</li> <li>○ Emergency evacuation.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, and Section 4.18, Wildfire
9/23/2023	Susan Oneill	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Wildlife displacement and habitat loss/ecological destruction.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Traffic.</li> <li>○ Emergency evacuation.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, and Section 4.18, Wildfire
9/23/2023	Tom Schultz	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Water shortages.</li> <li>○ Aesthetics.</li> <li>○ Wildlife displacement and habitat loss/ecological destruction.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire



**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/23/2023	Tyler Baker	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire and evacuation hazards.</li> <li>○ Wildlife displacement.</li> <li>○ Impacts on local utilities/service systems.</li> <li>○ Crime.</li> <li>○ Concern about reflective surfaces.</li> <li>○ Overcrowding of schools.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/24/2023	Walter Baker	<ul style="list-style-type: none"> <li>• Mentioned that Santa Ana Canyon Road and SR-91 are congested and that the Project would worsen conditions.</li> <li>• Noted there is a high level of existing noise in the area from the truck weigh station (trucks down shifting), vehicle engines and exhaust systems, and helicopters that travel along SR-91.</li> <li>• Stated there is a high level of existing pollution. Mentioned needing to wipe off outdoor tables to remove “auto and truck pollution”.</li> <li>• Stated that past projects within Santa Ana Canyon Road right-of-way took a long time to be completed.</li> <li>• Stated the Project should include a fire station and a police station.</li> <li>• Asked where water would come from for the Project.</li> <li>• Asked if underground electric lines would be built.</li> </ul>	Section 4.2, Air Quality, Section 4.7, Greenhouse Gas Emissions, Section 4.9, Hydrology and Water Quality, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.17, Utilities and Service Systems
9/24/2023	Butch Fitzjerrells	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Community character. Stated the Project would result in loss of rural nature of the community.</li> <li>○ Aesthetics. Degradation of the scenic corridor.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Biological resources through removal of habitat.</li> <li>○ Increased fire risk from more humans and vehicles adjacent to fire prone areas.</li> <li>○ Emergency evacuation routes.</li> <li>○ Overcrowding at local schools.</li> </ul>	
9/24/2023	Gail Lehrbass	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project.</li> <li>● Suggested that the building be three stories instead of seven, as proposed. <ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Traffic</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/24/2023	Joni and Dean Gaynor	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Safety, fire hazards, and evacuation routes (Santa Ana Canyon Road, Monte Vista, Weir Canyon Road)</li> <li>○ Traffic and congestion (Santa Ana Canyon Road, Imperial Highway to Gypsum Canyon Road)</li> <li>○ Aesthetics, recreation, wildlife displacement, and ecologic degradation of Deer Canyon Park Preserve.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.14, Recreation, Section 4.15, Transportation, and Section 4.18, Wildfire
9/24/2023	Kim Cooper	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic in the area, specifically on Mohler Drive and Serrano Ave.</li> <li>○ Aesthetics.</li> <li>○ Lack of school capacity.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/24/2023	Laura Hesser	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Impacts to wildlife and plants.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Lack of school capacity.</li> <li>○ Water shortages.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/24/2023	Lori Gutierrez	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic: stated traffic patterns have worsened in the past few years because of commuters (Santa Ana Canyon Road, Serrano Avenue, Weir Canyon Road).</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation. Requested that a study of fire protection and evacuation and safety exercises be provided for community.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/24/2023	Mai and Roger Hinwood	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/24/2023	Margaret L. Laco	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts related to traffic.</li> </ul>	Section 4.15, Transportation
9/24/2023	Mary Heistand	<ul style="list-style-type: none"> <li>Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Impacts to Deer Canyon Park Preserve.</li> <li>Noise pollution.</li> <li>Light pollution.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.14, Recreation, Section 4.15, Transportation, and Section 4.18, Wildfire
9/24/2023	Nancy Flores	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Landslides (slope and fault line)</li> <li>Lack of school capacity.</li> <li>Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, and Section 4.18, Wildfire
9/24/2023	Naren Solanki	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Traffic (El Rancho Charter School, Running Springs Elementary School, Canyon High School).</li> <li>Lack of school capacity.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/24/2023	Nayyar Masih	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic and accidents (two fatalities in two months, stated that Santa Ana Canyon Road is unsafe for pedestrians and bicycles in existing conditions).</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.18, Wildfire
9/24/2023	Nayyar Masih	<ul style="list-style-type: none"> <li>• In this correspondence, the commenter provided a video of what they describe as “last big fire” that occurred in the vicinity of the Project Site.</li> </ul>	Section 4.18, Wildfire
9/24/2023	Nayyar Masih	<ul style="list-style-type: none"> <li>• In this correspondence, the commenter provided a video of a fire that the state occurred in the vicinity of the Project site.</li> </ul>	Section 4.18, Wildfire
9/24/2023	Patricia Fitzjerrells	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics/size.</li> <li>○ Traffic and proposed mitigation measures.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Wildlife displacement, habitat loss, and overall ecologic degradation.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Overcrowding of schools.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/24/2023	Rosanne Ingreso	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/24/2023	Steven Quibell	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics.</li> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Overcrowding of schools.</li> <li>Wildlife displacement and habitat loss.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Adam Sthay	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Biological resources.</li> <li>Impacts to scenic corridor.</li> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Night lighting.</li> <li>Community character. Stated the Project would adversely effect the perceived rural nature of the community.</li> <li>Crime. Stated the Project's residents would increase crime in nearby neighborhoods.</li> <li>Glare from buildings.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Increased usage of utilities and service systems.</li> </ul>	
9/25/2023	Ashley Ritzenthaler	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire hazards. Stated the Project would exacerbate existing fire hazards.</li> <li>○ Evacuation. Stated the Project would impact evacuation.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Becky and Greg Marchant	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Community character. Stated the Project would alter the rural character of the area. Stated the Project does not match the existing character of the other homes in the area.</li> <li>○ Overcrowding of local schools.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.12, Population and Housing, Section 4.13, Public Services, and Section 4.15, Transportation
9/25/2023	Bob Zonitch	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire hazards;</li> <li>○ Emergency evacuations;</li> <li>○ Wildlife; and</li> <li>○ Water supply.</li> </ul> </li> <li>● Noted opposition to re-zoning</li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Brenda Robbins	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire hazards;</li> <li>○ Emergency evacuations;</li> <li>○ Wildlife; and</li> <li>○ Water supply.</li> </ul> </li> <li>● Noted opposition to re-zoning.</li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/25/2023	Brian Counter	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Emergency evacuation.</li> </ul> </li> </ul>	Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Carol Fite	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Emergency evacuation.</li> </ul> </li> </ul>	Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Caronyn Fares	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuations.</li> <li>Wildlife.</li> <li>Water supply.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/25/2023	Chaoyin Chen	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuations.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Charlyn Barton	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Impacts to businesses, residences, schools, and the city overall of the project.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.10, Land Use and Planning, Section 4.12, Population and Housing, Section 4.13, Public Services, Section 4.17, Utilities and Service Systems
9/25/2023	Chris Voltarel	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic and congestion (Santa Ana Canyon Road., Serrano Avenue, Weir Canyon); requested that</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire



**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>traffic studies be performed during peak traffic hours.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Insufficient infrastructure.</li> </ul>	
9/25/2023	Charles Bertocchini	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Impacts on local recreation.</li> <li>○ Aesthetics and ecological destruction.</li> <li>○ Traffic.</li> <li>○ Soil erosion.</li> <li>○ Noise pollution.</li> <li>○ Property value.</li> <li>○ Wildlife displacement and habitat loss.</li> <li>○ Strain on public services and local resources.</li> <li>○ Community fragmentation.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/25/2023	Constance Kouri	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic and congestion.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Dan Decker	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Overcrowding.</li> <li>○ Pollution.</li> <li>○ Crime.</li> <li>○ Traffic and accidents.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.2, Air Quality, Section 4.3, Biological Resources, Section 4.7, Greenhouse Gas Emissions, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.12, Population and

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Wildlife displacement, habitat loss, and ecological destruction.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Overcrowding of schools.</li> </ul>	Housing, Section 4.13 Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	David Linskens	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Impacts to wildlife and landscape.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Diane Myers	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts related to traffic.</li> </ul>	Section 4.15, Transportation
9/25/2023	Douglas Hill	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Impacts on wildlife and local ecology.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Traffic.</li> <li>○ Geologic instability of region.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Elayne O'Dowd	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Traffic (Santa Ana Canyon Road) and proposed mitigation measures.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Crime.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Lack of school capacity.</li> <li>○ Insufficient local utilities/service systems.</li> <li>○ Wildlife displacement and habitat loss.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Aesthetics.</li> </ul>	and Service Systems, and Section 4.18, Wildfire
9/25/2023	Fred Grand	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Recreation.</li> <li>○ Traffic</li> <li>○ Noise pollution.</li> <li>○ Property values.</li> <li>○ Wildlife.</li> <li>○ Public services.</li> <li>○ Utility systems.</li> <li>○ Wildfire risk.</li> <li>○ Emergency evacuation.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.14, Recreation, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/25/2023	Glenn Hoffman	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including: <ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Traffic.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/25/2023	Jack Barton	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Insufficient infrastructure.</li> <li>Evacuation routes.</li> <li>Lack of school capacity.</li> </ul> </li> </ul>	Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	James A Sanfilippo	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Wildlife displacement.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Traffic.</li> <li>Makes comments about Sidhu's involvement in the Project.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	M. Jane Kessinger	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> </ul>	The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.
9/25/2023	Janis Luther	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Displacement of wildlife.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/25/2023	Jeannie Averill	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Traffic.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/25/2023	Jeff McWilliam	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Safety.</li> <li>○ Crime.</li> </ul> </li> </ul>	Section 4.13, Public Services, and Section 4.15, Transportation
9/25/2023	Jen McCool	<ul style="list-style-type: none"> <li>• This comment included a photo of traffic during what is assumed to be a past evacuation event in Anaheim Hills.</li> </ul>	Section 4.18, Wildfire
9/25/2023	John Luther	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/25/2023	John O'Dowd	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic (Santa Ana Canyon Road) and proposed mitigation measures.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Crime.</li> <li>○ Overcrowding of schools.</li> <li>○ Insufficient local utilities/service systems.</li> <li>○ Wildlife displacement and habitat loss.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/25/2023	Julie Miller	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Displacement of wildlife.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, and Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/25/2023	Bill and Karen Sullivan	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Impacts on local wildlife and plants.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Katherine Novich	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Noise pollution.</li> <li>Light pollution.</li> <li>Traffic.</li> <li>Wildlife displacement.</li> <li>Lack of school capacity.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Kerilyn Counter	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Noise pollution.</li> <li>Light pollution.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.11, Noise, Section 4.13, Public Services, Section 4.14, Recreation, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Wildlife displacement and habitat loss.</li> <li>○ Lack of school capacity.</li> <li>○ Lack of local recreation capacity.</li> </ul>	
9/25/2023	Kevin Gilette	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Evacuation routes.</li> <li>○ Lack of school capacity.</li> <li>○ Insufficient infrastructure and lack of maintenance on existing infrastructure.</li> <li>○ Traffic.</li> <li>○ Impact on wildlife.</li> <li>○ Insufficient parking spaces for Project.</li> <li>○ Property value.</li> <li>○ Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/25/2023	Kristine D Vargas	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts related to fire hazards and evacuation routes.</li> <li>● Attached pictures of Nohl Ranch Road, Santa Ana Canyon Road, and Canyon Rim Road.</li> <li>● Requested thorough analyses of traffic and evacuation plans for residents be conducted.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Laura V Ballinger	<ul style="list-style-type: none"> <li>● Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Displacement of wildlife.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/25/2023	Linda and Jef Schleiger	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Aesthetics.</li> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Impacts on local recreation.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.14, Recreation, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/25/2023	Linda Chapman	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Requested in-depth evacuation plan for the community.</li> <li>○ Requested extensive studies on wildlife and sensitive bat population in the area.</li> <li>○ Requested extensive traffic studies and AQ.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.2, Air Quality, Section 4.6, Geology and Soils, Section 4.7, and Greenhouse Gas Emissions
9/25/2023	Loretta Zimmerman	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water shortages.</li> <li>○ Landslides.</li> <li>○ Aesthetics.</li> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.6, Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire



**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/25/2023	Margaret Fischer	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/25/2023	Marina Joyce	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Impacts on wildlife and the environment overall.</li> <li>Aesthetics.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Traffic.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Mary Ragusa	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> </ul>	Not applicable
9/25/2023	Matt McConnell	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Noise.</li> <li>Fire hazards.</li> <li>Hydrology and water quality.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.9, Hydrology and Water Quality, Section 4.11, Noise, and Section 4.18, Wildfire
9/25/2023	Michael Zimmerman	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement.</li> <li>Water shortages.</li> <li>Landslides.</li> <li>Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.6 Geology and Soils, Section 4.8, Hazards and Hazardous Materials, Section 4.11, Noise, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
		<ul style="list-style-type: none"> <li>○ Noise pollution.</li> <li>○ Light pollution.</li> </ul>	
9/25/2023	Minh-Tri Le	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Noise pollution.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Hydrology and water quality.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.9, Hydrology and Water Quality, Section 4.11, Noise, and Section 4.18, Wildfire
9/25/2023	Paul Sprenger	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Recreation and hiking trails</li> <li>○ Aesthetics</li> </ul> </li> </ul>	Section 4.1, Aesthetics, and Section 4.14, Recreation
9/25/2023	Remington Sprenger	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project and voiced concerns over loss of scenery.</li> </ul>	Section 4.1, Aesthetics, and Section 4.3, Biological Resources
9/25/2023	Robert Covington	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ At-capacity infrastructure and resources; sewage lines, power grid, water.</li> <li>○ Traffic.</li> </ul> </li> </ul>	Section 4.15, Transportation, and Section 4.17, Utilities and Service Systems
9/25/2023	Ryan Hon	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 3.8, Hazards and Hazardous Materials, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/25/2023	Sandra Cuzquen	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Wildlife.</li> <li>Fire hazards.</li> <li>Traffic.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Scott Ribble	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Aesthetics.</li> <li>Overcrowding.</li> <li>Crime.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, and Section 4.12, Population and Housing
9/25/2023	Tammy Hill	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Lack of infrastructure.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
9/25/2023	Tony Baxter	<ul style="list-style-type: none"> <li>Expressed opposition to the Project.</li> <li>Stated various things related to Anaheim natural and human history.</li> </ul>	Section 4.4, Cultural Resources
9/25/2023	John and Valerie Cook	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic. Stated there is existing congestion on Santa Ana Canyon Road and SR-91.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Insufficient infrastructure.</li> <li>Aesthetics.</li> <li>Wildlife.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/27/23	Binh Tran	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire hazards. Fire risks resulting from additional infrastructure related to the Project.</li> <li>Emergency evacuation.</li> <li>Hindered emergency response time.</li> <li>Water supply.</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/27/23	John O'Dowd	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic (Santa Ana Canyon Road and opposition to the proposed traffic light).</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Increased crime.</li> <li>Lack of school capacity.</li> <li>Impacts to water supply and other utilities.</li> <li>Wildlife displacement and habitat loss.</li> <li>Noise pollution.</li> <li>Light pollution.</li> <li>Aesthetics.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/27/23	Linda Bird	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic and congestion.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Wildlife displacement and habitat loss.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
9/27/23	Madhavi Solanki	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic and congestion.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement and habitat loss.</li> <li>○ Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/27/23	Tram Tran	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Delays to emergency response time.</li> <li>○ Strain on resources (i.e., water).</li> </ul> </li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/27/23	Linda Lewis	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement and habitat loss.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire
9/27/23	Linda Lewis	<ul style="list-style-type: none"> <li>• Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>○ Traffic.</li> <li>○ Fire hazards.</li> <li>○ Emergency evacuation.</li> <li>○ Wildlife displacement and habitat loss.</li> <li>○ Water supply.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, Section 4.17, Utilities and Service Systems, and Section 4.18, Wildfire

**TABLE 2-2  
SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED  
RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
No date	Janet Peterson	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Wildlife displacement and habitat loss.</li> <li>Fire hazards.</li> <li>Emergency evacuation.</li> <li>Water supply.</li> <li>Traffic.</li> <li>Pollution.</li> </ul> </li> <li>Requested that the traffic study include evaluation of foot traffic along Santa Ana Canyon Road, as well as vehicle traffic.</li> <li>Expressed concern about those trying to access public transport having to walk along Santa Ana Canyon Road to the bus stop; including middle school and high school students who will not be eligible to be picked up by the school bus.</li> <li>Described an evacuation event that occurred in October 2017</li> </ul>	Section 4.2, Air Quality, Section 4.3, Biological Resources, Section 4.7, Greenhouse Gas Emissions, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
No date	Jason Gearlds	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Wildlife.</li> <li>Nearby neighborhoods.</li> <li>Light.</li> <li>Sound.</li> <li>Evacuation.</li> <li>Wind.</li> <li>Subjacent support.</li> <li>City Plan.</li> <li>Zoning.</li> <li>Public Services.</li> </ul> </li> </ul>	Section 4.1, Aesthetics, Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, Section 4.11, Noise, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
No date	John Levi	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire and evacuation hazards.</li> <li>Wildlife displacement.</li> <li>Water shortages.</li> </ul> </li> </ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
No date	Lawrence Wessel	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Traffic.</li> <li>Fire and evacuation hazards.</li> <li>Preservation of Deer Canyon.</li> <li>Air pollution.</li> </ul> </li> </ul>	Section 4.2, Air Quality, Section 4.3, Biological Resources, Section 4.7, Greenhouse Gas Emissions, Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, Section 4.15, Transportation, and Section 4.18, Wildfire
No date	Nicole	<ul style="list-style-type: none"> <li>Expressed opposition to the Project. Stated the Project would have impacts including:               <ul style="list-style-type: none"> <li>Fire and evacuation hazards; stated that Hills Preserve is in violation of the City's fire code of having more than one fire access road.</li> <li>Emergency response time.</li> <li>Lack of school capacity.</li> </ul> </li> <li>Expressed dissatisfaction with the manner by which the Project Applicant responded to concerns that were previously communicated to them by members of the community.</li> </ul>	Section 4.8, Hazards and Hazardous Materials, Section 4.13, Public Services, and Section 4.18, Wildfire

**TABLE 2-2**  
**SUMMARY OF MAIN TOPICS RAISED IN RESPONSES RECEIVED**  
**RELATED TO THE NOTICE OF PREPARATION (NOP)**

<b>Date Comment Was Received</b>	<b>Agency/ Commenter</b>	<b>Topics Raised in This Comment Letter</b>	<b>Location in this Draft EIR Where This Topic Is Discussed</b>
8/24/2023	Julie Filppi	<ul style="list-style-type: none"><li>• Expressed opposition to the Project. Stated the Project would have impacts including:<ul style="list-style-type: none"><li>○ Impacts to wildlife and threatened/endangered species inhabiting the area.</li><li>○ Stated that the Project would be a violation of community standards outlined in the City's Land Use Plan.</li><li>○ Fire hazards.</li><li>○ Emergency evacuation.</li></ul></li></ul>	Section 4.3, Biological Resources, Section 4.8, Hazards and Hazardous Materials, Section 4.10, Land Use and Planning, and Section 4.18, Wildfire



Upon completion of the Draft EIR, the City filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (PRC Section 21161, State CEQA Guidelines Section 15085(a) and Section 15372). Concurrent with the NOC, the City also provided the related Notice of Availability (NOA) (State CEQA Guidelines Section 15087(a)), and this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b).

This Draft EIR has been made available for review to the public, other interested organizations, and public agencies for the required 45-day period to provide comments on the “sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the Project might be avoided or mitigated”. Copies of this Draft EIR and Appendices are available for public review and comment during the public review period, which runs from **July 5 to August 19, 2024**, at the following locations:

Anaheim Planning & Building Department  
200 S. Anaheim Boulevard  
Anaheim, CA 92805  
Business Hours: 8 AM to 4 PM

Anaheim Central Library  
500 W. Broadway  
Anaheim, CA 92805

Anaheim Public Library – East Anaheim Branch  
8201 E. Santa Ana Canyon Road  
Anaheim, CA 92808

Canyon Hills Library  
400 South Scout Trail  
Anaheim, CA 92807

The Draft Environmental Impact Report is also available for review online at: **[www.anaheim.net/876/Environmental-Documents](http://www.anaheim.net/876/Environmental-Documents)**.

Written comments regarding the Draft EIR must be submitted no later than **August 19, 2024**. During the public review period, comments from the public, organizations, and agencies regarding environmental issues analyzed in the Draft EIR and the Draft EIR's accuracy and completeness may be submitted to the City via email to [NJTaylor@anaheim.net](mailto:NJTaylor@anaheim.net), or via mail to the following address:

Nick Taylor, AICP, Principal Planner  
Planning and Building Department  
City of Anaheim  
200 S. Anaheim Boulevard, Suite 162  
Anaheim, CA 92805

Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies, organizations and public at least 10 days prior to the public hearing before the Anaheim City Council on the Project at which the certification of the EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decisionmakers for the Project.

As the lead agency for the Project, the City has assumed responsibility for preparing this document. The decision to consider the Project is within the purview of the Anaheim City Council. The City will use the information and analysis included in this Draft EIR as well as the Final EIR (and all appendices attached thereto) to consider potential impacts to the physical environment associated with the Project when considering approval of the Project. As set forth in Section 15021 of the State CEQA Guidelines, the City, as lead agency, has the duty to avoid or minimize environmental damage where feasible. Furthermore, in the event there are significant and unavoidable impacts, Section 15021(d) of the State CEQA Guidelines stated that:

CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that would cause one or more significant effects on the environment.

In other words, pursuant to CEQA, decision-makers must balance the benefits of a project against its unavoidable environmental consequences (if any). If environmental impacts are identified as significant and unavoidable, the City may still approve the proposed project if it finds that social, economic, legal, technological or other benefits outweigh the unavoidable impacts. The City would then be required to state in writing the specific reasons for approving the proposed project, based on information in the EIR and other information sources in the administrative record. The written document that sets forth this reasoning is called a “statement of overriding considerations.” (PRC Section 21081; State CEQA Guidelines Section 15093.)

In addition, the City as lead agency must adopt a Mitigation Monitoring Program (MMP) describing the identified mitigation measures that are to be made enforceable conditions of project approval to feasibly avoid or mitigate significant effects on the environment (PRC Section 21081.6; State CEQA Guidelines Section 15097). The MMP is adopted at the time of project approval and is designed to ensure compliance with the EIR mitigation measures during and after project implementation. If the City decides to approve the Project, it would be responsible for verifying that the MMP for the Project is implemented. In addition, the EIR will be used by the City and responsible and trustee agencies, as relevant, during approval of any future discretionary actions and permits that are necessary to implement the Project.

## 2.3 EIR ORGANIZATION

This Draft EIR is organized into eight sections, each containing its own references section. A list of the Draft EIR sections and a brief description of their contents is provided below to assist the reader in locating information.

- **Section 1.0, Executive Summary:** Section 1.0 includes: an introduction; an overview of the Project's location; an abbreviated description of the Project; a summary of areas of controversy that the City is aware of relating to the Project; a summary of environmental impacts; and a summary of alternatives to the Project that the City has evaluated.
- **Section 2.0, Introduction:** Section 2.0 includes a summary of the Project, an overview of CEQA requirements, an overview of the scoping period, a discussion of the organization of the Draft EIR, a discussion of issues that would be addressed in the Draft EIR, and a discussion of effects not found to be significant.
- **Section 3.0, Project Description:** Section 3.0 includes a discussion of the Project's location as well as existing conditions within the Project Site. Also, Section 3.0 includes the Project's objectives, a detailed project description, construction details, and a summary of the discretionary actions that would be required for the Project.
- **Section 4.0, Impact Analysis:** This section contains subsections 4.1 through 4.18. Each subsection includes discussions on the following topics: existing conditions, regulatory setting, thresholds of significance, impact analysis, cumulative impacts, mitigation program, and significance after mitigation.
- **Section 5.0, Alternatives:** This section includes an overview of CEQA requirements for the consideration and selection of alternatives, as well as alternatives considered but rejected. This section also includes an analysis of a reasonable range of potential alternatives carried forward for consideration and a discussion of the environmentally superior alternative.
- **Section 6.0, Preparers:** This section lists the persons that directly contributed to preparation of this Draft EIR.

## 2.4 DOCUMENTS INCORPORATED BY REFERENCE

As permitted by State CEQA Guidelines Section 15150, this Draft EIR has referenced, among other things, several technical studies, analyses, and previously certified environmental documents. Information from relevant documents, which have been incorporated by reference, has been briefly summarized in the appropriate sections of this Draft EIR, where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the Draft EIR has also been described. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of this Draft EIR. The documents and other sources that have been used in the preparation of this Draft EIR are listed in the references section of this Draft EIR.

## **2.5      ISSUES TO BE ADDRESSED IN THE DRAFT EIR**

The scope of this Draft EIR is based, in part, on the findings of the technical studies, determination by the City, and input received from the agencies, other interested organizations, and the public as part of the scoping process. Based on the City's determination, this Draft EIR addresses all environmental topics with potential to result in significant effects. The environmental topics and issues within the topics with no potential for impact are identified in below in Section 2.6, Effects Not Found To Be Significant, and focused out from further analysis in Section 4.0, Impact Analysis.

Based on, in part, the City's determination and the comments received by the City on the NOP, this Draft EIR analyzes the following environmental topics with their respective section numbers:

- Aesthetics (4.1)
- Air Quality (4.2)
- Biological Resources (4.3)
- Cultural Resources (4.4)
- Energy (4.5)
- Geology and Soils (4.6)
- Greenhouse Gas Emissions (4.7)
- Hazards and Hazardous Materials (4.8)
- Hydrology and Water Quality (4.9)
- Land Use and Planning (4.10)
- Noise (4.11)
- Population and Housing (4.12)
- Public Services (4.13)
- Recreation (4.14)
- Transportation (4.15)
- Tribal Cultural Resources (4.16)
- Utilities and Services Systems (4.17)
- Wildfire (4.18)

## 2.6 EFFECTS NOT FOUND TO BE SIGNIFICANT

Consistent with Section 15128 of the State CEQA Guidelines, an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant, and which were therefore not discussed in detail in the EIR. As discussed below, the Project would have no impacts related to the topics of agricultural and forestry resources and mineral resources. Therefore, these topics are not discussed further in Section 4.0, Impact Analysis, of this Draft EIR.

### Agricultural and Forestry Resources

#### Would the Project:

- *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?*
- *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- *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])?*
- *Result in the loss of forest land or conversion of forest land to non-forest use?*
- *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 currently undeveloped land, and does not contain any agricultural, timber, or forestland resources. According to historical aerial photographs going back to 1938 and other data sources evaluated, it does not appear the Project Site has been previously developed with urban uses. It appears that the northwestern portion of the Project Site was used as an orchard and/or for other agricultural purposes from around 1938 and continuing for decades, until at least 1960 (NETR Online 2024a). The groves were subsequently removed.

According to the California Important Farmland Finder maintained by the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program (FMMP), the Project Site is designated as “Other Land”, meaning “land not included in any other mapping category. Common examples of “Other Land” include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.” (DOC 2024a). Therefore, the Project Site does not contain any prime farmland, unique farmland, or farmland of statewide importance.

According to City records, the Project Site does not contain any parcels covered by a Williamson Act Contract.

The Project Site has a mix of General Plan land use designations which consist of Estate Density Residential; Open Space, and Low Density Residential. The Project Site has a mix of zoning designations that consist of Transition (T), Open Space (OS), and Single-Family Residential (7,200 s.f. min. lot size) (RS-2) (City of Anaheim 2024a). Given that none of these land uses or zones are focused on agriculture or forestry, the Project would not conflict with existing zoning for agricultural or forestry uses.

There are no parcels zoned as forest land, timberland, or as Timberland Production Zones within the Project Site. Also, the Project Site is not near any designated state, federal, or local forests (CA Lands 2024a). Furthermore, based on a review of historic aerial imagery, the Project Site does not contain any parcels devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses (NETR Online 2024a). According to the Biological Resources Technical Report prepared for the Project, there are no areas within the Project Site that contain large stands of trees that could reasonably be extracted as part of a forestry operation. Therefore, the Project would not conflict with the existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

Therefore, the Project would have no impacts related to agriculture and forestry resources and no mitigation is required. As such, the topic of Agricultural and Forestry Resources does not require further analysis in this Draft EIR.

## **Mineral Resources**

### **Would the Project:**

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- 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 California Geological Survey (CGS) identifies three classes of Mineral Resource Zone (MRZ). MRZ-1 is an area with no significant mineral deposits, while MRZ-2 is an area with significant mineral deposits, and MRZ-3 is an area containing known mineral occurrences of undetermined mineral significance (CGS 2024a). The Project Site is designated by the California Department of Mines and Geology as MRZ-3, which indicates likelihood of mineral resources within the Project Site (CGS 2024b).

However, according to the City's General Plan, the City only identifies three areas of the City as containing mineral resources of regional significance. These areas are known to contain aggregate sand and gravel deposits, and their locations are shown on Figure G, Mineral Resources Map, of the City's General Plan Green Element. None

of these areas overlap with or include the Project Site. Therefore, the Project Site does not contain any known mineral resources of value to the City.

Furthermore, according to data maintained by the California Geologic Energy Management Division (CalGEM), there are no existing oil, gas, or geothermal fields within or near the Project Site. The nearest well, Chevron U.S.A (Well No. 1), is located along E. Northfield Avenue, approximately 0.95 miles northwest of the Site. The well is reported to be plugged (CalGEM 2024a). According to aerial imagery, the Project Site has not been used for any sand and gravel extraction or other obvious mineral resource activities. Therefore, the Project would not displace any active mineral extraction activities.

Therefore, the Project would have no impacts related to mineral resources and no mitigation is required. As such, the topic of Mineral Resources does not require further analysis in this Draft EIR.

## **3.0 PROJECT DESCRIPTION**

---

### **3.1 INTRODUCTION**

The purpose of the project description is to describe the Project in a way that allows for meaningful review by the public, reviewing agencies, and decision makers. Section 15124 of the State California Environmental Quality Act (CEQA) Guidelines requires that the project description for an environmental impact report (EIR) contain the following: (1) the precise location and boundaries of a proposed project; (2) a statement of objectives sought by the proposed project including the underlying purpose of the project; (3) a general description of the project's technical, economic, and environmental characteristics; (4) a statement briefly describing the intended uses of the EIR, including a list of the agencies that are expected to use the EIR in their decision making; (5) a list of the permits and other approvals required to implement the project; and (6) a list of related environmental review and consultation requirements required by federal, State, or local laws, regulations, or policies. An adequate project description need not be exhaustive but should supply the detail necessary for evaluation of the project.

### **3.2 PROJECT LOCATION**

The Project Site<sup>1</sup> is a total of approximately 76 acres. As depicted in the regional location map provided as Exhibit 3-1, the Project Site is located south of Santa Ana Canyon Road and west of Festival Drive in the City of Anaheim within Orange County, California. The Project Site is regionally accessible from the State Route (SR) 91 and Weir Canyon Interchange located approximately 0.63 mile east of the Project Site. The Project Site is also accessible from the SR-91 and Imperial Highway Interchange located approximately 1.86 miles to the west, and the SR-91 and Coal Canyon Interchange located approximately 2.53 miles to the east. As shown in the aerial photograph of the Project Site that is provided as Exhibit 3-2, Santa Ana Canyon Road is north of the Project Site. Further to the north across Santa Ana Canyon Road is a self-storage facility, SR-91, and a California Highway Patrol weigh station. A utility transmission corridor containing Southern California Edison (SCE) overhead power lines is immediately east of the Project Site. Also, the Anaheim Hills Festival commercial center is approximately 0.1-mile east of the Project Site, along with other commercial and public-serving uses located nearby (within approximately one mile of the Project Site) as well (e.g., grocery, big-box warehouse, restaurants, schools, and health club). Undeveloped, privately-owned parcels that are zoned Hillside Single-Family Residential are located immediately south of the Project Site. Approximately 825 feet (0.16-mile) south of the Project Site is the City-owned Deer Canyon Park Preserve. The west boundary of the Project Site is adjacent to a single-family residential subdivision that is accessible via South Eucalyptus Drive.

---

<sup>1</sup> The Project Site consists of the following Assessor Parcel Numbers: 08505104, 08505109, 08505110, 08505115, 35408144, 35658101, 35658102, 35658103, 35658201, 35658234, 35658235, and 35658236.





## Regional Location





D:\Projects\3ANA\_BaseFiles\TheHills\PRO\TheHills\_Project\prxex\_Aerial\_Photo



Aerial Source: Nearmap 2023

## Aerial Photograph

*Hills Preserve Project*



400 200 0 400  
Feet

Exhibit 3-2



(Rev: 6-13-2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Aerial\_Photo



### **3.3 EXISTING GENERAL PLAN LAND USE AND ZONING DESIGNATIONS**

The Project Site contains a mix of General Plan land use designations which consist of Estate Density Residential; Low Density Residential; and Open Space. The Project Site has a mix of zoning designations that consist of Transition “T”, Single-Family Residential (7,200-square foot [sf] minimum lot size) “RS-2”, and Open Space (OS) (City of Anaheim 2023a).

### **3.4 EXISTING CONDITIONS WITHIN THE PROJECT SITE**

The Project Site consists mostly of undeveloped lands. There is a private paved maintenance access road (“Deer Canyon Road”) that is located within the western portion of the Project Site that connects to Santa Ana Canyon Road in the north. There are also private dirt access roads throughout the Project Site.

According to historic aerial imagery going back to 1938 and other data sources evaluated, it does not appear that the Project Site has been previously developed with urban uses. The northwestern portion of the Project Site appears to have been used as an orchard and/or for agricultural purposes commencing about 1938 and continuing for decades, until at least 1960 (J2 Environmental 2023a). The groves were subsequently removed and these areas of the Project Site were regraded.

Elevations within the Project Site range from approximately 600 feet above mean sea level in the southeast area of the Project Site to approximately 330 feet above mean sea level at the northwest boundary of the Project Site along Santa Ana Canyon Road.

The topography within the Project Site consists of rolling hills and several steep sided hilltops and ridgelines located in the eastern and western portions of the Project Site. The Project Site is situated along Deer Canyon, which drains to the north towards the Santa Ana River with canyon walls ascending to the east and west (Group Delta 2023a). The Santa Ana River is located approximately 1/8 mile north of the Project Site.

Historical aerial photographs indicate previous grading was performed along the eastern boundary of the Project Site, in the vicinity of the dirt access road, which appears to be associated with realigning Santa Ana Canyon Road to facilitate space for the SR-91.

No buildings are currently located within the Project Site.

A portion of the Project Site was previously subdivided in 2005 as part of the Stonegate Project (Tentative Tract Map. No. 16440)<sup>2</sup> and was approved to allow for a total of 34 single-family homes, which was never developed.

A variety of vegetation types occur in the Project Site, including the following vegetation communities: sagebrush – black sage scrub; sagebrush – black sage scrub/ruderal; coyote

---

<sup>2</sup> On CEQAnet, this prior project is called the Deer Canyon Estates Project and is identified as SCH No. 2004021044.

brush scrub; toyon – sumac chaparral; toyon – sumac chaparral/ruderal; ruderal; disturbed ruderal; coastal freshwater marsh; poison oak scrub; southern willow scrub; mulefat scrub; southern coast live oak riparian forest; Mexican elderberry woodland; non-native woodland; xeric cliff face; developed areas; and disturbed areas (Psomas 2024c).

### **3.4.1 EXISTING LIGHTING**

There is no existing lighting within the Project Site. However, there are approximately eight existing streetlights outside of and adjacent to the Project Site, along its frontage with Santa Ana Canyon Road.

### **3.4.2 EXISTING UTILITIES**

There is an existing underground 96-inch storm drain and an existing 12-inch sewer line that traverse the Project Site in the north-south direction that was installed to service residential developments to the south of the Project Site. There are no other existing utilities on-site.

There are SCE transmission line towers outside of and adjacent to the Project Site, to the east.

### **3.4.3 EXISTING FLOOD ZONE DESIGNATIONS**

The Project Site is not located within a 100-year flood zone. The Project Site is located within Flood Zone “X”, which is described as “Areas Outside the 0.2% Annual Chance Floodplain” per Flood Insurance Rate Map (FIRM) – Community Panel Number 06059C0157J, dated December 3, 2009. Also, a small sliver of the northeastern portion of the Project Site that is located along Santa Ana Canyon Road is shown in the FIRM as “Being Protected From The 1-Percent-Annual-Chance or Greater Flood Hazard By A Levee System. Overtopping Or Failure Of Any Levee System Is Possible.”

### **3.4.4 EXISTING EASEMENTS**

The Project Site contains several existing easements, which are described and depicted in the Project’s proposed Tentative Tract Maps, which are provided as Exhibits 3-3 Sheets A through C. These existing easements cover the construction and operation of access roads, utilities, and other incidental purposes. This information is also depicted in the existing easements map, which is provided as Exhibit 3-4. To the extent necessary pursuant to the underlying easement rights, it is anticipated that these existing easements (and any related agreements) would be removed, abandoned, or relocated within the Project Site as part of the implementation of the Project, as detailed in the proposed easements map provided as Exhibit 3-5.

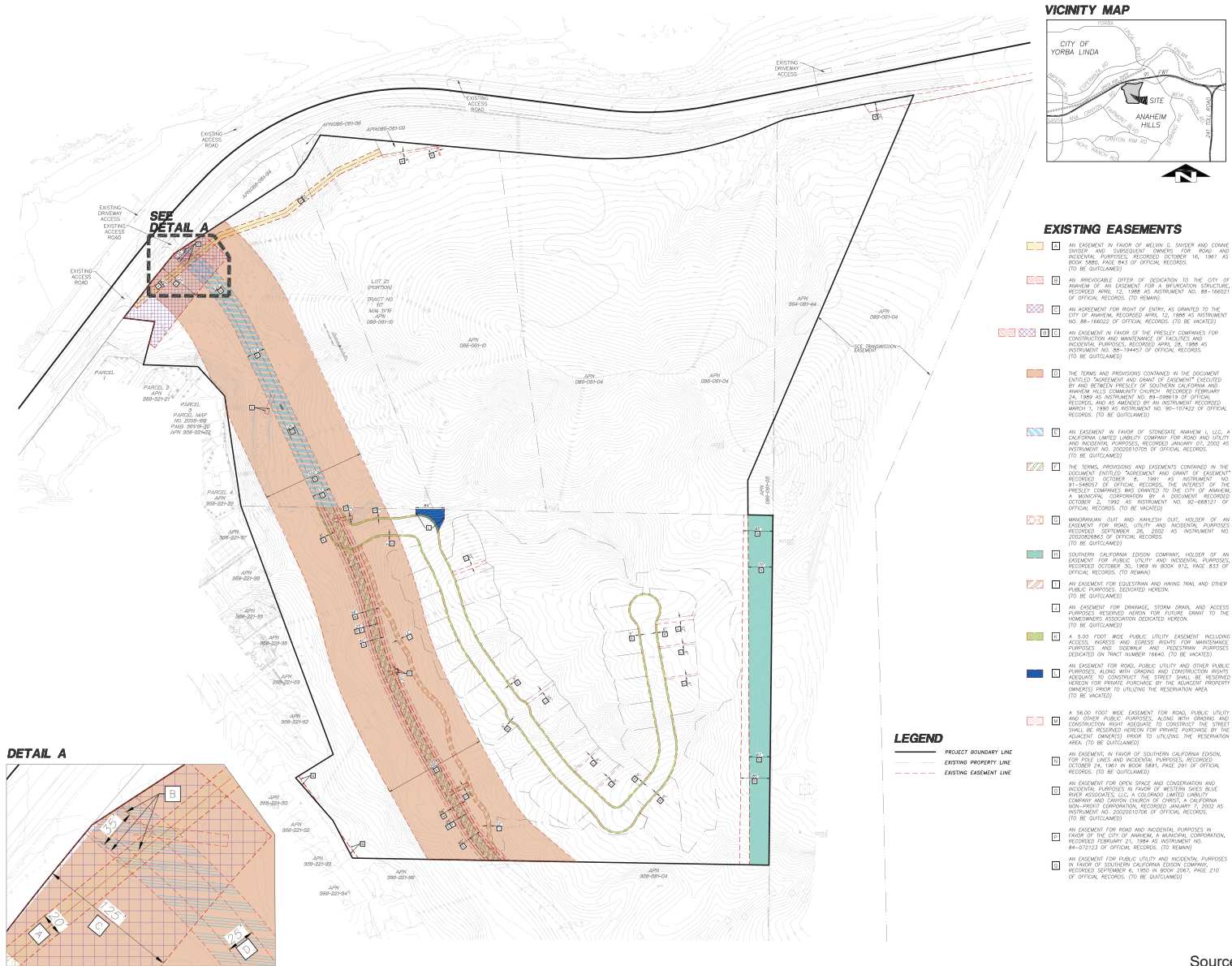




(06/18/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex Tentative Tract Sheet B.pdf







Existing Easements Map

Hills Preserve Project

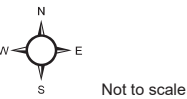


Exhibit 3-4

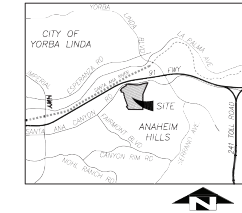




**LEGEND**

————— PROJECT BOUNDARY LINE  
- - - - - PROPOSED EASEMENT LINE

**VICINITY MAP**

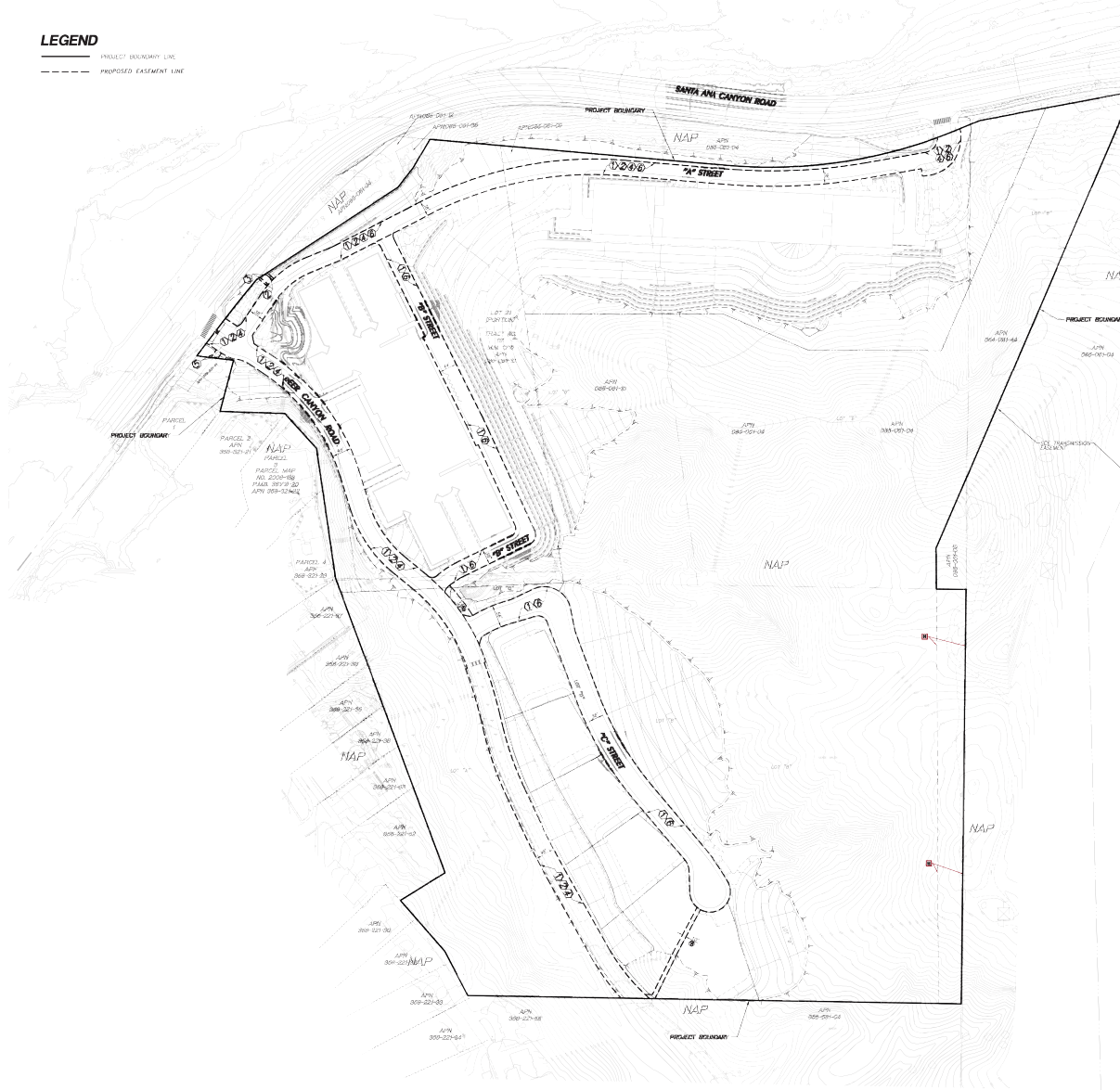


**PROPOSED EASEMENTS**

- ① INDICATES AN EASEMENT FOR PUBLIC EGRESS ACCESS FOR CITY OF ANAHEIM FOR PUBLIC ACCESS, VEHICLE AND PEDESTRIAN EMERGENCY SERVICES AND SOLID WASTE/TRASH COLLECTION ACCESS.
- ② INDICATES AN EASEMENT FOR CONSTRUCTION ACCESS, MAINTENANCE, AND SERVICES FOR PUBLIC UTILITIES, STORM DRAIN, SEWER, AND WATER.
- ③ INDICATES AN EASEMENT FOR INGRESS EGRESS ACCESS EASEMENT TO APN 085-001-34.
- ④ INDICATES AN EASEMENT FOR INGRESS EGRESS ACCESS EASEMENT TO APN 356-221-48, 356-241-05, 356-241-01, 356-191-08, 356-241-03 & 356-191-10.
- ⑤ INDICATES AN EASEMENT FOR INGRESS EGRESS ACCESS EASEMENT TO APN 356-221-07.
- ⑥ INDICATES AN EASEMENT FOR PRIVATE UTILITIES.

**EXISTING EASEMENTS TO REMAIN**

- SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF AN EASEMENT FOR PUBLIC UTILITY AND INCIDENTAL PURPOSES, RECORDED OUTSIDE 30, 1999 IN BOOK 912, PAGE 553 OF OFFICIAL RECORDS (DEMAPS).



Source: Salt Development, 2024

# Proposed Easements Map

Hills Preserve Project



Not to scale

## Exhibit 3-5



### **3.4.5 NATURAL COMMUNITIES CONSERVATION PLAN/HABITAT CONSERVATION PLAN (NCCP/HCP)**

The Project Site is in the Central/Coastal Subregion of the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The purpose of this plan is to provide regional protection and recovery of multiple species and habitat while allowing compatible land use and appropriate development. The City of Anaheim is a signatory jurisdiction, which means that the City has signed the NCCP/HCP Implementation Agreement (IA) that requires the City to comply with the provisions of the NCCP/HCP and associated IA. The Project Site is located within a NCCP Reserve “Existing Use Area”. More information on this topic is provided in Section 4.3, Biological Resources.

### **3.4.6 CRITICAL HABITAT**

The United States Fish and Wildlife Service (USFWS) published a Revised Final Rule designating Critical Habitat for the coastal California gnatcatcher in 2007 (USFWS 2007). This revised rule designates 197,303 acres of Critical Habitat in San Diego, Orange, Riverside, San Bernardino, Los Angeles, and Ventura Counties. The Project Site is within designated Critical Habitat for the coastal California gnatcatcher. More information on this topic is provided in Section 4.3, Biological Resources.

## **3.5 PROJECT OBJECTIVES**

Section 15124(b) of the State CEQA Guidelines requires “[a] statement of objectives sought by the project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and would aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits.” Not only is a project analyzed in light of its objectives, but compatibility with project objectives is one of the criteria used in selecting and evaluating a reasonable range of project alternatives. Clear project objectives simplify the selection process by providing a standard against which to measure project alternatives.

The underlying purpose of the Project is to increase the availability of housing units in Anaheim. Specifically, the Project is proposed to meet the following Project objectives:

- OBJ-1: To provide additional multiple-family residential housing in an economically viable manner in an area that is otherwise predominantly single-family residential within the eastern portion of Anaheim near existing freeway interchanges and arterial streets.
- OBJ-2: To provide opportunities for development of the proposed commercial uses in a manner that complements and serves nearby developments.
- OBJ-3: To provide a multiple-family residential use with considerable amenities, near transportation corridors, commercial uses, and public recreational amenities.

- OBJ-4: To provide a clustered development with homes and commercial uses condensed into a smaller overall footprint that considers and accommodates topographical constraints, which protects the top of ridgeline; and allows for the remaining areas of the Project Site to be retained as open space with related aesthetic, scenic, and habitat qualities.
- OBJ-5: To develop the Project Site in a manner that maintains public views from Santa Ana Canyon Road and SR-91.
- OBJ-6: To develop the Project Site in a way that improves wildfire resilience for the Project's residents, other users, and buildings within the Project Site, as well as for neighboring properties by enhancing the existing street network and providing fuel modification relating to vegetation, and non-combustible construction areas to help prevent wildfire spread to neighboring communities.
- OBJ-7: To improve bicycle, pedestrian, and equestrian connectivity through the provision of an additional trails and street/sidewalk improvements to facilitate access to the City's existing trail system and park/recreational amenities (including Deer Canyon Park Preserve) as well as nearby residential and commercial developments.

### 3.6 **PROJECT OVERVIEW**

The Project consists of the phased development of a maximum of 498 wrap-style, market rate, for-rent apartment units, a maximum of six single family residences, and a maximum of 80,000 square feet of neighborhood-serving commercial uses as detailed in Table 3-1, along with related on- and off-site improvements to serve the Project as further described herein. An overview map showing the locations of the proposed structures and land uses is provided as Exhibit 3-6.

**TABLE 3-1  
PROJECT OVERVIEW**

<b>Land Use Proposed</b>	<b>Quantity of Land Use Proposed (maximum)</b>	<b>Approximate Acreage of Land Use Proposed</b>
Multiple-Family Residential	Maximum of 498 units	14.17 acres
Single-Family Residential	Maximum of 6 units	6.80* acres
General Commercial	Maximum of 80,000 square feet	11.82 acres
Open Space	No new uses	43.22 acres
Source: SALT Development 2024a. *Includes 1.5 acres of public streets.		

As described in detail in the Specific Plan, of the approximately 76-acre Project Site, approximately 14.17 acres would be developed with multiple-family residential uses, approximately 6.80 acres would be developed with single-family residential uses,





Source: Salt Development, 2024

## Site Plan for the Overall Project

Exhibit 3-6

*Hills Preserve Project*



Not to scale

PSOMAS

approximately 11.82 acres would be developed with general commercial uses, and the remaining approximately 43.22 acres would be zoned Open Space.

More information on various aspects of the Project are provided in this section below.

### **3.7 PROPOSED GENERAL PLAN LAND USES**

The Project would redesignate the Project Site under the City's General Plan as Low Density Residential (6.80 acres); Medium Density Residential (14.17 acres); General Commercial (11.82 acres); and Open Space (43.22 acres) land uses.

### **3.8 PROPOSED SPECIFIC PLAN AND ZONING**

To approve the Project, concurrent with the adoption of the specific plan for the Project the City Council would also need to reclassify the entirety of the Project Site as "Hills Preserve-Specific Plan" zoning designation, which would enable the implementation of the land use vision set forth in the Hills Preserve Specific Plan (Specific Plan). As detailed more fully in the Specific Plan, the Specific Plan would allow for land uses consisting of "Estate Residential", "Medium Density Residential", "Open Space", and "General Commercial".

Also, the Project would require authorization to deviate from the Anaheim Municipal Code (AMC) for requirements pertaining to grading, retaining walls, public views, road standards, and equestrian trail standards. These proposed deviations are discussed in more detail within Section 4.10, Land Use and Planning and the Specific Plan. This authorization would occur concurrent with Specific Plan adoption.

### **3.9 PROPOSED DEVELOPMENT**

#### **3.9.1 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT**

The multiple-family residential component of the Project would consist of a seven-story building containing a maximum total of 498 apartment units to be constructed around a ten-level parking structure (including up to three subterranean levels) within the northwestern portion of the Project Site. A roof deck amenity, as described further below, would also be provided at the top of the parking structure. An overview map of this portion of the Project is provided as Exhibit 3-7.

The units would range from approximately 520 square foot studios to approximately 3,200 square foot penthouse suites. The multiple-family residential building would have a total building gross square footage of approximately 716,598 square feet, with an additional approximately 373,690 square feet of parking area. The building footprint would be approximately 83,860 square feet.

As depicted in Exhibit 3-8 Sheet A through Sheet K, and as discussed in more detail below and in the Specific Plan, the multiple-family residential component of the Project would include a rooftop deck with various indoor and outdoor amenities. For example, there would





Source: Salt Development, 2024

## Site Plan for the Multiple-Family Residential Building

Exhibit 3-7

*Hills Preserve Project*



Not to scale

PSOMAS

be an enclosed fitness center/gym, locker rooms, restrooms, and a club area, as well as outdoor features such as a rooftop deck with a pool, BBQs, fire pits, and lounge areas. The building would also include additional amenities such as interior meeting and social gathering spaces, a bike shop, and a dog spa.

Due to varying topography, the building pad elevation for the multiple-family residential uses would range from approximately 350 to 381 feet above mean sea level (including basement levels). The seven-story building containing the multiple-family residential uses would have a maximum height of 95 feet. The multiple-family residential building has been designed taking into consideration the surrounding context; i.e., with the tallest point near Santa Ana Canyon Road and reductions in height as it gets farther from Santa Ana Canyon Road, which is designated in the AMC as a scenic corridor.

The ten-story parking structure (including three subterranean levels) with roof deck would have a maximum building height of 95 feet. An oblique view of the proposed multiple-family residential building is provided as Exhibit 3-9, and overall building elevations are provided as Exhibits 3-10 Sheet A and Sheet B.

As shown in Exhibits 3-11 Sheet A through Sheet C and discussed further below, soil would be removed from portions of the Project Site and retaining walls would be built to accommodate the proposed multiple-family residential building and related improvements.

The exterior of the building would mostly consist of glass, aluminum, and fine trowel stucco. Building design would be required to adhere to all applicable development standards and design standards as set forth in the adopted Specific Plan.

At Project Driveway No. 1 (i.e., Deer Canyon Road), the Project would include enhanced landscaping including new specimen and accent trees, an entry monument wall, and accent paving. Also, as described above, the Project would plant new trees and other landscaping north and south of this driveway in accordance with the City's scenic corridor requirements and applicable Specific Plan provisions. This entry elevation is depicted in Exhibit 3-12.

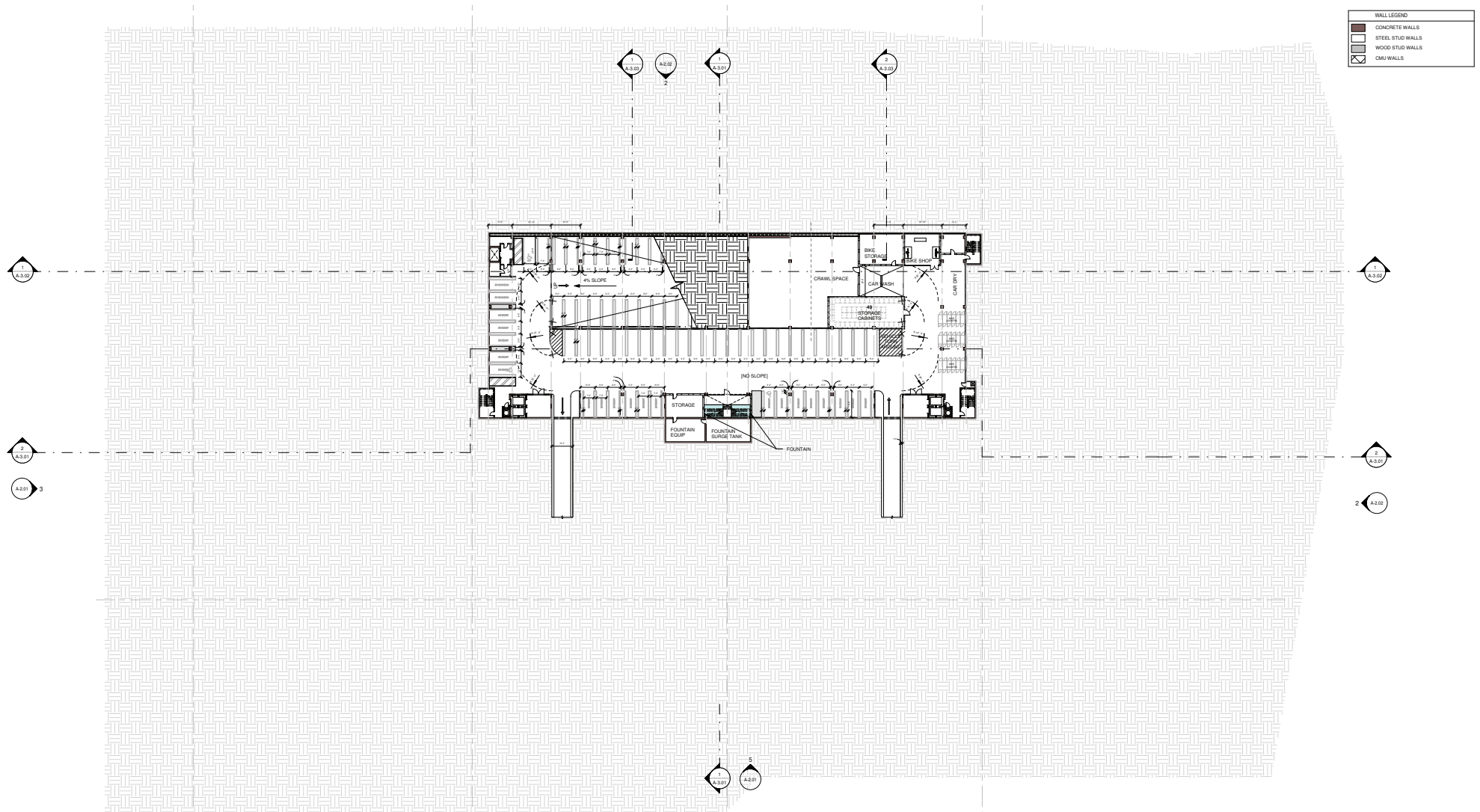
Southeast of the proposed intersection of Deer Canyon Road and "A" Street, the Project would include a water feature basin with a cascading water feature. A short pedestrian trail with pedestrian bridges would be provided within this area that would be accessible from the sidewalk as well as from the multiple-family residential use area to serve the Project.

Trees would be planted throughout the Project Site as well as along the Project's internal roadways.

Trees have also been incorporated into the planting plan along the slopes that would be graded, or "cut into", east of the proposed multiple-family residential building, as well as amongst the retaining walls that are just east of "B" Street.

These proposed trees would be spaced amongst the various levels of these retaining walls to soften their appearance.



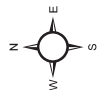


Source: Salt Development, 2024

## Multiple-Family Residential Building – Site Plan – Level P1

Exhibit 3-8a

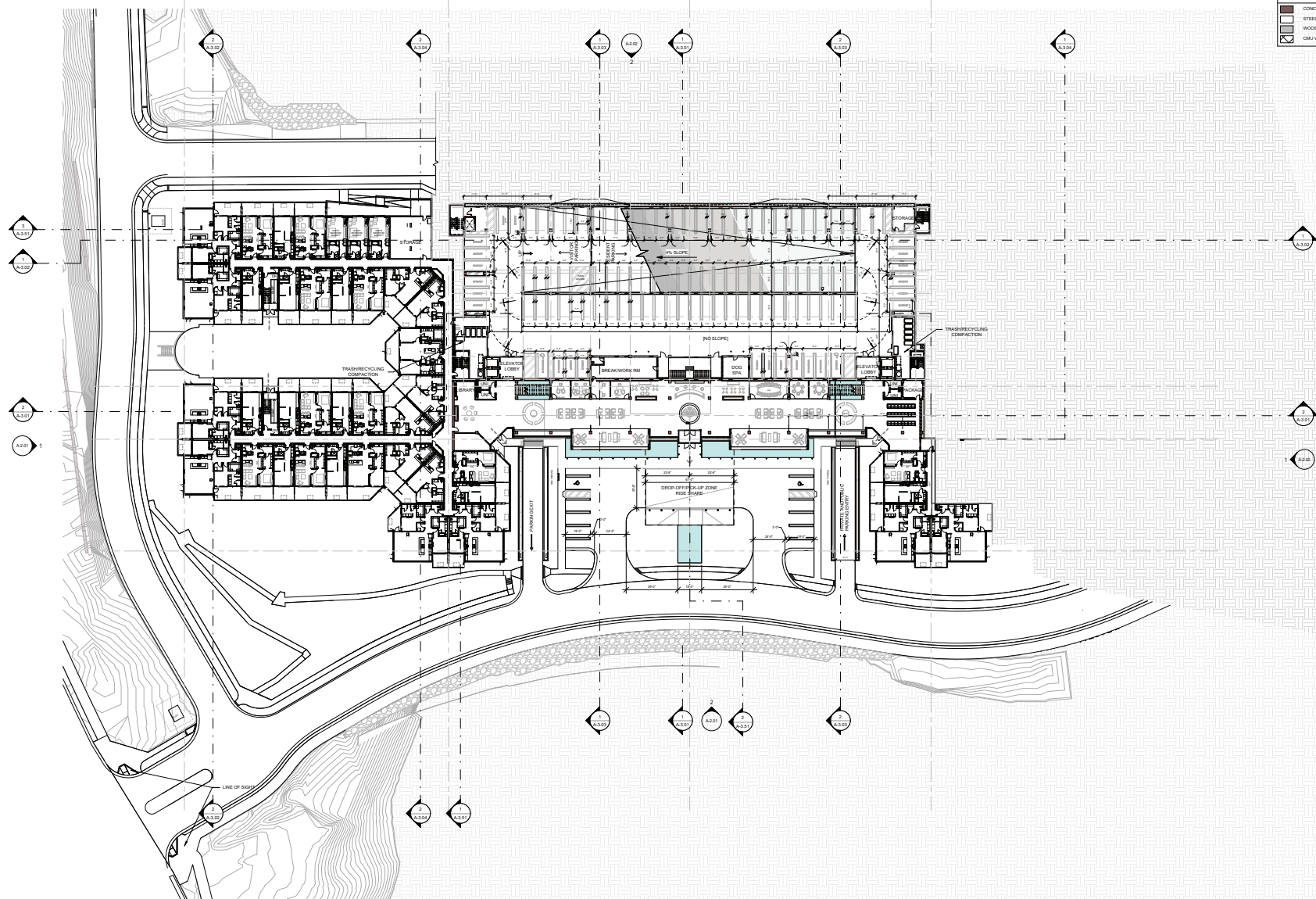
*Hills Preserve Project*



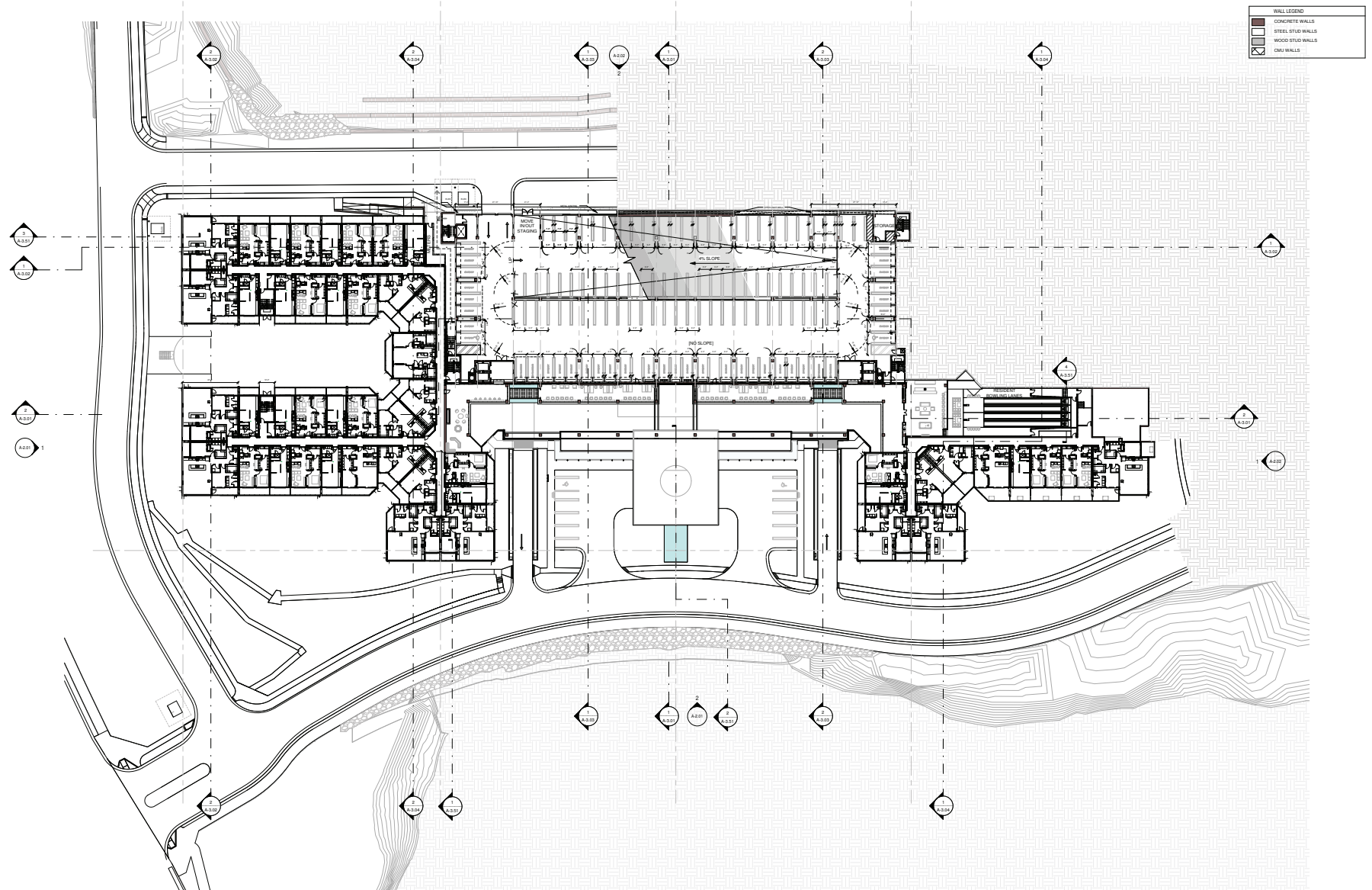
Not to scale







PSOMAS

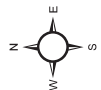


Source: Salt Development, 2024

## Multiple-Family Residential Building – Site Plan – Level 2

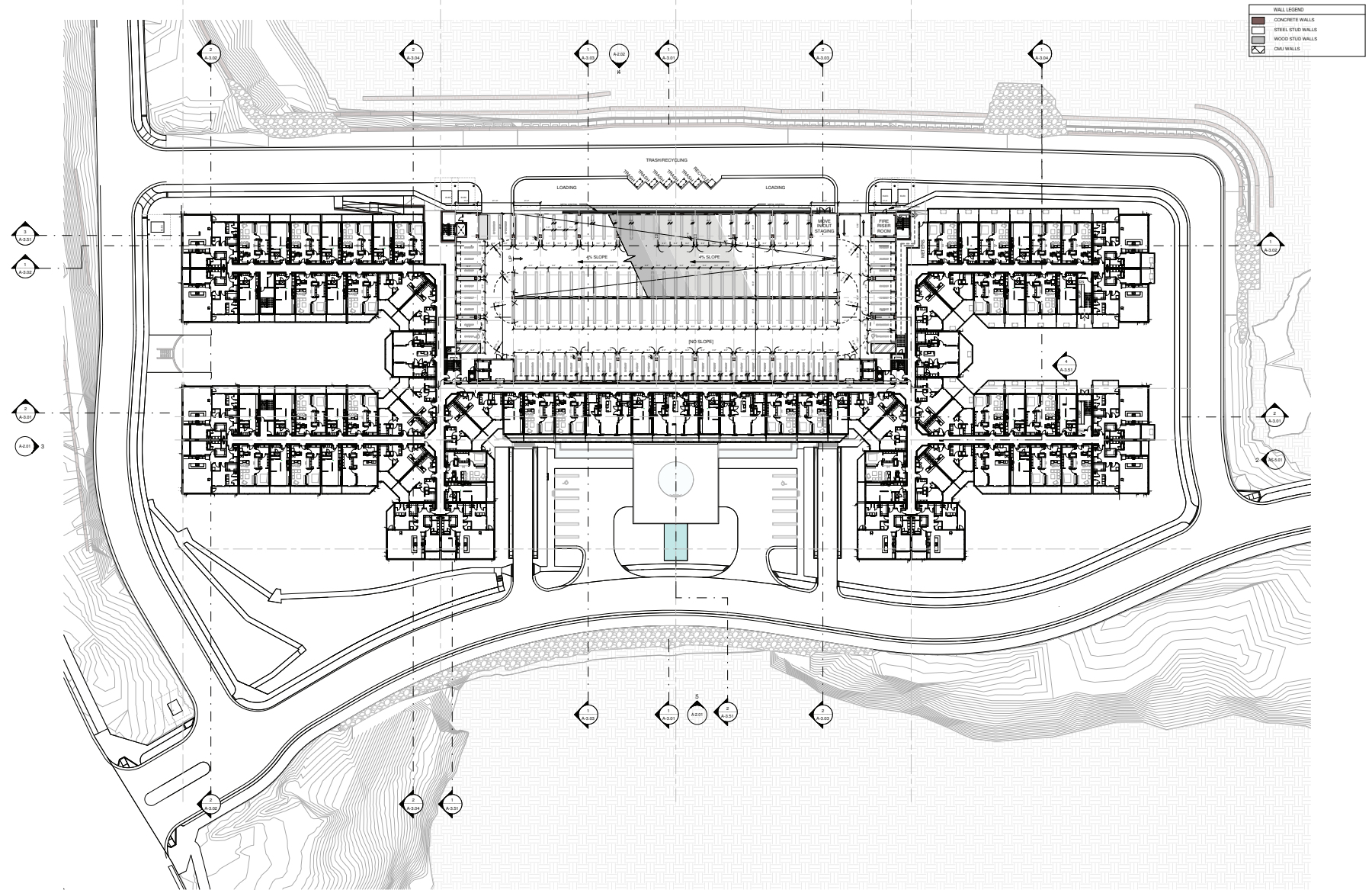
Exhibit 3-8c

Hills Preserve Project



Not to scale

PSOMAS



## Multiple-Family Residential Building – Site Plan – Level 3

Source: Salt Development, 2024

Exhibit 3-8d

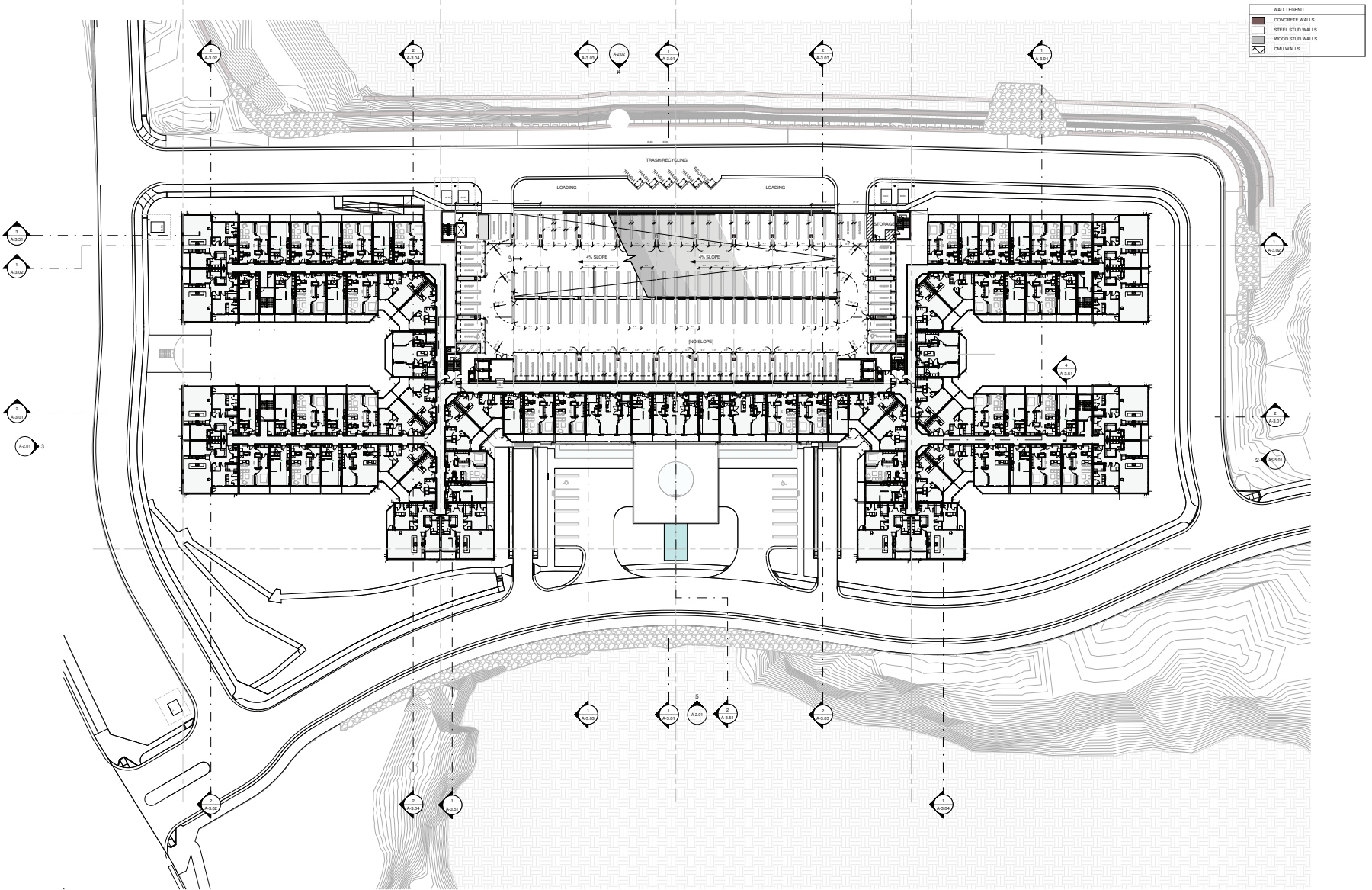
Hills Preserve Project



Not to scale

PSOMAS





Source: Salt Development, 2024

## Multiple-Family Residential Building – Site Plan – Level 4

Exhibit 3–8e

*Hills Preserve Project*



Not to scale

PSOMAS

## Multiple-Family Residential Building – Site Plan – Level 5

Hills Preserve Project



(06/17/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Multi-Family\_Level\_06.pdf



(06/17/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Multi-Family\_Level\_07.pdf



Source: Salt Development, 2024

Exhibit 3-8i





Source: Salt Development, 2024

## Multiple-Family Residential Building – Site Plan – Sky Deck

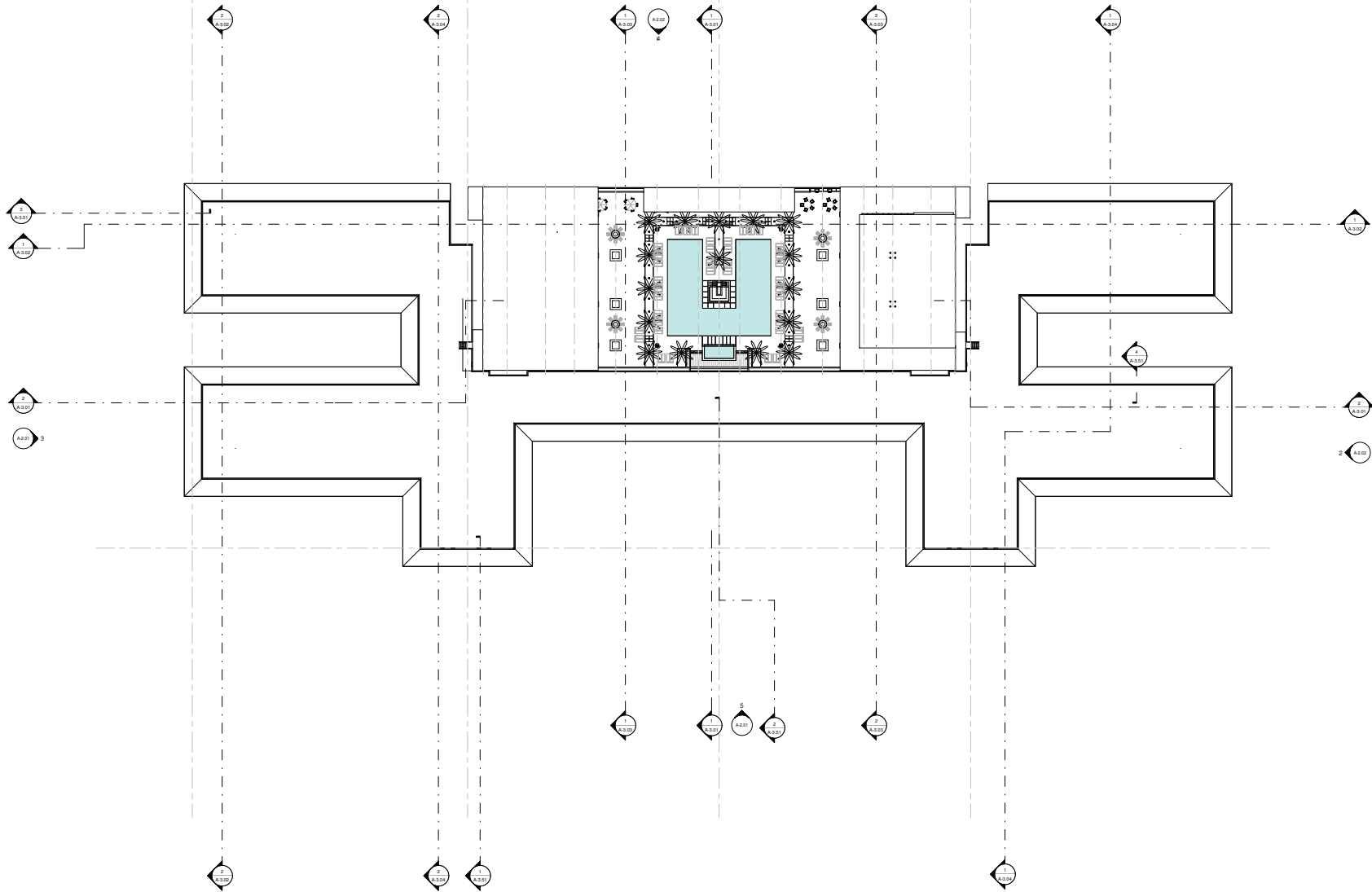
Hills Preserve Project



Not to scale

Exhibit 3-8j



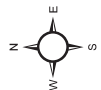


Source: Salt Development, 2024

## Multiple-Family Residential Building – Site Plan – Roof

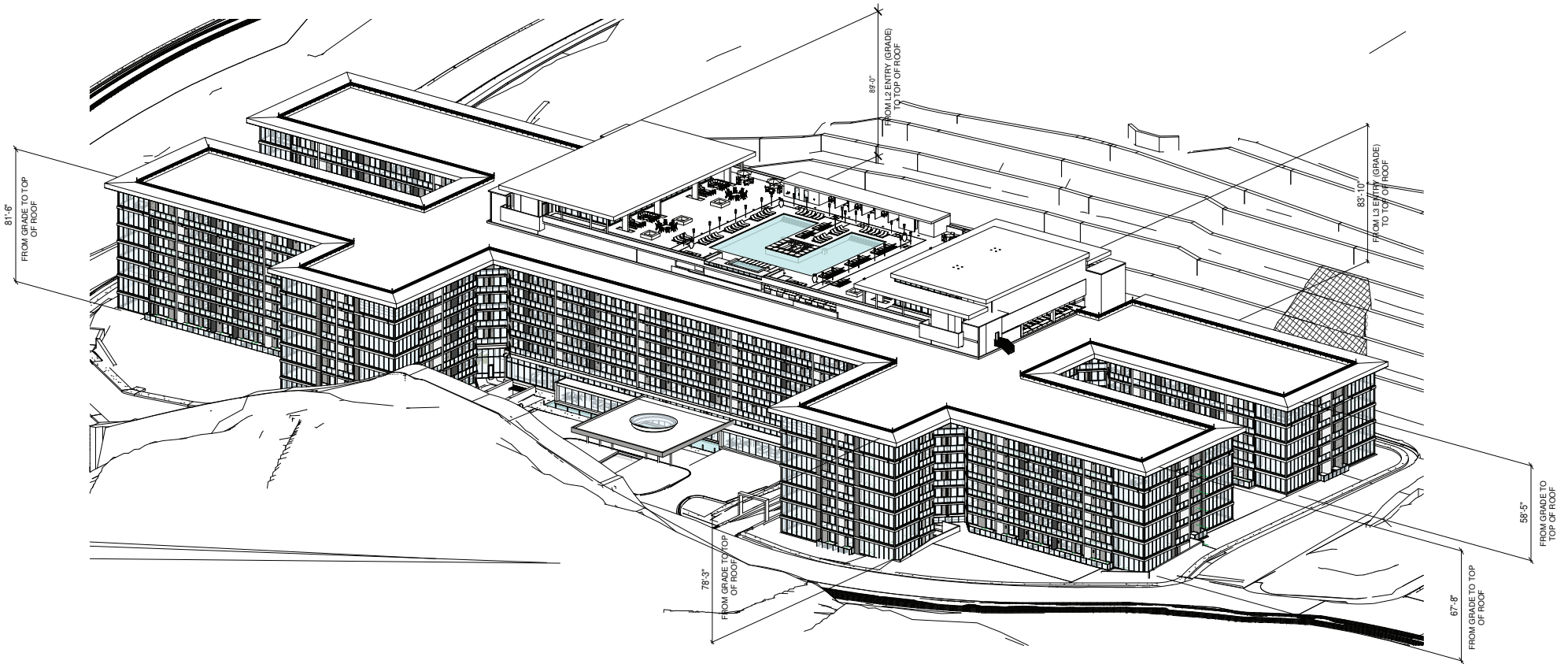
Exhibit 3–8k

*Hills Preserve Project*



Not to scale

PSOMAS



Source: Salt Development, 2024

## Oblique View of Multiple-Family Residential Building

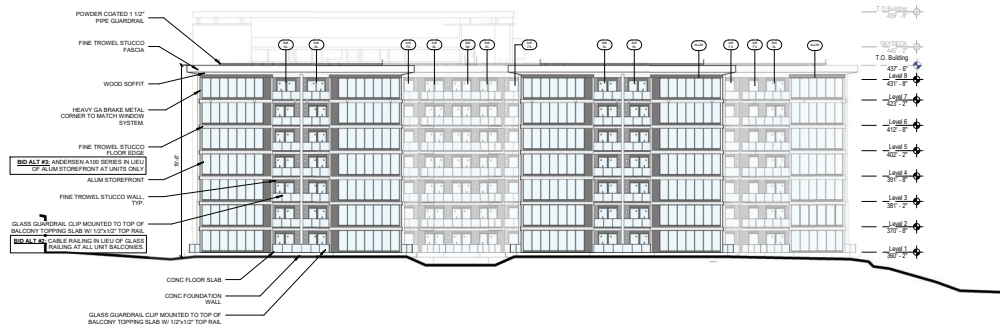
Exhibit 3-9

*Hills Preserve Project*

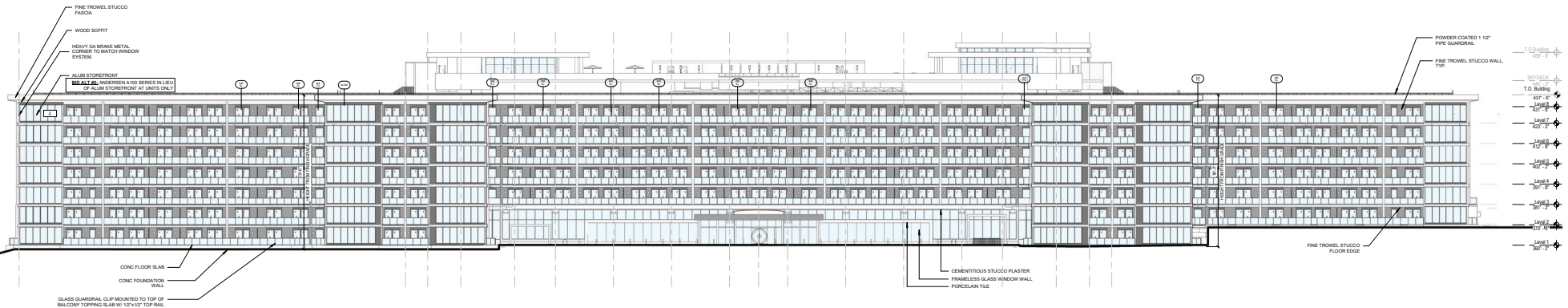
Not to scale

PSOMAS

(06/17/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Oblique\_View\_Multi-Family.pdf



1 MULTI-FAMILY BUILDING - OVERALL ELEVATION - NORTH  
A-251



2 MULTI-FAMILY BUILDING - OVERALL ELEVATION - WEST  
A-251

Source: Salt Development, 2024

## Multiple-Family Residential Building – Elevations – Sheet A

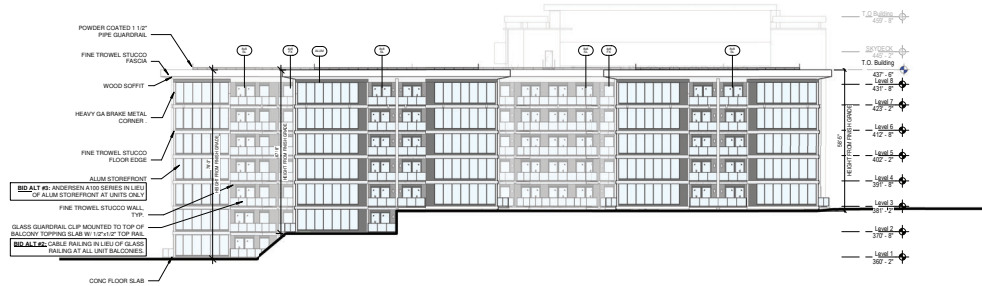
Exhibit 3-10

Hills Preserve Project

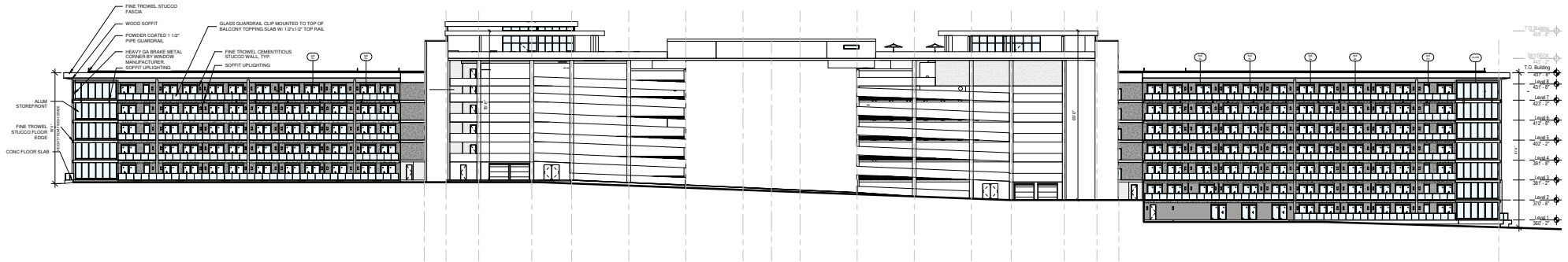


Not to scale

(06/18/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Multi-Family\_Elevation\_Sheet\_A.pdf



1 MULTI-FAMILY BUILDING - OVERALL ELEVATION - SOUTH  
A-2.03



2 MULTI-FAMILY BUILDING - OVERALL ELEVATION - EAST  
A-2.03

Source: Salt Development, 2024

## Multiple-Family Residential Building – Elevations – Sheet B

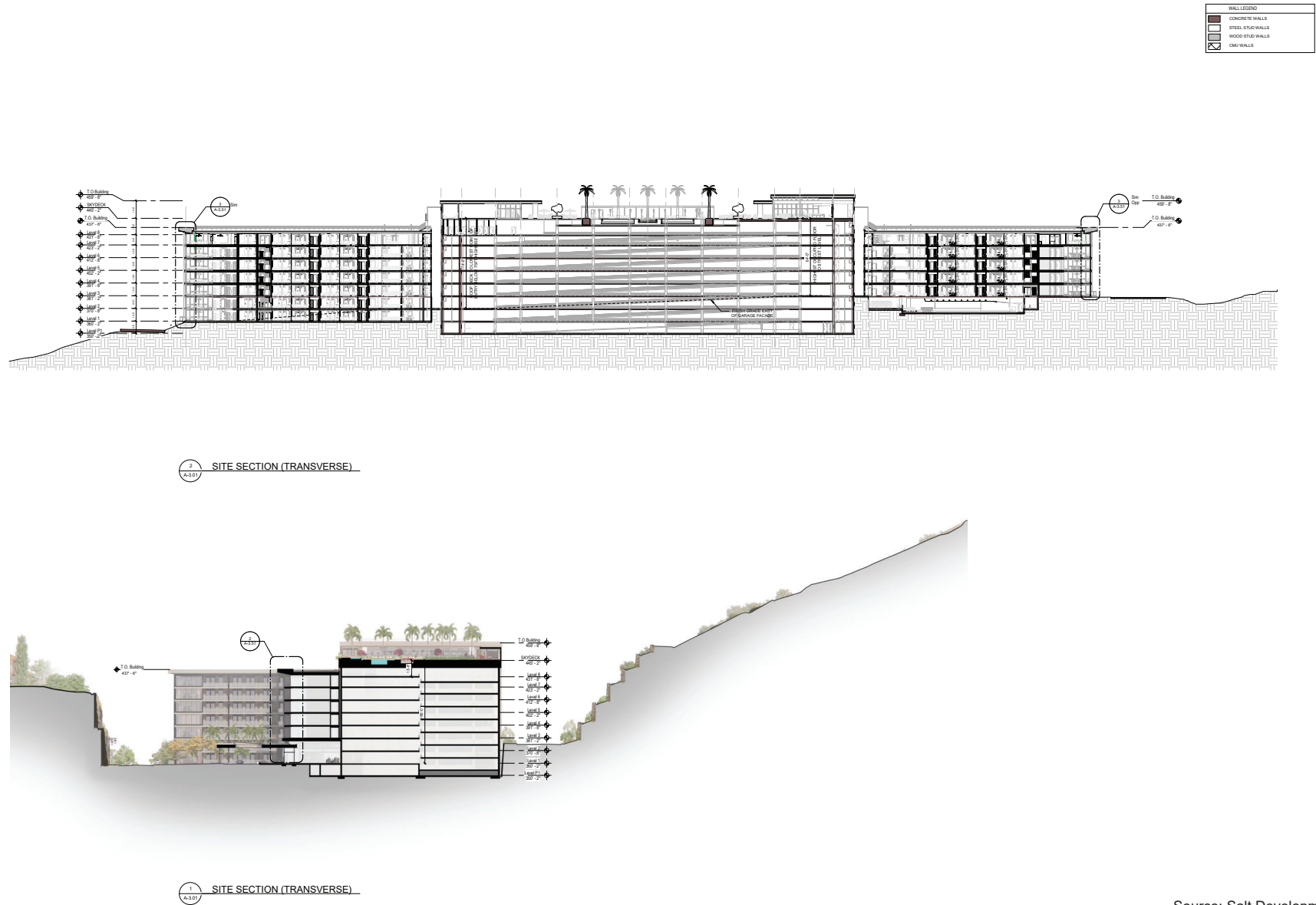
Exhibit 3-10

Hills Preserve Project



Not to scale

(06/17/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Multi-Family\_Elevation\_Sheet\_B.pdf



Source: Salt Development, 2024

## Multiple-Family Residential Building – Cross Sections – Sheet A

Exhibit 3-11

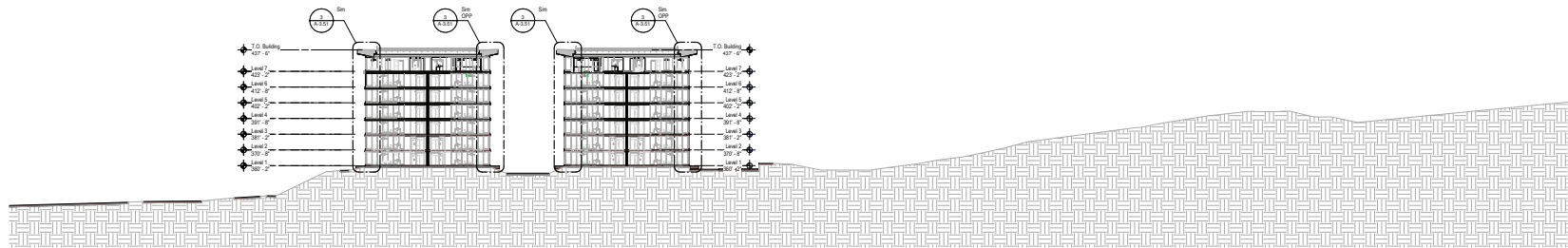
*Hills Preserve Project*

PSOMAS

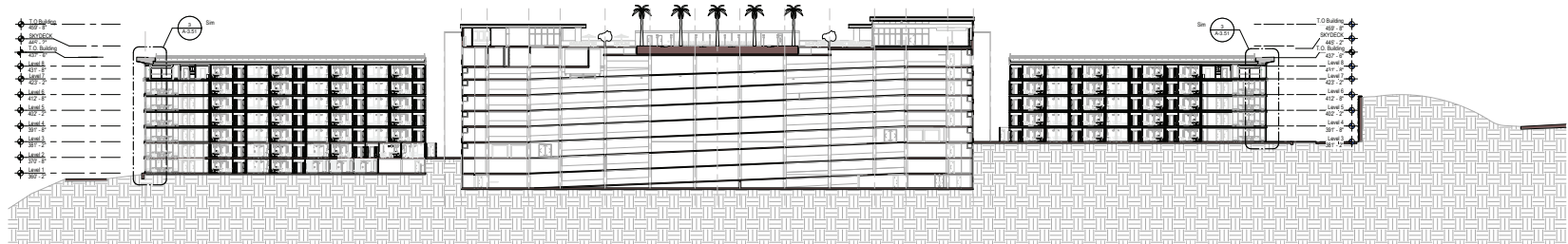
Not to scale

(06/18/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Multi-Family\_Cross\_Section\_Sheet\_A.pdf

WALL LEGEND	
	CONCRETE WALLS
	STEEL STUD WALLS
	WOOD STUD WALLS
	CMU WALLS



2 SITE SECTION (TRANSVERSE)



1 SITE SECTION (TRANSVERSE)

Source: Salt Development, 2024

# Multiple-Family Residential Building – Cross Sections – Sheet B

Exhibit 3-11

Hills Preserve Project



Not to scale

(06/17/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Multi-Family\_Cross\_Section\_Sheet\_B.pdf





Source: Salt Development, 2024

## Multiple-Family Residential Building – Cross Sections – Sheet C

Exhibit 3-11

*Hills Preserve Project*

Not to scale

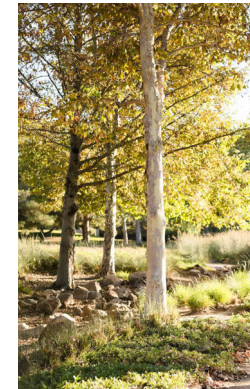
(06/17/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Multi-Family\_Cross\_Section\_Sheet\_C.pdf







Plan



### Legend

- ① Project Graphics
- ② Entry Monument Wall
- ③ Speciman Tree
- ④ Accent Tree
- ⑤ Project Entry Accent Planting
- ⑥ Vehicular Accent Paving
- ⑥ Santa Ana Canyon Trail



Elevation



Source: Salt Development, 2024

## Elevation Depicting Project Entry at Santa Ana Canyon Road and Deer Canyon Road

Exhibit 3-12

Hills Preserve Project

Not to scale

(06/19/2024 JVR) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Project\_Entry\_Elevation.pdf



As depicted on Exhibit 3-7, trees and other landscaping would line the entry and exit driveways for the parking structure on the west side of the multiple-family residential building. Similarly, the surface parking area on the west side of the proposed multiple-family residential building would be enhanced with decorative paving, large trees, and a water feature.

Two courtyards have been incorporated into the design of the multiple-family residential building on its northern and southern ends, which would also be landscaped with new trees such as, for example, King Palm trees, Date Palm trees, and olive trees. These courtyards would contain small gathering spaces with tables and chairs, small water features, and fire pits or fire tables. The flooring in these courtyards would consist of pavers and natural stone paving to facilitate permeability in these areas. The courtyards would be enclosed with secured access gates. These courtyards are depicted in Exhibits 3-13 and 3-14.

As noted above, the rooftop deck area within the multiple-family residential building would be planted with approximately 20 trees and would have other landscaping such as planter boxes, as shown in Exhibit 3-15.

## **Roof Deck**

A roof deck with amenities would be developed as part of the Project's multiple-family residential building for the use of its residents, as well as a limited number of non-residents (as described below). The roof deck would be located on the top level of the parking structure that would be developed for the multiple-family residential building. As noted above, the roof deck would include indoor and outdoor amenities such as a pool, sauna, fire pits, barbecues, lounge areas, club room, fitness room with weights, treadmills, steam rooms, and areas for yoga and spin activities, locker rooms, areas for outdoor games, and restrooms. This area would be landscaped with approximately 20 trees and would have other landscaping such as planter boxes. The roof deck would be set back from the western property line a minimum of 214 feet.

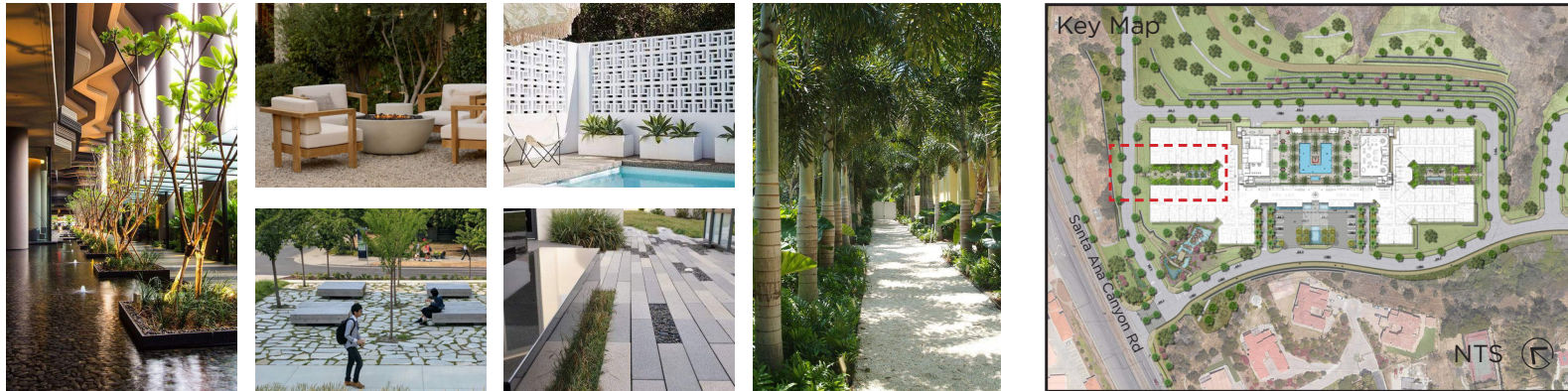
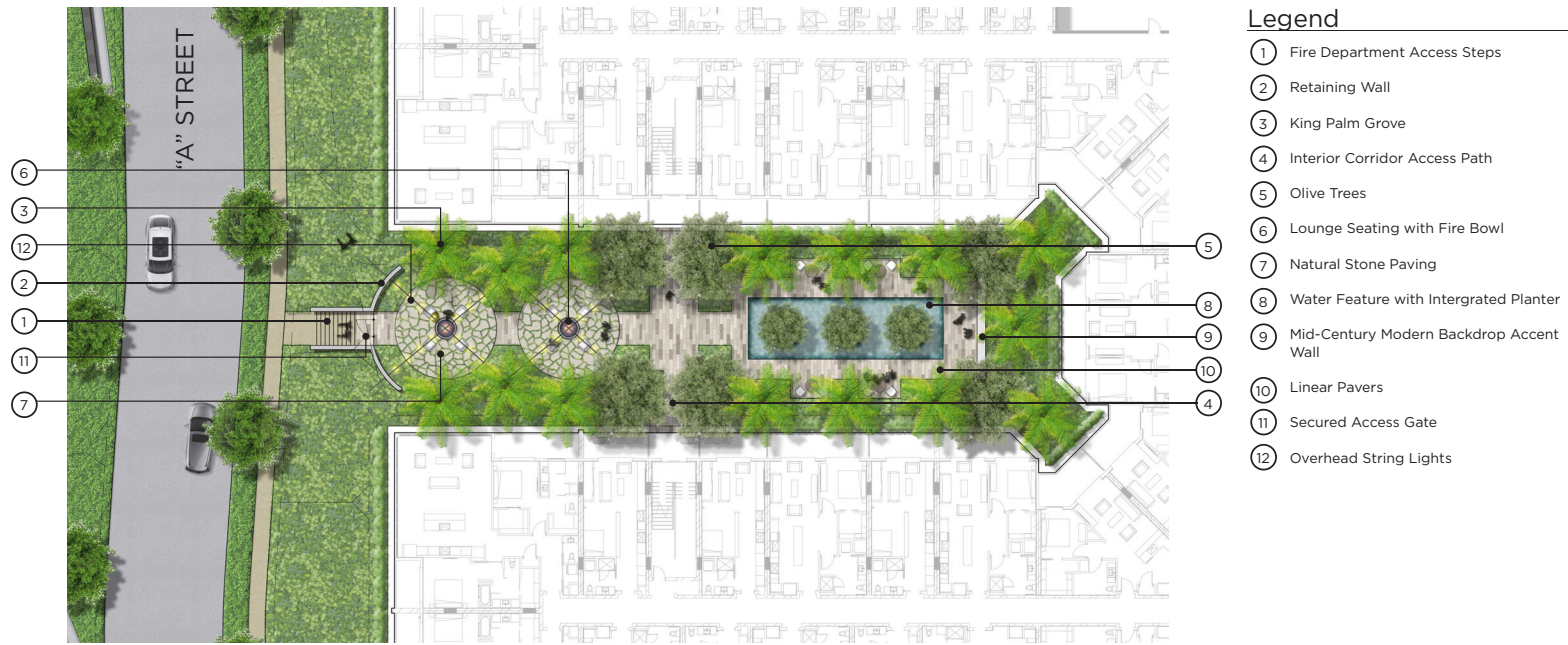
The Property Owner/Developer has prepared a Roof Deck Operations Memorandum detailing the anticipated roof deck usage and behavior limitations that would be implemented by the Project, which is attached as Appendix N to this Draft EIR. According to the Roof Deck Operations Memorandum and given the nature of the amenity, it is reasonable to assume that anticipated average usage of the roof deck at any given time is expected to be less than 10% of occupants. The roof deck would be staffed during all hours of operation by on-site personnel (including concierge services). Rooftop amenities, including the pool, would be operated from 5pm to midnight (except for the enclosed fitness center, which would be available 24-hours per day).

In addition to residents of the multiple-family residential building<sup>3</sup>, up to 200 private memberships for non-resident use of amenities would also be available to the public. These

---

<sup>3</sup> Up to 200 private memberships for non-resident use of amenities would be available to the public. These private memberships would provide access to specified project features such as, for example, the rooftop amenities including the pool, barbecues, lounge areas, club room, fitness room, locker rooms, etc. It is anticipated that only approximately 20 non-resident passholders would utilize these passes to access the on-site amenities at any given time and a





Source: Salt Development, 2024

## Multiple-Family Residential Building – Conceptual Landscape Plan for North Courtyard

Exhibit 3-13

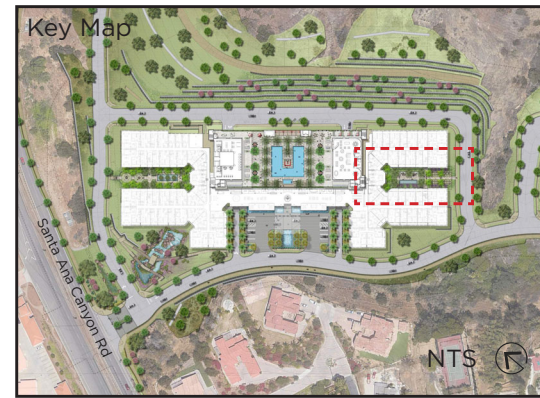
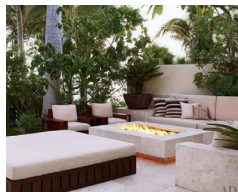
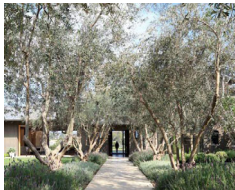
*Hills Preserve Project*

Not to scale

(06/19/2024 JVR) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Landscape\_North\_Courtyard.pdf







Source: Salt Development, 2024

## Multiple-Family Residential Building – Conceptual Landscape Plan for South Courtyard

Exhibit 3-14

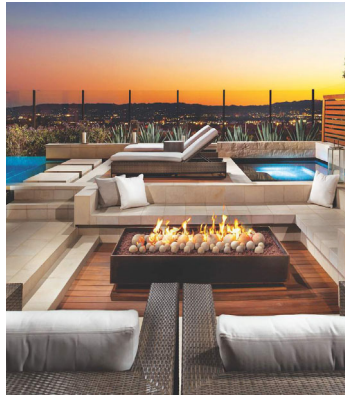
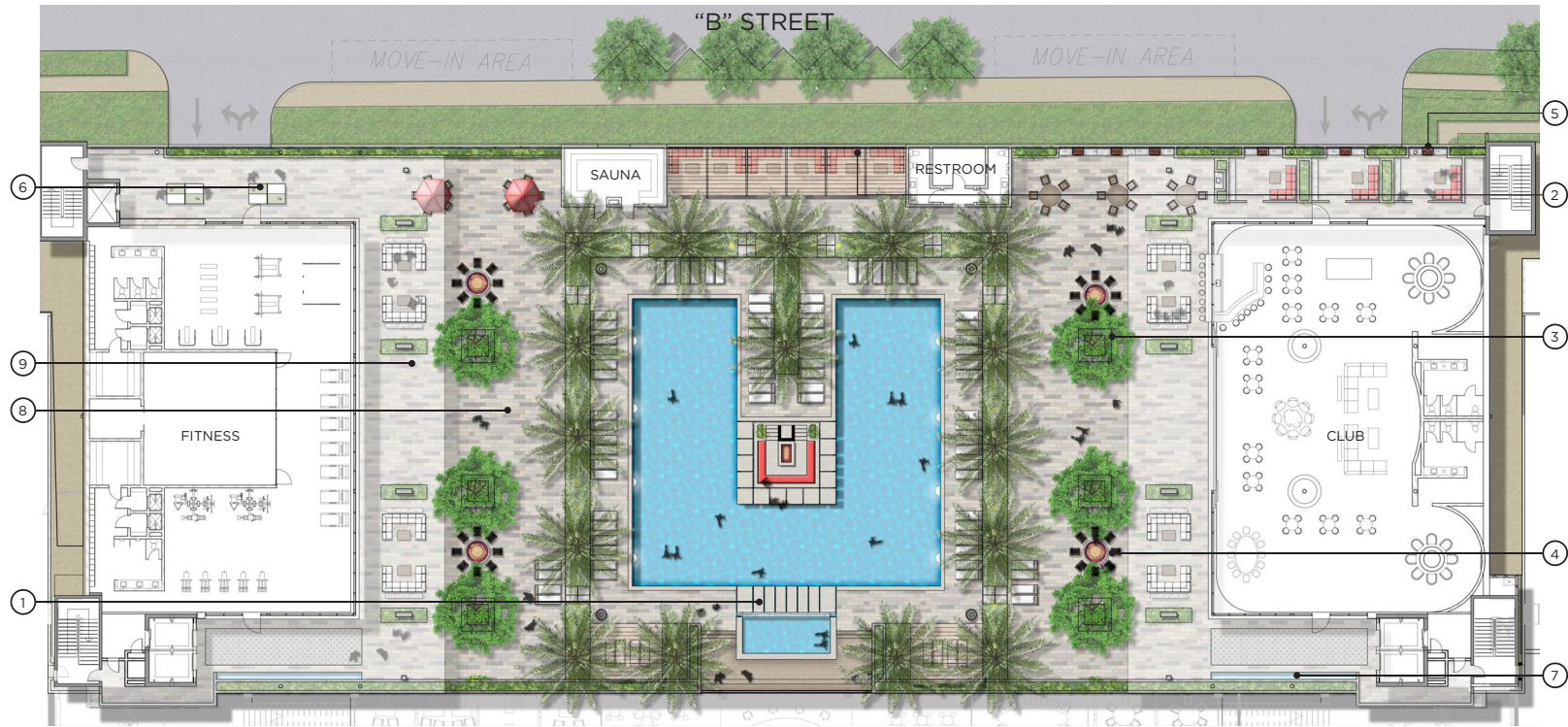
Hills Preserve Project

Not to scale

(06/17/2024 JVR) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Landscape\_South\_Courtyard.pdf







#### Legend

- ① Spa with Waterfall Edge
- ② Covered Lounge
- ③ Raised Planter with Seatwall
- ④ Fire Bowl Lounge
- ⑤ Family Barbecue and Outdoor Dining
- ⑥ Outdoor Game Zone
- ⑦ Cascading Water Feature
- ⑧ Pool Deck Pavers
- ⑨ Building Overhang



Source: Salt Development, 2024

## Multiple-Family Residential Building – Conceptual Landscape Plan for Roof Deck

Exhibit 3-15

*Hills Preserve Project*

Not to scale

(06/17/2024 JVR) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Landscape\_Roof\_Deck.pdf

PSOMAS

private memberships would provide access to specified Project features such as, for example, the rooftop amenities including the pool, barbecues, lounge areas, club room, fitness room, locker rooms, etc. The Project would be required to provide adequate parking spaces to serve these additional memberships, pursuant to applicable requirements set forth in the Specific Plan.

### **Recreational and Leisure Space**

The multiple-family residential component of the Project would provide a total of approximately 45,151 square feet of indoor amenity space, approximately 67,204 square feet of outdoor amenity space, and approximately 13,893 of private balcony space for a grand total of approximately 126,922 square feet of recreational-leisure space.

The multiple-family residential component would include an 18,100 square foot lobby including leasing offices, lounge areas, mailroom, and library; a 4,380 square foot private bowling facility; 2,500 square feet of dedicated resident office areas and conference rooms; and a pool, gym, and locker room discussed above in the “Roof Deck” section.

### **Storage Space for Residents**

On-site storage space for residents would be provided as required by the AMC. On-site storage space would be provided in several ways to serve the Project’s multiple-family building residents. Approximately 2,265 square feet of private storage areas/rooms would be provided in the multiple-family residential building in total. Also, a total of approximately 275 parking spaces would have a minimum of 100 cubic feet of private over-parking storage that would total approximately 27,500 cubic feet of storage space. Private locker storage would be available with approximately 88 cabinets that would each have a minimum of 100 cubic feet of storage space. In addition to the above storage space, unit designs would provide walk-in closets and coat closets in all unit types (except studio units).

### **Emergency Evacuation of the Interior Areas of Multiple-Family Residential Building**

The proposed multiple-family residential building would contain a total of six stairwells that would allow for building occupants to readily access the exterior of the structure in cases of any emergency evacuation.

### **Fire Code High Rise Classification**

As determined in consultation with Anaheim Fire and Rescue staff, the multiple-family residential building would be constructed as a “high-rise” since there would be inhabited floors above 75’ from the lowest point of fire department access. From an operational perspective, no floor would exceed 75’ from adjacent street access and all of the aerial laddering access point on all side of the building would be able to reach roofs of the portion

---

maximum of 50 non-resident passholders would utilize these passes per day in total. For purposes of a conservative analysis, this Draft EIR considers this limited passholder program.

of the structure which is immediately adjacent to the fire access roadway. This is due to the fact that the access elevation increase as the roadway progresses to the rear (terraced) which places portions of the structure below the surface at the rear (subterranean), mostly in the parking structure. The multiple-family residential building would be required to meeting the requirements of Fire Code Section 9.14.3 for high-rise, which include:

- Secondary Water Supply in accordance with Fire Code Section 914.3.2.
- Fire Pump to service the secondary water supply.
- Smoke Detector system in accordance with Fire Code Section 907.2.13.1.
- Fire Standpipe system as required by Fire Code Section 905.3.3
- Emergency voice/alarm communications system in accordance with Fire Code Section 907.5.2.2
- Emergency communications coverage in accordance with Fire Code Section 510.
- Fire Command Center complying with Fire Code Section 508.
- Smoke Control system in accordance with Building Code Section 909.
- Standby power complying with Building Code Section 2702 and 3003 with power loads specified in Section 403.4.8.3.
- Emergency power complying with Building Code Section 2702 with power loads specified in Section 103.4.8.4.
- Stairway door simultaneous unlock from fire command center if locked from the stair side.
- Where stairway doors are locked from the stair side, a telephone or other two-way communications system provided at not less than every fifth floor within the stairway capable of contacting the command center or 911 center.
- Smokeproof enclosures in accordance with Building Code Sections 909.20 and 1023.11.
- Luminous egress path markings in accordance with Building Code Section 1025.
- Fire Service elevator access in accordance with Building Code Section 403.6.

### **3.9.2 COMMERCIAL DEVELOPMENT**

The northeastern portion of the Project Site would be developed with a maximum total of 80,000 gross square feet of commercial uses, which would allow for a range of uses consistent with uses permitted under the City's General Commercial zone and thus has the potential to provide both local and regional serving businesses.

All commercial uses would be required to adhere to all applicable development standards and design standards as set forth in the Specific Plan.

A site plan depicting this component of the Project is provided as Exhibit 3-16. The commercial portion of the Project is designed to include two, three-story, approximately 40,000 gross square foot buildings each, located at opposite ends of a shared podium parking garage. Parking would consist of a shared, three-story concrete parking structure that would be approximately 150,969 gross square feet in size. The parking structure would have one subterranean level and two levels above ground level. The building pad elevation for the commercial use area would range from approximately 408-feet above mean sea level to 429-feet above mean sea level. These buildings are designed to be a maximum height of 35-feet when measured from the proposed grade to the top of the proposed building. When compared to the existing grade, the top of the commercial buildings would be a maximum of 35 feet. An oblique view of the proposed commercial structures is provided as Exhibit 3-16.

As detailed more fully below in the grading discussion provided within Section 3.11.2 of this Draft EIR, soil would be removed from this portion of the Project Site and retaining walls would be built to accommodate the proposed commercial component.

As depicted on Exhibit 3-17, proposed landscaping for this portion of the Project Site would include trees along the toe of the slope to be graded on the south side of the proposed commercial buildings, which would soften views of the retaining walls that would be built at this location. Trees would also be planted along both sides of “A” Street within the commercial area, as well as between Santa Ana Canyon Road and “A” Street.

### **3.9.3 SINGLE-FAMILY RESIDENTIAL DEVELOPMENT**

The single-family residential component of the Project would consist of a maximum of six single family custom residences on lots ranging from approximately 34,429 square feet to approximately 42,207 square feet in size within the southern portion of the Project Site. Each custom home would be built over time, would range in size from approximately 3,500 to 8,000 square feet, and would be required to adhere to all applicable development standards and design standards as set forth in the Specific Plan.

A site plan depicting this component of the Project is provided as Exhibit 3-18. The anticipated density would be approximately 0.93 units/acre. Access to this portion of the Project Site would be provided via a single access road (C Street) with a cul-de-sac that would be accessible from Deer Canyon Road. Pad elevations would gradually increase from an elevation of 414-feet above mean sea level at the bottom, northernmost residential building pad to 470-feet above mean sea level at the top, southernmost residential building pad.

## **3.10 ATTRIBUTES OF THE OVERALL PROJECT**

### **3.10.1 LANDSCAPE AND HARDSCAPE**

As shown in the Project’s overall site plan which is provided above as Exhibit 3-6, the Project would include a total of approximately 11.50 acres of landscaped areas (BrightView 2023a).





Source: Salt Development, 2024

## Site Plan for the Commercial Uses

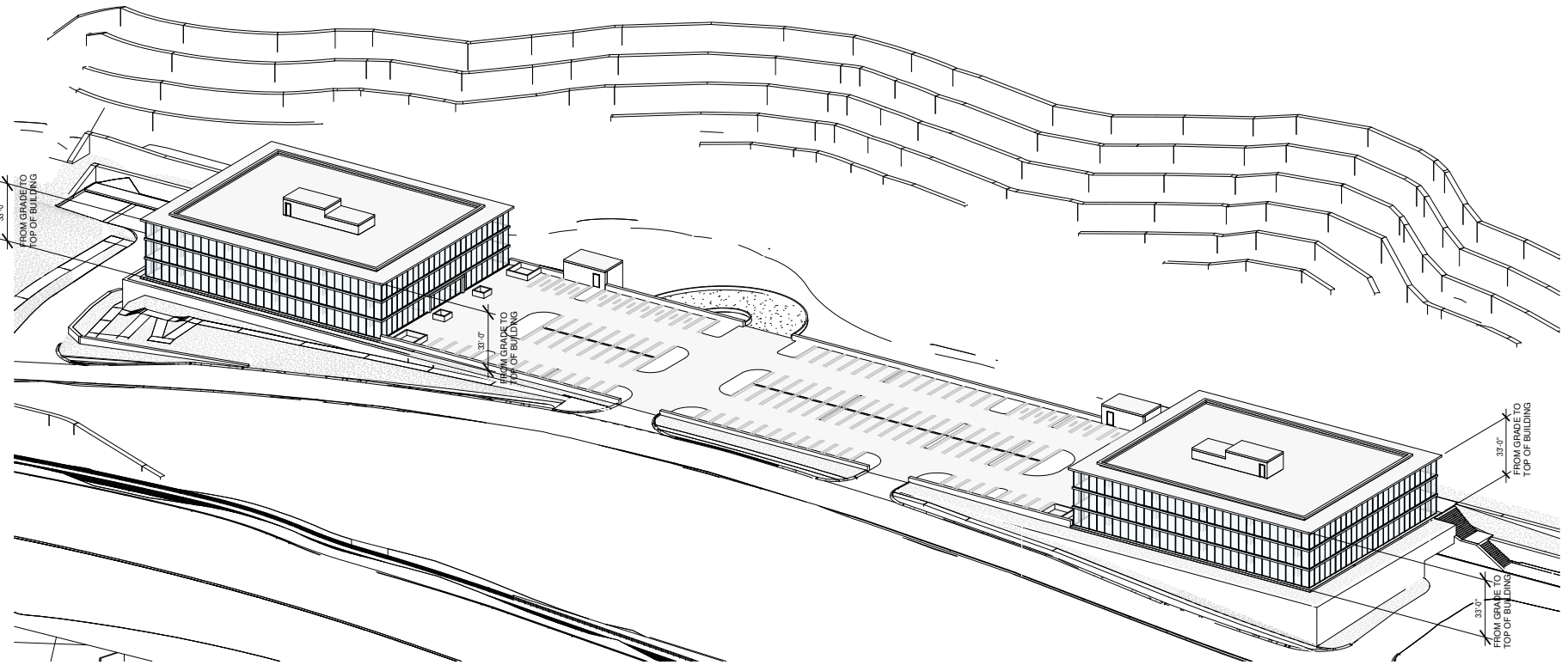
Exhibit 3-16

*Hills Preserve Project*



Not to scale





Source: Salt Development, 2024

## Oblique View of Commercial Uses

Exhibit 3-17

*Hills Preserve Project*

Not to scale

(06/19/2024 JVR) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Oblique\_View\_Commercial.pdf







Source: Salt Development, 2024

## Site Plan for the Single-Family Residences

Exhibit 3-18

*Hills Preserve Project*



Not to scale



Overall, the Project would include the removal of approximately 73 specimen trees pursuant to the AMC, consisting entirely of coast live oak (*Quercus agrifolia*). The Project would also remove approximately 0.05 acre of area containing a dense patch of approximately 20 Goodding's black willow (*Salix gooddingii*) saplings, which are not specimen trees pursuant to the AMC. The Project would involve the planting of new trees pursuant to the Project's approved landscape plan, the City's applicable scenic corridor requirements, and applicable Specific Plan provisions. It is anticipated that the Project would plant and maintain approximately 485 new trees consisting of approximately 20 new trees at the pool deck and approximately 465 new trees at ground level. At a minimum, the Project would be required to plant a total of 175 replacement trees in accordance with Specimen Tree Removal Permit requirements contained in the AMC.

Landscape materials for the Project would be required to comply with the applicable provisions of AMC Section 10.19 to ensure appropriate water conservation features are incorporated into development pursued under the Specific Plan. Landscaping would also be required to comply with the City's Guidelines for Implementation of the City of Anaheim Landscape Water Efficiency Ordinance, which was prepared in February 2023 (City of Anaheim 2023a).

### **Fuel Modification**

Fuel modification zones for the Project are shown in Exhibit 3-19 Sheet A through Sheet K. The Project includes the establishment and ongoing maintenance of fuel modification zones around all proposed buildings and around fire access roads.

These fuel modification zones would provide managed buffer areas where fire spread would not be facilitated toward the Project or away from the Project into wildland areas. FMZs typically minimize the risk of surface fires but can also reduce the likelihood of canopy fires and lower ember cast. FMZs can also have a shadow effect on the untreated landscape by reducing the probability of burning and the potential fire size (Cochrane et al., 2012). Because of these factors, the risk of structures being damaged from a fire event is lower when fuel modification zones and defensible space are implemented.

Also, defensible space next to structures limits the spread of fire from developed areas into vegetation off-site because these irrigated and maintained landscapes in the fuel modification zones do not readily facilitate vegetation ignition or fire spread. Research has shown that FMA areas can function as fuel breaks which can be crucial in reducing fire risk and facilitating effective fire prevention (Wang et al., 2021).

Fuel modification zones would be maintained a minimum of two times per year – once in middle to late springs, and again in early to middle fall. During maintenance activities, dead and dying vegetation would be removed, shrubs and trees would be trimmed, grasses would be cut back, undesirable/invasive plant species would be removed, and site observations would be recorded.

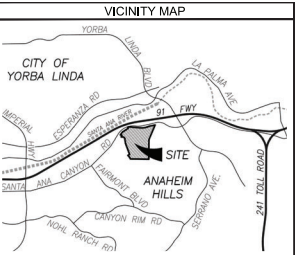
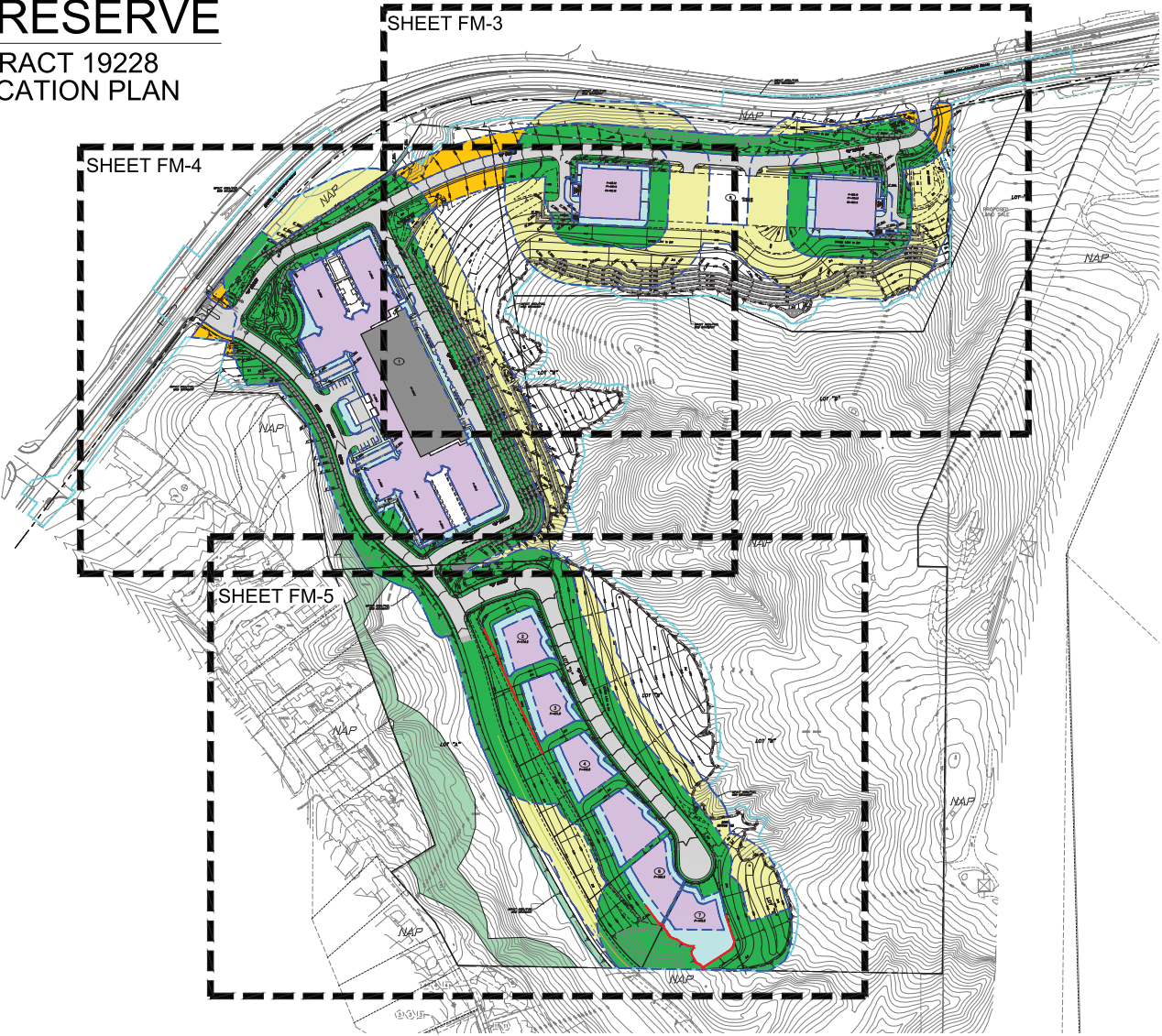
Zone A of the Project's proposed fuel modification plan consists of the "Setback Zone", which is a setback irrigated zone that is generally a 20-foot minimum width with level ground that



D:\Projects\3ANA BaseFiles\TheHills\Graphics\DEIR\ex\_Fuel\_Mod\_Sheet\_A.ai

# HILLS PRESERVE

TENTATIVE TRACT 19228  
FUEL MODIFICATION PLAN  
CITY OF ANAHEIM



SHEET INDEX	
NO. IN SET	SHEET TITLE
FM-1	TITLE SHEET
FM-2	FUEL MOD DETAILS & NOTES
FM-3	COMMERCIAL SITE FUEL MOD LAYOUT
FM-4	APARTMENT SITE FUEL MOD LAYOUT
FM-5	SINGLE FAMILY LOTS FUEL MOD LAYOUT

- ADDITIONAL NOTES
- THERE IS NO EXISTING FEDERALLY PROTECTED ANIMAL OR BIRD HABITAT WITHIN THE FUEL MODIFICATION AREA WE ARE REPAIRING.
  - THERE IS NO RESTRICTION REGARDING THE DATES OF PLANT DENSITY THINNING THROUGHOUT THE YEAR.
  - MAINTENANCE IS REQUIRED IN THE LATE SPRING AND EARLY FALL EACH YEAR.
  - THE PROJECT LANDSCAPE ARCHITECT HAS RESEARCHED THE SOIL AND STEEPNESS OF THE SLOPES AND THERE ARE NO GEOLOGICAL ISSUES PREVENTING THE REQUIRED MAINTENANCE TO BE PERFORMED.
  - A 20' WIDE, 10' VERTICAL CLEARANCE SHALL BE MAINTAINED AT ALL TIMES ON FIRE ACCESS ROADS. REFER TO THE APPROVED FIRE MASTER PLAN.

ANAHEIM FIRE & RESCUE APPROVAL

Source: Salt Development, 2023

## Fuel Modification Plan – Sheet A

Exhibit 3-19

Hills Preserve Project



Not to scale











FUEL MODIFICATION LEGEND	
	<b>ZONE A - NON-COMBUSTIBLE CONSTRUCTION:</b> 100% Zone A - Non-combustible construction. Zone A shall be maintained by the Property Owner or Homeowners Association.
	<b>ZONE B - WET ZONE (100% REMOVAL OF UNSPRINGABLE SHRUBS):</b> Minimum 50' from the Fuel Modification Zone A. Zone B shall be permanently irrigated. Lush vegetation with approved drought-tolerant shrubs and native plants. All irrigation to be kept a minimum of twenty (20') from the perimeter of existing native Quercus (Oak) species. If any vegetation is removed, it shall be replaced with drought-tolerant shrubs and native plants. Zone B areas shall be maintained by the Property Owner or Homeowners Association.
	<b>ZONE C - THINNING NATIVE SHRUBS:</b> Minimum 100' out from Zone B. Zone C shall be recognized and require horizontal and vertical spacing of plant growth in accordance with vegetation removal and removal of all dead and dying vegetation and removal of all dead and dying vegetation. Zone C shall be recognized and require horizontal and vertical spacing of plant growth in accordance with vegetation removal and removal of all dead and dying vegetation. Zone C areas shall be maintained by the Property Owner or Homeowners Association.
	<b>ROADSIDE PROTECTION ZONE:</b> Minimum 10' Roadside Protection Zone shall be provided along association roads beyond the perimeter of the fuel modification, as indicated on this Plan. The Roadside Protection Zone shall meet the Zone B requirements.
	<b>VEGETATION CLEARANCE / WEED ABATEMENT AREA:</b> Approximate location of the annual vegetation clearance per City weed abatement requirements. Existing vegetation clearance shall be completed by the FCM as directed and required by Anaheim Fire and Rescue.
SYMBOL LEGEND	
	<b>ACCESS POINT:</b> Indicate location for emergency and maintenance access paths on a commonly owned property in accordance with fire department requirements. Location shall be provided every 500' throughout the FCM length to have access, with a minimum 1400' clear width and a dedicated 14' path. Coordinates for FCM zones and boundaries, as needed, are to be recorded consistently with all planning maps and referenced in CC and RS.
	<b>IDENTIFICATION MARKER:</b> Non-combustible fire protection shall be constructed to identify the limits of applicable Fuel Modification Zone.
	<b>RADIANT HEAT WALL:</b> Radiant heat wall shall be a minimum 6' in height, measured on both sides of the wall. Refer to the City of Anaheim for fire department requirements. Radiant heat wall construction shall be reviewed by the Landscape Architect and/or CIVIL Engineer.
	<b>RADIANT HEAT CONSTRUCTION ZONE:</b> LULU application shall be submitted to the City of Anaheim for review of the California Building Code Chapter 7A.
	<b>RESOURCE AGENCY IMPACT LIMIT:</b>

Source: Salt Development, 2023

## Fuel Modification Plan - Sheet D

Exhibit 3-19

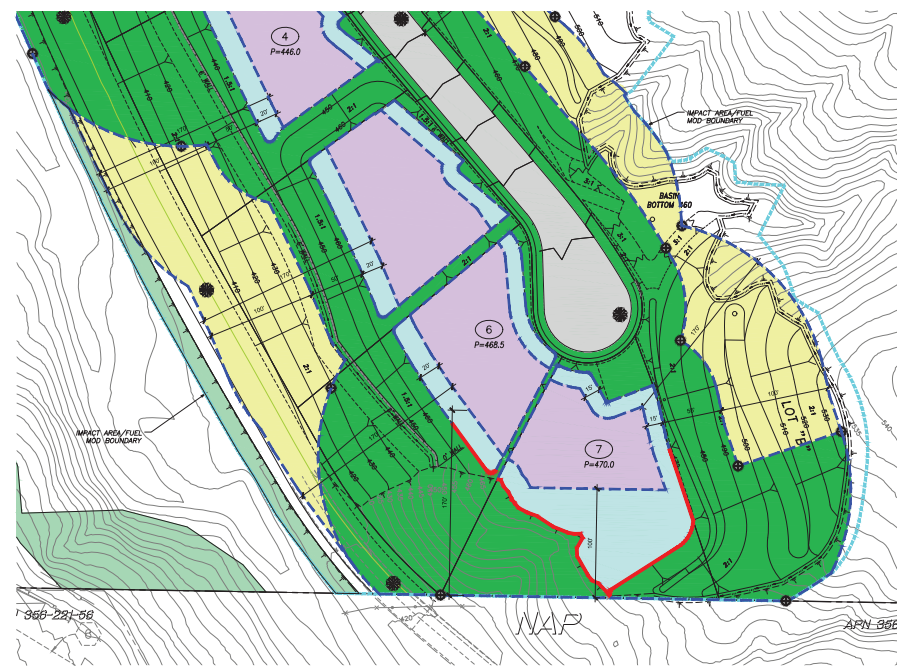
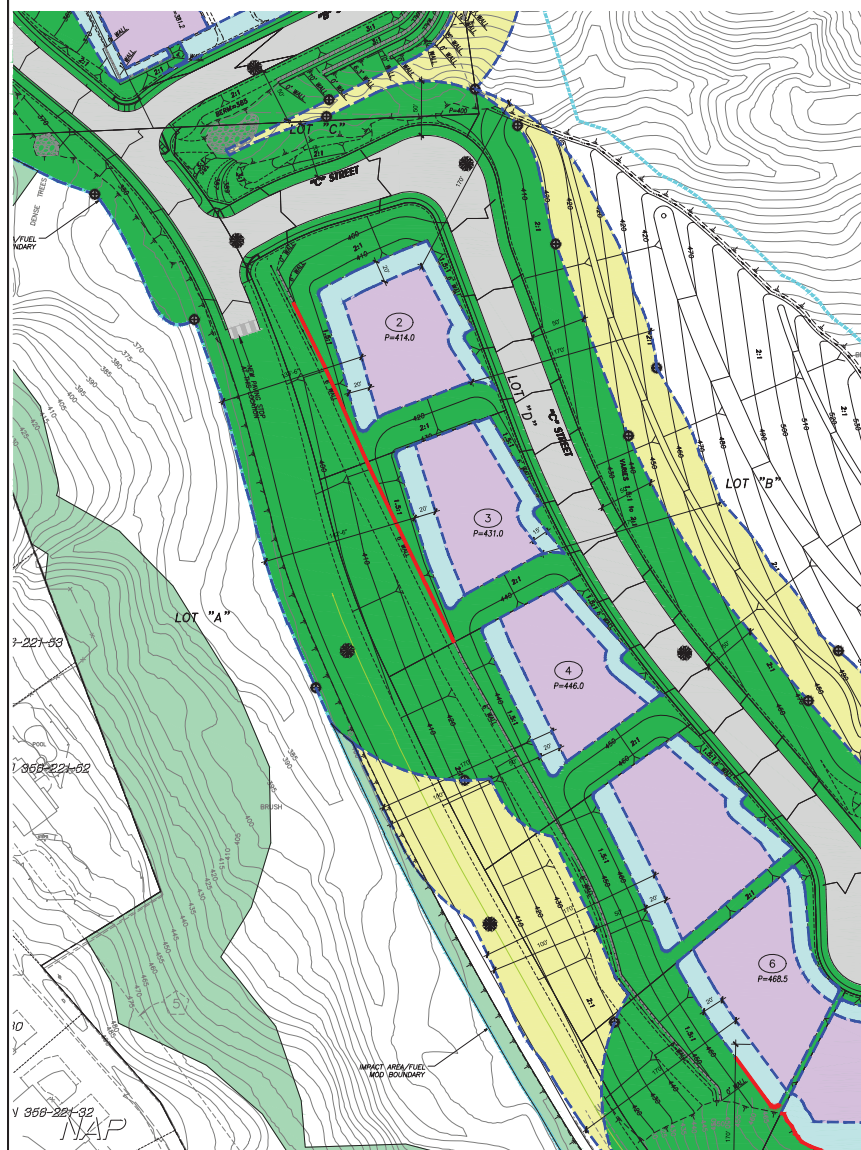
Hills Preserve Project



Not to scale

PSOMAS





FUEL MODIFICATION LEGEND	
	<b>ZONE A - NON-COMBUSTIBLE CONSTRUCTION:</b> 100% of Zone A shall be non-combustible construction. Zone A shall be maintained by the Property Owner or Homeowners Association.
	<b>ZONE B - WET ZONE (100% REMOVAL UNDERSTORY SHRUBS):</b> Minimum 50' from the Fuel Modification Zone A. Zone B shall be permanently irrigated. Lush vegetation with approved drought tolerant shrubs shall be maintained. All irrigation to be kept a minimum of twenty (20') from the perimeter of existing mature Quercus (Oak) species. If any new trees are planted in this zone, they shall be drought tolerant and maintained. Zone B areas shall be maintained by the Property Owner or Homeowners Association.
	<b>ZONE C - THINNING ZONE (60% THINNING NATIVE SHRUBS):</b> Minimum 100' out from Zone B. Zone C shall be recognized and requires horizontal and vertical spacing of plant groups in accordance with the removal of all dead and dying vegetation and removal of all dead and dying vegetation. Thinning shall be completed within 18 months of the start of the project. Zone C areas shall be maintained by the Property Owner or Homeowners Association.
	<b>ROADSIDE PROTECTION ZONE:</b> Minimum 10' Roadside Protection Zone shall be provided along association roads beyond the perimeter of the fuel modification, as indicated on this Plan. The Roadside Protection Zone shall meet the Zone B requirements.
	<b>VEGETATION CLEARANCE / WEED ABATEMENT AREA:</b> Approximate location of the annual vegetation maintenance per City weed abatement requirements. Existing vegetation clearance shall be completed by the FCM as directed and required by Ardenly Hills and the City.
SYMBOL LEGEND	
	<b>ACCESS POINT:</b> Indicate location for emergency access and maintenance access paths on a publicly owned property in accordance with the City of San Jose's requirements. Location shall be provided on the 30' and 60' fuel mod maps to have access, with a minimum 1400' clear width and a dedicated 14' path. Coordinate for FCM access and maintenance, as needed, are to be recorded consistently with all planning maps and referenced in CC and RS.
	<b>IDENTIFICATION MARKER:</b> Identify specific locations that shall be constructed to identify the limits of applicable Fuel Modification Zone.
	<b>RADIANT HEAT WALL:</b> Radiant heat wall shall be a minimum 6' in height, measured on both sides of the wall. Refer to the City of San Jose's requirements for radiant heat walls. Radiant heat wall construction shall be in accordance with the City of San Jose's requirements and approved by the City Engineer.
	<b>RADIANT HEAT CONSTRUCTION ZONE:</b> 100% of the area within the Radiant Heat Construction Zone shall be constructed in accordance with the California Building Code Chapter 7A.
	<b>RESOURCE AGENCY IMPACT LIMIT:</b>

Source: Salt Development, 2023

## Fuel Modification Plan - Sheet E

Exhibit 3-19

Hills Preserve Project



Not to scale

PSOMAS

extends from each of the building's foundations. The purpose of the setback zone is to provide a defensible space for fire suppression to occur and to protect structures from radiant heat and convective heat. No combustible construction is allowed within the 20-foot setback zone. Also, this zone is to be located on a level graded that is immediately adjacent to the protected buildings. Other requirements for this area include: automatic irrigation systems be provided to maintain healthy vegetation with high moisture content; pruning of foliage to reduce fuel load; removal of plant litter and dead wood; plants used in this zone shall be highly fire resistant and selected from the approved fire-resistant plant list for the setback zone; all combustible plant species shall be removed in this zone; this zone shall be setback from the edge of a slope; no combustible construction is allowed in this zone; and no wood or solid fuel burning fireplaces, fire pits, or similar fire features are allowed in this zone. This area would be maintained by the Property Owner/Developer or a Homeowners Association.

Zone B of the Project's proposed fuel modification zone, referred to as the "Wet Zone", would be a minimum 50-foot width (and up to 150-feet in width) from Zone A, and would consist of permanently irrigated landscaping. Zone B would be cleared of all combustible plant species and would be planted with plants from the approved fire-resistant plant list that are drought tolerant, deep rooted, and moisture retentive. Other requirements existing for Zone B, include requirements for minimum plant spacing. This area would be maintained by the Property Owner/Developer or a Homeowners Association.

Zone C consists of the "Thinning Zone", which is up to 100-feet out from the outer edge of Zone B. Zone C shall consists of non-irrigated plantings with adequate spacing. These areas would be actively thinned twice per year down to 50% native shrubs, and all combustible plant species shall be removed in this zone. This area would be maintained by the Property Owner/Developer or a Homeowners Association.

The Project would include the ongoing maintenance of Roadside Protection Zones, which would be up to 50-feet in width from the edge of the Project's evacuation routes. These areas shall meet the same requirements as fuel modification Zone B. This area would be maintained by the Property Owner/Developer or a Homeowners Association.

There would be additional weed abatement areas that would be maintained annually be the City's weed abatement requirements. This area would be maintained by the Property Owner/Developer or a Homeowners Association.

### **Radiant Heat Walls**

Radiant heat walls are proposed at two locations in the Project Site adjacent to the proposed single-family residential uses where a full 170-foot-wide fuel modification zone cannot be provided. As described in more detail in the Preliminary Fire Protection Plan, these areas have been avoided due to their biological resource value. These walls would be a minimum of 6-feet in height as depicted in Exhibit 3-19.

### **3.10.2 PRELIMINARY FIRE PROTECTION PLAN**

A plan demonstrating primary aspects of the Project's fire protection plan including proposed buildings, fire hydrants, fire hose pull distances, walkable paths for firefighters, fire apparatus access roads, stairwells, and elevators is provided as Exhibit 3-20, Sheet A through Sheet F.

### **3.10.3 EXTERIOR LIGHTING**

An exterior lighting plan for the Project is provided as Exhibit 3-21.

Exterior lighting would be installed in all common activity areas, building entrances, and in pathways for purposes of wayfinding, safety, and security. Also, low lumen shielded landscape lighting, tree lighting, and other accent lighting is proposed.

Standard streetlights for the Anaheim Hills Neighborhood would be used for the Project, which would be modified through the addition of shielding and other measures to be dark sky friendly.

Light sources would be predominantly energy efficient and would use warm light LED bulbs.

All light sources would be directed and/or shielded so that exterior Project lighting limits light pollution on adjacent open space areas, residences, or elsewhere off-site.

Lighting for the Project would be required to adhere to all applicable standards that are detailed in the Specific Plan.

### **3.10.4 CIRCULATION**

An overview of the proposed circulation system within the Project Site is depicted on Exhibit 3-22.

As detailed more fully below and in the Specific Plan, the Project would increase vehicular, pedestrian, bicycle and equestrian connectivity throughout the Project Site as well as Project vicinity (e.g., existing Festival Shopping Center commercial area) via installation of trail segments as well as improvements to the existing street network, both on- and off-site.

Primary access to the multiple-family and single-family residential uses within the Project Site would occur from Project Driveway No. 1, proposed at Deer Canyon Road and Santa Ana Canyon Road, Project Driveway No. 1.

As part of the Project, the median on Santa Ana Canyon Road would be modified to allow left-turn in and out of Project Driveway No. 1. A traffic signal would be installed at Deer Canyon Road and Santa Ana Canyon Road, creating a new signalized intersection. The proposed intersection would also align with the existing driveway of the self-storage business that is located north of the Project Site to the north of Santa Ana Canyon Road, creating a four-way, signalized intersection.



## D:\Projects\3ANA\ BaseFiles\TheHills\Graphics\DEIR\ex Fire Protection Sheet A.ai





## Exhibit 3-20

(06/17/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Fire\_Protection\_Sheet\_B.pdf











Source: Salt Development, 2024

## Preliminary Fire Protection Plan – Sheet E

Exhibit 3-20

Hills Preserve Project



Not to scale

PSOMAS





Source: Salt Development, 2024

# Preliminary Fire Protection Plan - Sheet F

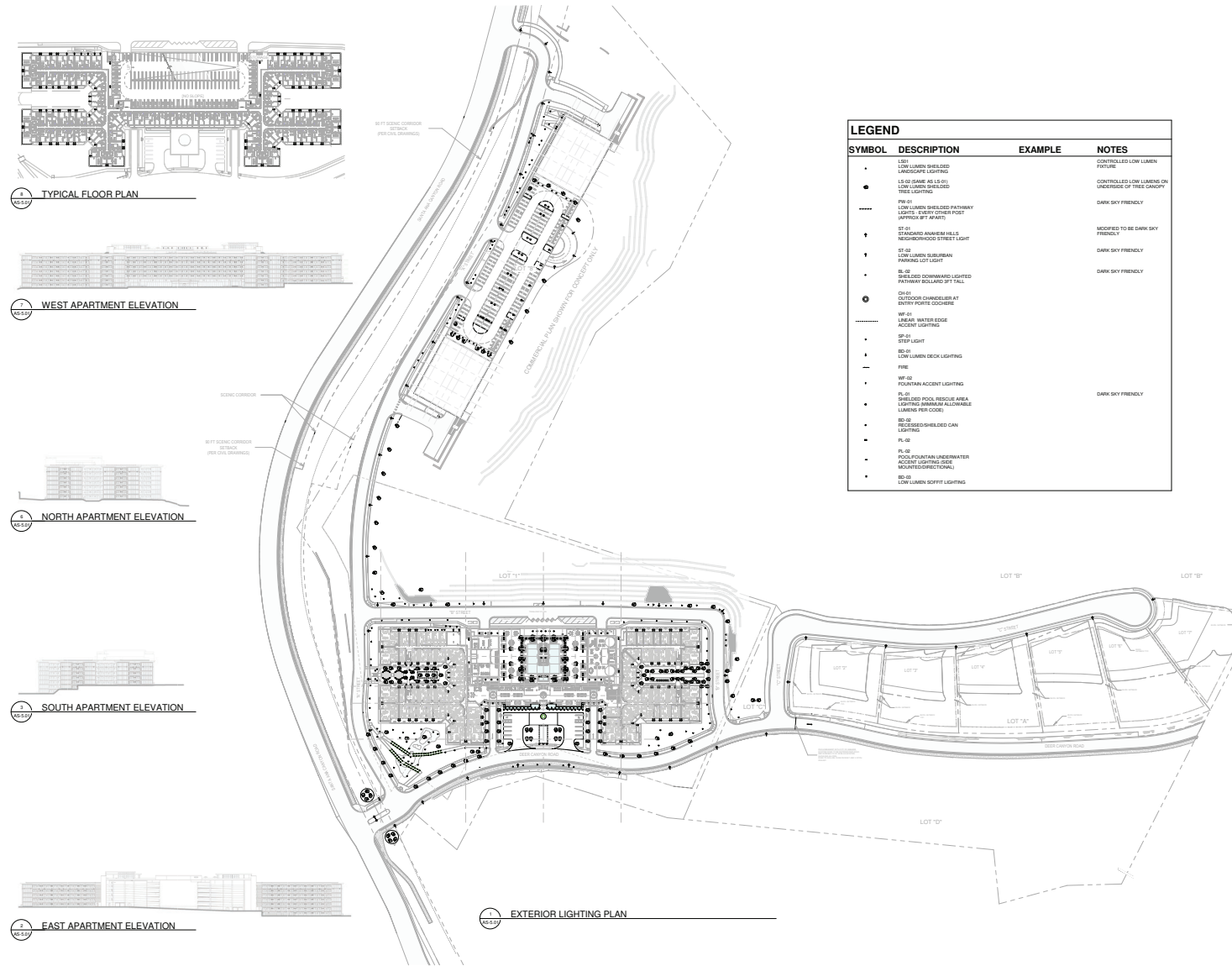
Exhibit 3-20

Hills Preserve Project



Not to scale

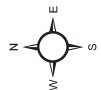




Source: Salt Development, 2023

## Exterior Lighting Plan

Hills Preserve Project



Not to scale

Exhibit 3-21







Source: Salt Development, 2024

Overall Site Circulation Diagram

Exhibit 3-22

Hills Preserve Project



Not to scale



The Project would construct a new eastbound deceleration lane on Santa Ana Canyon Road at Deer Canyon Road, subject to obtaining any necessary associated property interests to accommodate the relocated northern section of Deer Canyon Road.

Internal circulation would primarily be from privately maintained access roads, including “A” Street, “B” Street, “C” Street, and Deer Canyon Road. These roads would be with a minimum curb-to-curb width distance of 28 feet in accordance with applicable standards and requirements.

Upon entering the Project Site at Deer Canyon Road, vehicles would have the option to proceed straight along Deer Canyon Road, which would provide access to the west side of the multiple-family residential uses as well as to the single-family residential uses that would be located on “C” Street further to the south. This road (Deer Canyon Road) would terminate at a cul-de-sac that would allow for a left-hand turn into “C” Street to access the single-family residences. Deer Canyon Road would be built as a two-lane road with curb and gutter on each side of the road, a multi-use (pedestrian, bicycle, and equestrian) trail on the west side of the road, and a sidewalk on the east side of the road. The Project would also construct a new multi-use trail along Santa Ana Canyon Road between the two new proposed intersections. The Project proponent would offer for dedication a public access easement for the multi-use trails, which would ultimately connect to the City’s Deer Canyon Park Preserve and would also include signage and entrance improvements for the Preserve at Santa Ana Canyon Road.

“C” Street would be built as a two-lane road with curb and gutter on each side of the road and a sidewalk on the east side of the road. The Project’s paving of Deer Canyon Road would occur from the Project entrance to approximately 50-feet beyond the proposed intersection with “C” Street and would enhance access to Deer Canyon Park Preserve up to the southern boundary of the Project, but not the entirety of the existing private road to Deer Canyon Park Preserve. At this location, the Project’s proposed multi-use trail on the south side of Deer Canyon Road would tie into the existing trail.

Alternatively, vehicles entering the Project Site from the proposed intersection of Santa Ana Canyon Road and Deer Canyon Road (i.e., Driveway #1) would have the option to make an immediate left-turn onto the proposed “A” Street, which would provide access to the north, east, and south sides of the proposed multiple-family residential uses, including “B” Street. “A” Street would also provide access to the proposed commercial uses to the east within the Project Site. “A” Street would be built as a two-lane roadway with curb and gutter, a ten-foot-wide landscaped area on the north side of the road, and a sidewalk on the south side of the road. “B” Street would be built as a two-lane roadway with curb and gutter, a sidewalk on the west side of the road, and a graded slope to the east side of the road.

A secondary access to the Project Site would be provided on the east side of the Project Site that would consist of one new right-turn in/right-turn out, unsignalized driveway along Santa Ana Canyon Road, which is referred to as “Project Driveway No. 2”. This driveway would serve as the primary access point for the Project’s proposed commercial uses on the northeast side of the Project Site. This driveway would consist of two lanes with a graded

slope to the west side of the driveway and a sidewalk to the east. The commercial uses would have approximately four driveways that would connect to “A” Street.

“A” Street and “B” Street would be built during the first phase of the Project’s development concurrently with the multiple-family residential component. “C” Street would be built concurrently with the single-family component.

The Project’s on-site circulation layout has been designed to provide adequate access for all anticipated users. According to the Transportation Impact Analysis, the proposed curb return radii have been confirmed and are generally adequate for small service/delivery (i.e., FedEx, UPS, Amazon) trucks, trash trucks, and fire trucks. As part of the City’s design review process, Anaheim Fire reviewed the Project’s Site plan and confirmed that the Project’s preliminary design meets basic emergency access requirements.

### **3.10.5 PARKING**

Overall, the Project would provide parking in exceedance of the applicable City parking requirements as set forth in the Specific Plan and AMC Chapter 18.42.

#### **Parking Structure for the Multiple-Family Residential Uses**

The multiple-family residential component of the Project would include a total of approximately 1,019 structured parking spaces, consisting of approximately 846 resident spaces and approximately 173 visitor spaces. Only 958 spaces are required pursuant to applicable Specific Plan provisions and AMC Chapter 18.42 requirements. Of the anticipated 1,019 total spaces, there would be approximately 18 accessible parking spaces, six of which would be visitor spaces.

As noted above, vehicular parking for the multiple family residential building would be provided in a ten-level parking structure (including three subterranean levels) that would have a maximum height of 95 feet. The parking structure would be a wrap style structure with interior parking stalls screened from public view. The parking structure would be accessible from driveways connecting to Deer Canyon Road on the west and to “B” Street on the east. The structured parking garage would be generally screened from public view due to the unit-wrap nature of the Project. As detailed further below, the number of parking stalls would meet all applicable requirements, accounting for the Project’s multiple-family residents, guests, and other visitors. There would be an emergency diesel generator located in the structured parking garage.

#### **Parking Structure for the Commercial Uses**

Commercial uses would meet or exceed all applicable parking standards. As depicted in the proposed Project Plans, the Project would locate parking for the commercial uses at the opposing end of a subterranean podium parking garage where approximately 341 parking spaces would be provided. The proposed approximately 330 parking spaces would be in exceedance of the 320 spaces that would be required pursuant to AMC Chapter 18.42 requirements.

### **3.10.6 PEDESTRIAN AND BICYCLE ACCESS**

The Project would provide pedestrian paths of travel throughout the portions of the Project Site proposed for residential and commercial development. Specifically, the Project would provide new sidewalks along Santa Ana Canyon Road along the Project's frontage (Exhibit 3-22).

Bicycle access to the Project Site would be provided via the existing Class II bike lanes that are located on both sides of Santa Ana Canyon Road, as well as the proposed multi-use trail.

Within the Project Site, the Project would include bicycle parking for the multiple-family residential uses in accordance with applicable standards and requirements, which is anticipated to be approximately 54 long-term spaces.

The Project would build a new multi-use trail that would be installed along Deer Canyon Road between Santa Ana Canyon Road and the southern boundary of the project site and a multi-use trail that would be installed along Santa Ana Canyon Road extending from Deer Canyon Road to Festival Drive.

### **3.10.7 EMERGENCY ACCESS**

Access roads to the Project Site would be built and maintained to comply with Anaheim Fire and Rescue requirements for road widths, vertical clearances, and connectivity. The Project's roads have been designed to allow for sufficient turning radii and slope grade requirements to enable adequate access for fire apparatus and other emergency vehicles as well as to enhance emergency evacuation for the Project as well as nearby neighborhoods.

Primary access to the Project Site would be provided from one new signalized intersection and one driveway from Santa Ana Canyon Road.

Vertical clearance of vegetation (lowest-hanging tree limbs), along roadways would be maintained at clearances of 13 feet, 6 inches to allow fire apparatus passage.

All internal roads shall be all weather roads with a maximum grade of 10%, and the roads shall be designed and maintained as fire apparatus access roads that are capable of supporting an imposed load of 78,000 pounds.

Any roads that have traffic lights shall have approved traffic pre-emption devices (Opticom) compatible with devices on the Fire Apparatus.

No parking shall be allowed along any of the internal fire access roads in the Project Site. Signage would be installed and vehicles would be towed to ensure adequate access is maintained.

The Project Developer/Owner shall be responsible for long term funding and maintenance of internal private roads.



### **3.10.8 RETAINING WALLS AND SOIL EXPORT**

To develop building pads within the Project Site, the Project would require a total of approximately 1,071,706 cubic yards (cy) of soil export from the Project Site. Project grading is anticipated to occur in three phases. The multiple-family residential portion of the Project Site would be graded first, which would involve approximately 513,915 cubic yards of soil export. The commercial portion of the Project Site would be graded second, which would involve approximately 330,282 cubic yards of soil. The single-family residential portion of the Project Site would be graded third involving the export of approximately 227,509 cubic yards of soil.

In addition to the grading and related off-haul that would be required, retaining walls are also proposed. To appropriately incorporate the proposed uses into the topography of the Project Site and to minimize, to the extent feasible, the amount of grading and soil export that would be needed otherwise, the Project would construct several retaining walls throughout the Project Site. The locations of these proposed retaining walls are depicted on the grading plans provided below as Exhibit 3-23 Sheet A through Sheet E.

The proposed retaining walls would range in height from two to 30 feet. At some locations within the Project Site, the Project includes multiple tiered retaining walls that, when combined, result in total elevation changes of approximately 79 feet. These tiered retaining walls would be separated by about 12 feet of area that would be graded or backfilled at a 3:1 grade and planted. Adequate drainage has been incorporated into the design of the Project's retaining walls, including brow ditches and interceptor drains.

To the extent feasible, the Project would use decorative material to blend retaining walls into the landscape. Also, the Project would consider use of plantable or mechanically stabilized earth type walls, as feasible. The Project would also provide landscaping such as trees, shrubs, or vines to further soften the appearance of the proposed retaining walls.

### **3.10.9 DRAINAGE AND WATER QUALITY**

The Project Site contains an existing 96-inch reinforced concrete pipe storm drain that would need to be realigned within the Project Site and upsized to a 108" reinforced concrete pipe as part of the Project. The existing storm drain is currently located within an existing 25-foot-wide easement. This storm drain was constructed in 1990 as a condition of the nearby "The Highlands" residential development. The existing storm drain receives runoff from the upper Deer Canyon drainage basin and "The Highlands" development, and conveys this runoff in a northerly direction, ultimately draining into the Santa Ana River. As noted above, the Project would replace the existing 96-inch pipe with a new 108-inch storm drain within the Project Site. The proposed storm drain would be realigned within the Project Site west of the existing alignment to accommodate the Project's design and to align with the new proposed Deer Canyon Road, as depicted in Exhibits 3-24 Sheet A through Sheet D. A new 25-foot-wide easement would be granted to the City along this new storm drain alignment. The alignment of the realigned storm drain would follow the proposed street system from south to north and would then split into two 86-inch pipes in Santa Ana Canyon Road. The









Source: Salt Development, 2024

## Conceptual Grading Plan – Sheet C

Exhibit 3-23

Hills Preserve Project



Not to scale



(06/18/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Conceptual\_Grading\_Sheet\_D.pdf





Source: Salt Development, 2024

## Conceptual Grading Plan - Sheet E

Exhibit 3-23

Hills Preserve Project



Not to scale

PSOMAS

Project's drainage system has been designed to receive and carry existing flows from the south, including runoff from nearby "The Highlands" residential development (TTM 16440), as well as the Project, through the Project Site, and to meet all other applicable requirements and standards.

Off-site stormwater currently flows through natural drainage courses that are upslope of the Project Site to the south and east. These off-site flows would be captured by hillside drainage interceptor drains and new culverts on-site and be conveyed via brow ditches and storm drain lines into the Project's proposed stormwater system.

Stormwater generated within the Project Site would be captured using curbs and gutters, inlets, and catch basins that would lead to lateral storm drain lines that would range from 18-inches to 48-inches in size. On-site stormwater would ultimately be conveyed to the northern boundary of the Project Site near Deer Canyon Road and Santa Ana Canyon Drive as it does in existing pre-Project conditions. All Project stormwater improvements would adhere to applicable standards and requirements and would ensure that post-Project conditions would not exceed pre-Project conditions.

The Project would include water quality basins at various locations throughout the Project Site. Riprap would be utilized at inlets and outlets of the proposed basins to limit potential for erosion. Stormwater Best Management Practices, in accordance with all applicable standards and requirements, have been specified in the Project's Preliminary Water Quality Management Plan (PWQMP), to which the Project would be required to comply and implement. The City has reviewed the PWQMP for consistency with applicable provisions of the Orange County Drainage Area Management Plan; the intent of the non-point source NPDES Permit for Waste Discharge Requirements for the County of Orange; applicable Orange County Flood Control District requirements; additional applicable City of Anaheim requirements; and all other applicable standards and requirements.

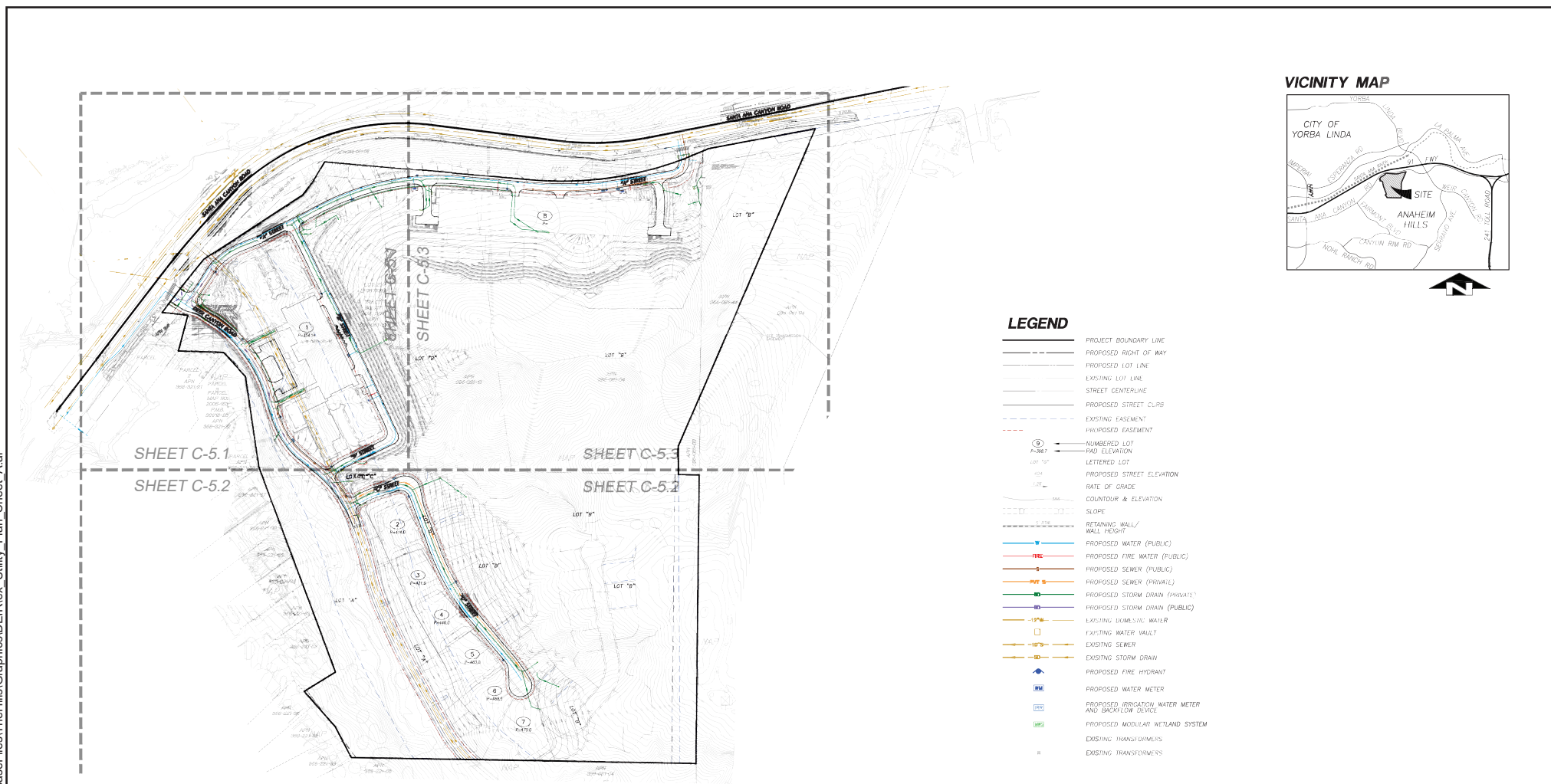
### **3.10.10 UTILITIES**

#### **Potable Water**

The Project's proposed potable water improvements are shown in the utility plan provided as Exhibit 3-24 Sheet A through Sheet D. The Project would be served by the Anaheim Public Utilities and would install new public water lines within Deer Canyon Road, "A" Street, "B" Street, and "C" Street. The Project would also install new potable water service lines, water meter, pressure reducing valves, and backflow devices as needed.

The Project would connect into the existing 36-inch potable water line within Santa Ana Canyon Road near the proposed intersection of "A" Street and Santa Ana Canyon Road on the northeast side of the Project Site.

For the proposed multiple-family and single-family residential units, the Project would be required to install a new upgraded public water line within Santa Ana Canyon Road from the Project Site to Pressure Zone 640 Point of Connection that is located near Eucalyptus Drive.



Source: Salt Development, 2024

# Utility Plan – Sheet A

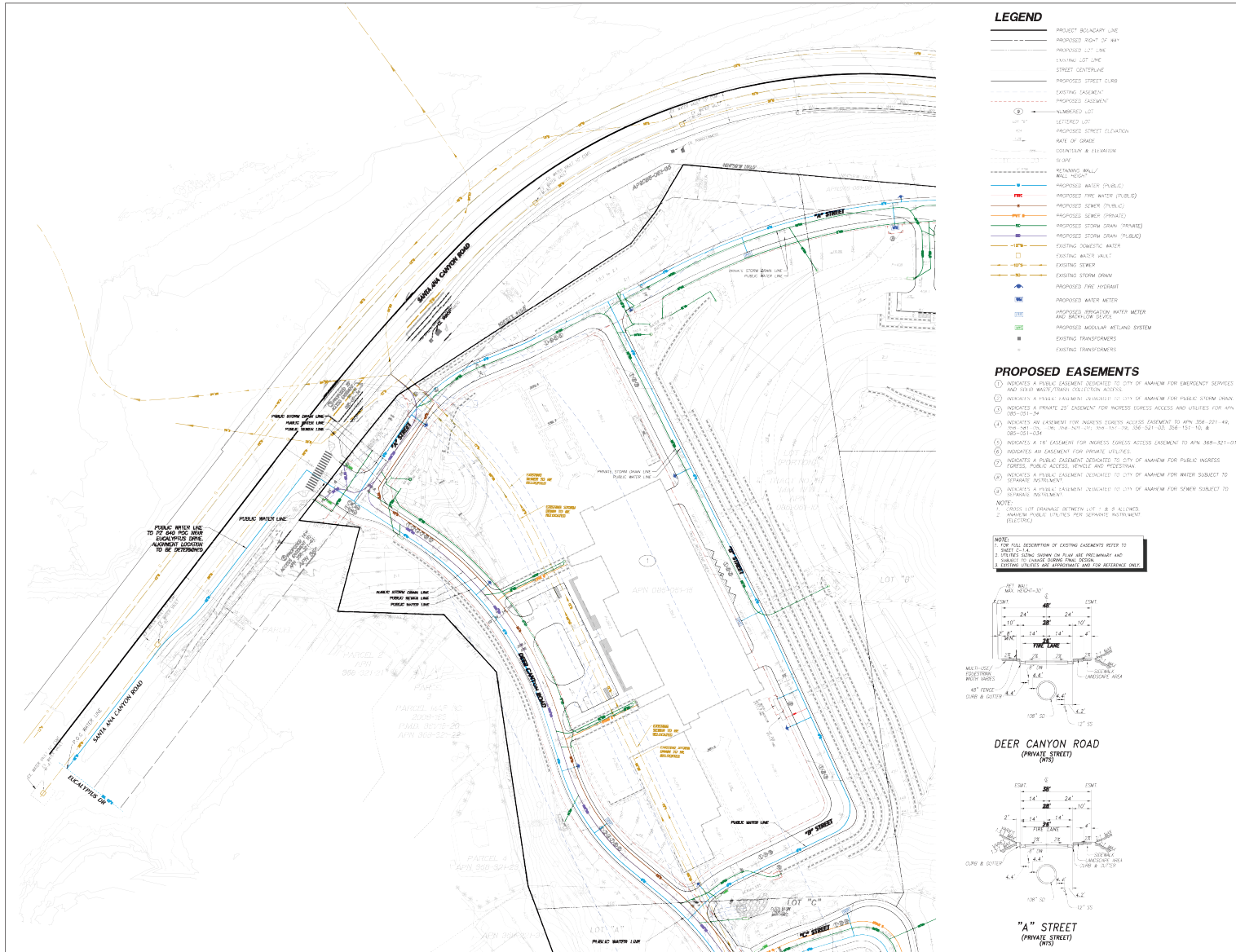
*Hills Preserve Project*



Not to scale

Exhibit 3-24





Utility Plan - Sheet B

Hills Preserve Project



Not to scale

Source: Salt Development, 2024

Exhibit 3-24

PSOMAS





Source: Salt Development, 2024

Utility Plan – Sheet C

Exhibit 3-24

Hills Preserve Project



Not to scale





- |  |   |
|--|---|
|  | PROJECT BOUNDARY LINE                                   |
|  | PROPOSED RIGHT OF WAY                                   |
|  | PROPOSED 10' SETBACK                                    |
|  | EXISTING LOT LINE                                       |
|  | STREET CENTERLINE                                       |
|  | PROPOSED STREET CROWN                                   |
|  | EXISTING SIDEWALK                                       |
|  | PROPOSED SIDEWALK                                       |
|  | NORTHERLY LOT CORNER                                    |
|  | EASTERLY LOT CORNER                                     |
|  | SOUTHERLY STREET ELEVATION                              |
|  | EAST OF CORNER  |
|  | CURBLINE & FUTURE STATION                               |
|  | SURF BEHINDING BUILDING WALL CORNER                     |
|  | PROPOSED WATER PUMP                                     |
|  | PROPOSED FIRE WATER PUMP/ST                             |
|  | PROPOSED SEWER PUMP/ST                                  |
|  | PROPOSED SEWER PUMP/ST                                  |
|  | PROPOSED STORM SEWER PUMP/ST                            |
|  | PROPOSED STORM SEWER PUMP/ST                            |
|  | EXISTING DOMESTIC WATER                                 |
|  | EXISTING WATER VALVE                                    |
|  | EXISTING SEWER  |
|  | EXISTING STORM  |
|  | PROPOSED FIRE HYDRANT                                   |
|  | PROPOSED WATER VALVE                                    |
|  | PROPOSED WASTEWATER TREATMENT PLANT AND SEWERAGE SYSTEM |
|  | EXISTING WASTEWATER TREATMENT PLANT                     |
|  | EXISTING TRANSFORMER                                    |

## PROPOSED EASEMENTS

- [illegible]

## NO

- NOTE:  
1. CROSS LOT SPARGES BETWEEN LOT 1 & 8 ALLOWED  
2. ANIMAL MUSIC UTILITIES PER SEPARATE AGREEMENT  
(ELECTRIC)

- NOTE:**
1. FOR FULL DESCRIPTION OF EXISTING EASEMENTS REFER TO SHEET C-1-4.
  2. UTILITIES SHOWN ON PLAN ARE PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL DESIGN.
  3. EXISTING UTILITIES ARE APPROXIMATE AND FOR REFERENCE ONLY.

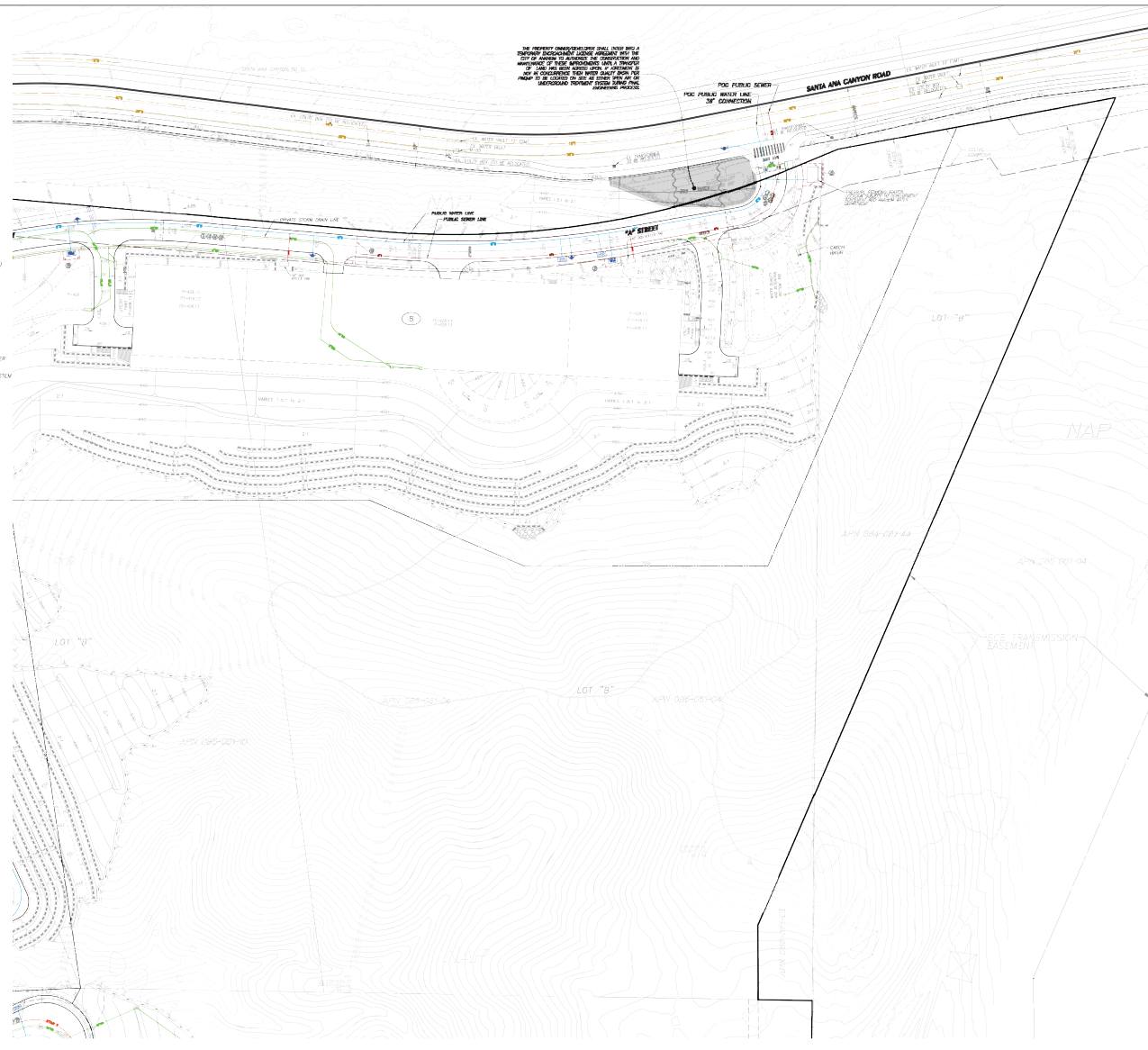


Exhibit 3-24

## Hills Preserve Project



Not to scale



Potable water improvements for the Project would be required to be designed and constructed in accordance with the applicable City of Anaheim, Public Utilities Department of Water Services Standard Specifications and Administrative Procedures and Design Guidelines.

## **Wastewater/Sewer**

The City of Anaheim owns, operates, and maintains the local sanitary sewer collection facilities within the City. Sewage is collected by City collector facilities, then conveyed to trunk sewers and regional treatment facilities which are owned and operated by the Orange County Sanitation District (OCSD). The Project's sewer collection needs would be served by the City; its sewer distribution and treatment needs would be served by OCSD.

There is an existing underground 12-inch vitrified clay pipe (VCP) sewer line that traverses the Project Site in the north-south direction that was installed to service residential developments that are located to the south of the Project Site (City of Anaheim 1990a). This sewer line is generally located beneath the access and maintenance road that is located within the Project Site. The sewer line ultimately connects to an 18-inch sewer trunk line within Santa Ana Canyon Road north of the Project Site.

The existing 12-inch sewer line would need to be relocated to the west as part of the Project, as depicted in Exhibit 3-##. A 25-foot easement would be provided around the new sewer line alignment. The 12-inch line would be replaced with the new 12-inch line that has been sized to serve the existing developments south of the Project Site as well as the proposed Project uses (GHD 2024a).

The Project would include 8-inch sewer lines within "A" Street, "B" Street, and "C" Street that would capture wastewater generated from all uses proposed within the Project Site. These flows would be conveyed to the 12-inch sewer line within Deer Canyon Parkway or directly to the 18-inch sewer trunk line in Santa Ana Canyon Road.

The final sewer improvements for the Project shall be designed and constructed in accordance with the City of Anaheim Sewer Design Manual and the City's Department of Public Works Standard Plan and Details.

A Sewer Study was prepared for the Project, which was reviewed and approved by the City of Anaheim Department of Public Works (GHD 2024a). The Sewer Study determined that the existing sewer system, including the trunk line within Santa Ana Canyon Road, would be able to accommodate the Project as well as other reasonably foreseeable projects in both existing and future conditions. In January 2024, City engineering staff confirmed that the sewer study was approved. However, City Department of Public Works staff have confirmed that during final design the Property Owner/Developer shall be required to submit to the City of Anaheim an approval from OCSD for adequate capacity in its sewer system to accept the sewer flow from the City sewer system, since the sewer study that has been prepared only analyzed the impact to the City sewer system and did not include specific analysis to the Orange County Sanitation District Line.

## **Electricity**

Anaheim Public Utilities would provide electricity to the Project.

## **Natural Gas**

The Project would be required to adhere to relevant mitigation related to natural gas. Natural gas infrastructure would be installed to allow for proposed uses in accordance with applicable mitigation.

## **Telecommunications**

Telecommunication and telephone services in the vicinity of the Project are provided by AT&T.

## **Solid Waste**

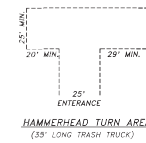
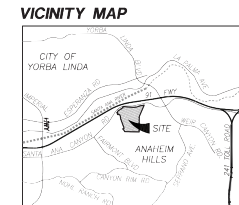
A Solid Waste Management Plan has been prepared for the Project, which provides details on waste truck circulation routes, bin and barrel storage, and how waste, recycling, and organics would be collected for each of the proposed land uses (Hunsaker & Associates 2023b). The locations of trash/recycle collection routes and pick up locations for the Project are depicted in the waste management plan provided as Exhibit 3-25. Internal access roads for the Project are designed to accommodate the required truck turning radii for 35-foot-long trash trucks that are likely to service the Project once built.

### **3.10.11 WILDFIRE RESILIENCE PROJECT DESIGN FEATURES**

#### **Ignition Resistant Construction**

As depicted in the Project's fuel modification plans provided as Exhibit 3-19 all of the Project's proposed structures are considered to be within radiant heat construction zones. Therefore, all new structures within the Project Site shall be constructed in compliance with the enhanced ignition-resistant construction standards of Chapter 7A of the California Building Code. These requirements address roofs, eaves, exterior walls, vents, appendages, windows, and doors and result in hardened structures that have been proven to perform at high levels (resist ignition) during the typically short duration of exposure to burning vegetation from wildfires. While these standards would provide a high level of protection to structures in the Project Site, there is no guarantee that compliance with these standards would prevent damage or destruction of structures by fire in all cases.

The Project's fuel modification zones have been designed to comply with the requirements of the City's Municipal Code and other applicable requirements. Fuel modification mitigation strategies would be used throughout the Project Site in adherence to all applicable requirements and standards, including, among others, the installation and maintenance of fire protective Radiant Heat walls where required on the Project Site, thereby helping to reduce wildfire risk to the existing nearby residential neighborhoods.



PROJECT BOUNDARY  
PROPOSED RIGHT OF WAY  
PROPOSED LOT LINE  
PROPOSED CENTERLINE  
EXISTING CONTOUR  
TRASH COLLECTION ROUTE  
TRASH/VEHICLE PICK UP LOCATION

Exhibit 3-25



There are areas along the west side of the multiple-family residential building and the north side of the commercial area that would have reduced fuel modification zones with alternate mitigation strategies applied. These areas would include a fire apparatus access roadway as shown on Exhibit 3-13.

### **Fire Sprinklers**

All of the structures would be protected with automatic fire sprinklers. The single-family units would be NFPA 13D unless construction and area thresholds are exceeded requiring additional protection. The commercial and multi-family structures (including parking structures) would be protected with full NFPA 13 systems and standpipe systems as required by code (building and fire codes). In accordance with NFPA standards, all NFPA 13 systems would be supervised and monitored.

### **Water Supply and Fire Hydrants**

Water service for the Project would be provided by APW. Adequate water supply and fire water pressure have been confirmed for the Project during the preliminary design process.

Fire hydrants would be installed throughout the Project Site as depicted in the fire protection plans provided as Exhibit 3-20 and in accordance with the applicable requirements of the AMC and California State Building Code. Currently, there are no fire hydrants within the Project Site.

Water supply and fire flow have been evaluated as part of the Project's engineering studies. To begin, a Water Supply Assessment was prepared for the Project to determine the adequacy of existing water supplies to serve the Project. To confirm existing water pressure at fire hydrants in the vicinity of the Project Site, hydrant flows were tested, and Hydrant Flow Test Reports were prepared in December 2022 (SoCal Flow Testing 2022a, 2022b). Also, the Public Utilities Department Water Engineering Division has provided several reviews of the proposed Project. During these reviews, City staff have provided their recommendations suggested plan corrections and for additional information that needs to be included in the plans to ensure that potable water infrastructure is designed in accordance with the City's requirements.

Booster stations are not anticipated to be required for the Project given that the existing static pressure of 125 psi flow is above the 20 psi needed for the Project.

### **3.10.12 OPEN SPACE**

As depicted in the open space plan provided as Exhibit 3-26, and as further detailed in the Specific Plan, the Project would zone approximately 43.22 acres of the Project Site as Open Space. The purpose of this approach is to facilitate the retention of the existing open space, with the related aesthetic, scenic and habitat qualities, and to protect existing scenic view corridors. This would allow for the retention of some of the existing open space within the project site and would provide for a range of potential open space, scenic, and recreational

uses consistent with the City's Open Space zoning district subject to further CEQA review and/or regulatory permitting.

In addition to the 43.22 acres of contiguous open space referenced above that constitutes the Open Space component of the Project, as detailed in the Specific Plan, the Project would also include several additional green space areas (both common and private) to further enhance the scenic, water quality and aesthetic aspects of the Project.

### **3.10.13 MULTI-USE TRAILS**

The Project would construct a new multi-use trail along the west side of Deer Canyon Road, which would connect to the City's existing trail network and the Deer Canyon Park Preserve, thereby extending the City's network of such trails.

The Project would also construct approximately 2,850 linear feet of a new multi-use (pedestrian, bicycle and equestrian) trail along the south side of Santa Ana Canyon Road that would extend from the northwestern limits of the Project Site (approximately 385 feet east of Eucalyptus Avenue) to an existing sidewalk that ends approximately 365 feet west of Festival Drive.

For purposes of a conservation analysis, this Draft EIR appropriately considers the additional offsite improvements that would be constructed pursuant to identified mitigation described in Section 4.15, Transportation, of this Draft EIR.

As required by **MM TRANS-4**, the Project would also construct approximately 2,950 linear feet of new sidewalk along the north side of Santa Ana Canyon Road from Eucalyptus Avenue to approximately 760 feet west of S. Festival Drive.

### **3.10.14 PROPOSED EASEMENTS**

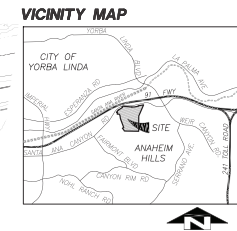
The Project would include the realignment of several existing utility and access easements, as well as new easements for proposed utilities as depicted in Exhibit 3-5. All of the foregoing would occur within the Project Site.

## **3.11 CONSTRUCTION DETAILS**

### **3.11.1 PROJECT SEQUENCING AND CONSTRUCTION SCHEDULE**

A preliminary construction schedule for the Project is provided in Table 3-2, which was provided by the Project Developer. It is anticipated that the Project would be built in phases. The multiple-family component of the Project is anticipated to be built first and is anticipated to be open in 2027. The commercial uses are anticipated to be open in 2029. The single-family component is anticipated to be built by 2031.





PROPOSED OPEN SPACE SUMMARY TABLE

LOT	DESCRIPTION	ACRES
1	Hills Club and Preserve Apartments Landscape and Open Space Area	8.54
8	Preserve Place Landscape and Open Space Area	8.41
TOTAL		16.95
A	Open Space	7.57
B	Open Space	35.41
C	Open Space	0.23
TOTAL		43.21
TOTAL	All Landscape and Open Space Area Combined total landscape and open space area excluding Santa Ana Canyon Road	60.17

LEGEND

- PROJECT BOUNDARY LINE
- PROPOSED RIGHT OF WAY
- PROPOSED LOT LINE
- EXISTING LOT LINE
- STREET CENTERLINE
- PROPOSED STREET CURB
- NUMBERED LOT
- LETTERED LOT
- COUNTDOWN & ELEVATION
- SLOPE
- RETAINING WALL/ WALL HEIGHT
- PROPOSED OPEN SPACE AREA WITHIN LOTS 1 AND 8
- PROPOSED OPEN SPACE AREA
- FUEL MODIFICATION AREA

Source: Salt Development, 2024

# Open Space Plan

Hills Preserve Project



Not to scale

## Exhibit 3-26



**TABLE 3-2  
PROJECT CONSTRUCTION SCHEDULE**

<b>Phase</b>	<b>Activity</b>	<b>Anticipated Timing (approx.)</b>
<b>Multiple-Family Residential</b>	Excavation and Grading for Multiple-Family Residential Uses (including intersections, Deer Canyon Road, A Street excluding the commercial pads, B Street, and the multiple-family sites)	8/1/2024 to 11/30/2024
	Concrete Structure is Built	4/1/2025 to 2/1/2026
	Lobby and Amenity Spaces (including pool and deck) are Built Out	2/1/2026 to 10/1/2026
	Units are Built Out	7/1/2025 to 10/1/2027
	Commissioning and Final Inspections	10/1/2027 to 12/1/2027
<b>Commercial</b>	Excavation and Grading Occurs for Commercial Uses	6/1/2027 to 11/1/2027
	Parking Garage is Built for Commercial Uses	10/1/2027 to 6/1/2028
	Commercial Buildings are Built	4/1/2028 to 8/1/2029
	Tenant Improvements, Paving, and Architectural Coatings	8/2/2029 to 2/2/2030
<b>Single-Family Residential</b>	Excavation and Grading for Single Family Uses Occurs	8/1/2029 to 12/1/2029
	Single Family Residences are Built	3/1/2030 to 9/1/2031
Sources: SALT Development 2024a; Hunsaker & Associates 2024a.		

### 3.11.2 GRADING AND OTHER GROUND DISTURBANCE

A conceptual grading plan of the overall Project is provided as Exhibit 3-23 Sheet A through Sheet E, which shows the Project's proposed grading work.

To develop building pads within the Project Site, the Project would require a total of approximately 1,071,706 cubic yards (cy) of soil export from the Project Site. Project grading is anticipated to occur in three phases. The multiple-family residential portion of the Project Site would be graded first, which would involve approximately 513,915 cubic yards of soil export. The commercial portion of the Project Site would be graded second, which would involve approximately 330,282 cubic yards of soil. The single-family residential portion of the Project Site would be graded third involving the export of approximately 227,509 cubic yards of soil.

Temporarily impacted areas include those areas that would be disturbed during construction but would be returned to pre-Project conditions before the end of construction.



Permanent impact areas include those areas that are within the grading limits and/or fuel modification boundaries that have been established for the Project, whichever is greater.

Given the nature of the subject soils, it is reasonably assumed that all such soils would be exported to Olinda Alpha Landfill in Brea.

**TABLE 3-3  
PROJECT GRADING QUANTITIES BY PHASE**

Phase	Anticipated Timing	Acreage (approx.)	Export Volume (approx.)
1 – Multiple-Family Residential	8/1/2024 to 11/30/2024	13.78	513,915 cubic yards
2 – Commercial	6/1/2027 to 11/1/2027	11.04	330,283 cubic yards
3 – Single-Family Residential	8/1/2029 to 12/1/2029	10.40	227,509 cubic yards
<b>TOTALS</b>		<b>35.22</b>	<b>1,071,706 cubic yards</b>
Source: SALT Development 2023a; Hunsaker & Associates 2023a.			

### 3.11.3 VEGETATION REMOVAL

As noted above, the Project would require the removal of approximately 73 specimen trees pursuant to the AMC, consisting entirely of coast live oak (*Quercus agrifolia*). The Project would also remove approximately 0.05 acre of area containing a dense patch of approximately 20 Goodding's black willow (*Salix gooddingii*) saplings, which are not specimen trees pursuant to the AMC.

Information and analysis related to vegetation communities that would be removed by the Project is provided in Section 4.3, Biological Resources, of this Draft EIR.

### 3.11.4 CONSTRUCTION PARKING

Parking for construction vehicles would occur on-site and would not occur on existing public roads or in residential neighborhoods.

### 3.11.5 CONSTRUCTION HAUL ROUTES

As noted above, the Project would require the export of soil and other construction debris to the Olinda Alpha Landfill. Haul trucks containing soils and debris, which would travel eastbound along Santa Ana Canyon Road to Weir Canyon Road, which is a designated truck route. Haul trucks would travel along Weir Canyon Road to Imperial Highway to Valencia Avenue to reach the landfill.

### 3.12 **DISCRETIONARY ACTIONS**

If the Project is approved, concurrent with the adoption of the Specific Plan, the approval of the zoning code/map amendments to reflect the Specific Plan, and the approval of the proposed Development Agreement, the City Council would also approve a General Plan Amendment to re-designate portions of the Project Site as “Low Density Residential”, “Medium Density Residential”, “Open Space”, and “General Commercial”. The Project proposes a residential density of a maximum of 36 dwelling units per acre within the Medium Density Residential development area and up to 1.5 dwelling units per acre in the Low Density Residential area. Based on the tentative subdivision map submitted for the Project, the anticipated density for the single-family detached lots would be approximately 0.93 units/acre, which is below the maximum 1.5 units per acre permitted.

The anticipated discretionary approvals that would be required to implement the Project are identified below in Table 3-4.

**TABLE 3-4  
DISCRETIONARY APPROVALS**

Entity	Action
<b>City of Anaheim</b>	
	General Plan amendment to amend the land use designations for the Project Site; and to amend Figure C-2 of the Circulation Element
	Specific Plan adoption
	Development Agreement approval
	Zoning reclassification to amend the Zoning Map to reflect the adopted Specific Plan
	Zoning code text amendment
	Tentative Tract Map
	Final Plan to permit the Multiple-Family development
	Discretionary Tree Removal Permit
<b>California Department of Fish and Wildlife (CDFW)</b>	
	Section 1600 Streambed Alteration Agreement
<b>United States Fish and Wildlife Service (USFWS)</b>	
	Biological Opinion
<b>Santa Ana Regional Water Quality Control Board</b>	
	Section 401 Water Quality Certification
Note: A Section 404 permit from the Army Corps of Engineers is not anticipated given the only water features within the Project Site were determined to be non-jurisdictional ephemeral waters. See Section 4.3, Biological Resources, for more information regarding this topic.	

## 4.0 IMPACT ANALYSIS

---

In accordance with Sections 15125 and 15126(a) to (c) of the State California Environmental Quality Act (CEQA) Guidelines, this section of the Draft Environmental Impact Report (EIR) sets forth a description of the environmental setting and analyzes those environmental topics where the Project could result in “potentially significant impacts.” The City has determined that the Project has the potential to result in significant effects related to the following resource topics:

- Aesthetics (see Section 4.1)
- Air Quality (see Section 4.2)
- Biological Resources (see Section 4.3)
- Cultural Resources (see Section 4.4)
- Energy (see Section 4.5)
- Geology and Soils (see Section 4.6)
- Greenhouse Gas Emissions (see Section 4.7)
- Hazards and Hazardous Materials (see Section 4.8)
- Hydrology and Water Quality (see Section 4.9)
- Land Use and Planning (see Section 4.10)
- Noise (see Section 4.11)
- Population and Housing (see Section 4.12)
- Public Services (see Section 4.13)
- Recreation (see Section 4.14)
- Transportation (see Section 4.15)
- Tribal Cultural Resources (see Section 4.16)
- Utilities and Service Systems (see Section 4.17)
- Wildfire (see Section 4.18)

For the reasons set forth in Section 2.5, Effects Found Not to be Significant, the City has determined that the following environmental topics do not require further analysis:

- Agriculture and Forestry Resources
- Mineral Resources

## 4.0.1 ORGANIZATION

Each topical section includes the following subsections:

- Existing Conditions;
- Regulatory Setting;
- Thresholds of Significance;
- Impact Analysis;
- Cumulative Impact Analysis;
- Mitigation Program (if applicable); and
- Significance After Mitigation (if applicable).

## 4.0.2 THRESHOLDS OF SIGNIFICANCE; IMPACT CONCLUSIONS

In accordance with the CEQA statute and the State CEQA Guidelines (collectively, “CEQA”), the analysis and significance thresholds used in this Draft EIR have been derived from several sources, including, without limitation, the General Plan standards and from applicable regulatory standards.

Impacts are analyzed and the respective assessment and findings are included in this Draft EIR, applying the following levels of significance:

- No impact. A conclusion of ‘no impact’ is reached if no potential exists for impacts or if the environmental resource does not occur in the Project Site or the area of potential impacts.
- Less than significant impact. This determination applies if the impact does not exceed the defined significance criteria or would be eliminated or reduced to a less than significant level through compliance with existing local, State, and federal laws and regulations. No mitigation is required for impacts determined to be less than significant.
- Less than significant impact with mitigation. This determination applies if the Project would result in a significant impact, exceeding the established significance criteria, but feasible mitigation is available that would reduce the impact to a less than significant level.
- Significant and unavoidable impact. This determination applies if the Project would result in an adverse impact that exceeds the established significance criteria, and no feasible mitigation is available to reduce the impact to a less than significant level. Therefore, the residual impact would be significant and unavoidable.
- Significant and unavoidable impact with mitigation. This determination applies if the Project would result in an adverse impact that exceeds the established significance criteria, and although feasible mitigation might lessen the impact, the residual impact would remain significant, and, therefore, the impact would be unavoidable.

As part of the impact analysis, mitigation measures are identified, where feasible, for impacts considered significant or potentially significant consistent with State CEQA Guidelines Section 15126.4, which states that an EIR “shall describe feasible measures which could minimize significant adverse impacts.” CEQA and other applicable laws require that mitigation measures have an essential nexus and be roughly proportional to the significant impact identified in the EIR. Consistent therewith, in this Draft EIR, where a potentially significant environmental effect has been identified, Project-specific mitigation measures have been included where feasible. Any mitigation measure, and timing thereof, is subject to the approval of the City, which shall be reflected in the adopted MMRP. The two primary components of the Mitigation Program are described below.

- **Mitigation Measures.** Where a potentially significant environmental effect has been identified and is not reduced to a level considered less than significant through the application of regulatory requirements, Project-specific mitigation measures have been prepared and incorporated into the Project.

### **4.0.3 CUMULATIVE IMPACTS**

An EIR must discuss cumulative impacts when (1) they are significant and (2) the project’s incremental contribution to any identified significant cumulative impact is “cumulatively considerable.” The discussion of cumulative impacts in this subsection analyzes the cumulative impacts of the Project, taken together with other past, present, and reasonably foreseeable probable future projects producing related impacts, within an identified geographic scope of review. As explained further herein, the goal of this analysis is to determine whether the overall long-term impacts of all such projects would be cumulatively significant, and if so, then to determine whether the Project itself would cause a “cumulatively considerable” incremental contribution to any such cumulatively significant impacts.

To determine whether the overall long-term impacts of all such projects would be cumulatively significant, the analysis generally considers the following:

- The geographic area in which impacts of the project would be experienced.
- The nature of the impacts of the project that are expected in the area.
- Other past, proposed, and reasonably foreseeable probable future projects that have had or are expected to have related impacts in the identified geographic scope.
- The impacts or expected impacts of these other projects.
- The overall impact that can be expected if the individual impacts from each project are allowed to accumulate.

“Cumulative impacts” refers to two or more individual impacts that, when considered together, are considerable, or that compound or increase other environmental impacts (State CEQA Guidelines § 15355). Cumulative impacts can result from individually minor but collectively significant impacts taking place over time (State CEQA Guidelines § 15355(b)). The purpose of the cumulative impact analysis is to avoid considering projects in a vacuum; without this analysis, piecemeal approval of several projects with related impacts could lead to severe environmental harm.

As noted above, an EIR must discuss cumulative impacts when they are significant and the project’s incremental impact is “cumulatively considerable.” A project’s incremental contribution is cumulatively considerable if the incremental effects of the project are significant “when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” However, an EIR need not discuss cumulative impacts that do not result in part from the project (State CEQA Guidelines § 15130(a)(1)).

Pursuant to the above requirements, past, present and reasonably foreseeable probable future projects are considered in this analysis. For defining those cumulative projects, the City has identified approved and pending projects within approximately two miles of the Project Site, which are listed in Table 4-1, Cumulative Projects List. Cumulative projects were identified by City staff during the scoping of the Traffic Impact Assessment. To identify cumulative projects, City staff reviewed the City’s internal permitting database and identified known projects that have been submitted to the City, either as a development application or a conceptual development application. It should be noted that, while the projects listed in Table 4-1, Cumulative Projects List, have been considered in the analysis, as appropriate, not all such projects would contribute to significant cumulative impacts for each topical area. The cumulative impact analysis in each topical area provides an evaluation of the cumulative projects that would contribute to that particular environmental topic’s cumulative impacts. Some impacts are site-specific and would not compound the impacts associated with the Project. Accordingly, this analysis confirms the appropriate geographical scope that was utilized for each environmental topic. Additionally, in certain cases, short-term impacts would not contribute to cumulative impacts because the construction of the cumulative projects and the development of the Project would not occur within the same time frame or in proximity to each other.

**TABLE 4-1  
CUMULATIVE PROJECTS LIST**

<b>Project Identifier</b>	<b>Address</b>	<b>City</b>	<b>Project Description</b>	<b>Distance from Project Site (approx.)</b>	<b>Project Status</b>
DEV2022-00055	1240 North Lakeview Avenue	Anaheim	94,540-sf industrial building	1.1 miles	Conceptual Development Review
DEV2021-00046	8163 East Kaiser Boulevard	Anaheim	5,315-sf outdoor expansion of an existing church	0.8 mile	Entitlement Phase
DEV2013-00024C	8163 East Kaiser Boulevard	Anaheim	43-student preschool	0.8 mile	Approved by Planning Commission on 1/20/2021
DEV2022-00048	South of Crystal Drive and West of Pullman Street	Anaheim	160-unit RV storage	1.5 miles	Entitlement Phase
DEV2020-00204	South of East Santa Anna Canyon Road, East of State Route 241, West of Jeep Trail	Anaheim	180 acre cemetery on a 283-acre property	2.7 miles	Entitlement Phase
DEV2020-00097	6268 East Rio Grande Drive	Anaheim	Four lot single family subdivision	1.3 miles	Entitlement Phase
DEV2022-00063	5510 East La Palma Avenue	Anaheim	87,912-sf warehouse	3.4 miles	Conceptual Development Review
DEV2023-00043	Within the Anaheim Hills Festival Specific Plan area	Anaheim	450 multifamily units	0.5 mile	Entitlement Phase
sf: square feet. Sources: LLG 2024a.					



*This page intentionally left blank*

---

## 4.1 AESTHETICS

### 4.1.1 EXISTING CONDITIONS

#### Visual Character

Visual character in the California Environmental Quality Act (CEQA) context is an impartial description of defining physical features, landscape patterns, and distinctive physical qualities within a landscape. Visual character is informed by the composition of land, vegetation, water, and structures and their relationship (or dominance) to one another, and by prominent elements of form, line, color, and texture that combine to define the composition of views. Visual character-defining resources and features within a landscape may derive from notable landforms, vegetation, land uses, building design and façade treatments, transportation facilities, overhead utility structures and lighting, historic structures or districts, or panoramic open space.

#### Project Site

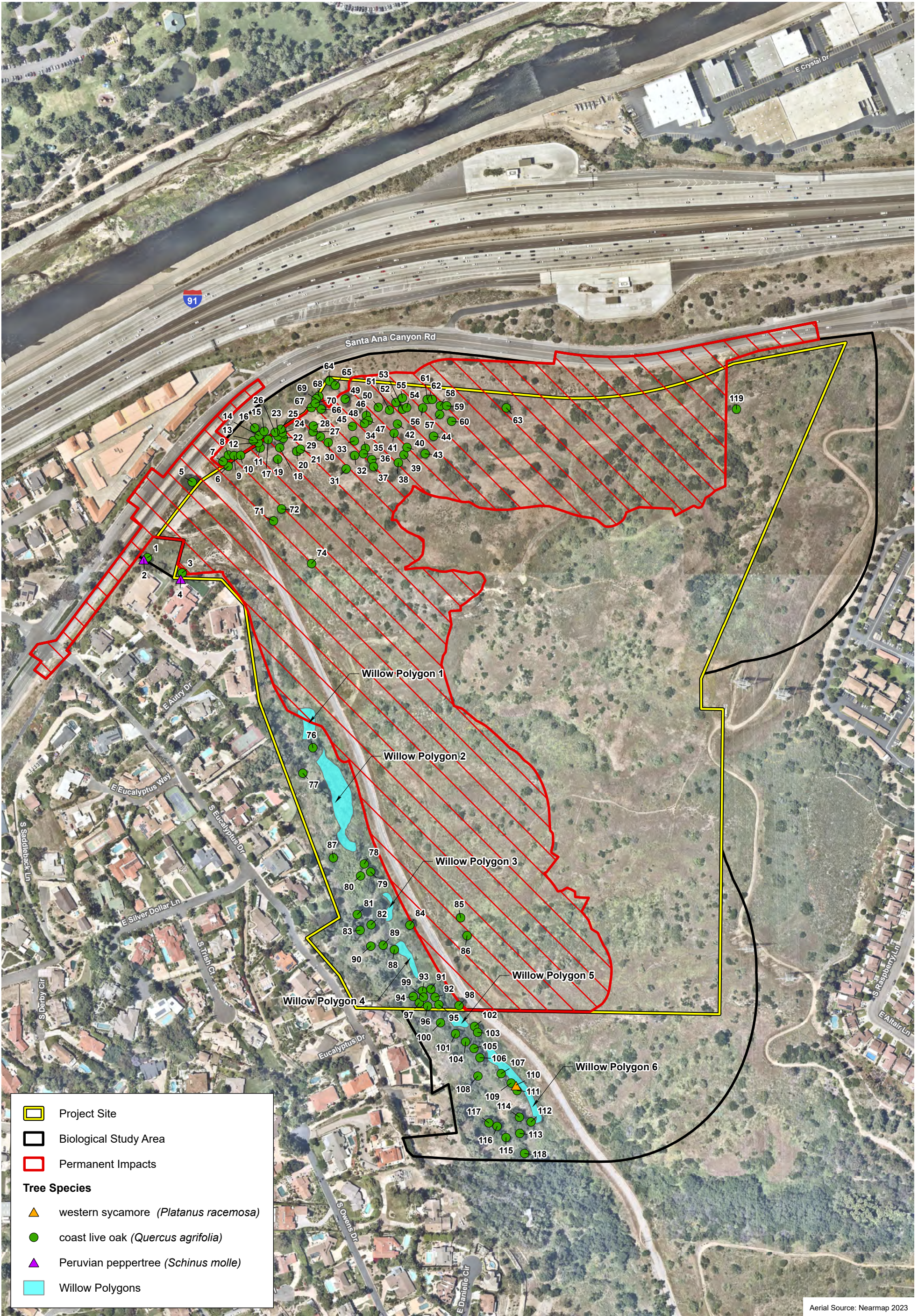
The Project Site consists mostly of undeveloped properties. No buildings are currently located within the Project Site. There is a paved access road that is located within the western portion of the Project Site that connects to Santa Ana Canyon Road in the north. There are also dirt access roads throughout the Project Site (NETR Online 2024a). There is an existing underground 96-inch storm drain and sewer line that traverse the Project Site in the north-south direction that was installed to service residential developments to the south of the Project Site. There are no other existing utilities on-site.

Elevations within the Project Site range from approximately 600 feet above mean sea level (msl) in the southeast portion of the Project Site to approximately 330 feet above msl at the northwest boundary of the Project Site along Santa Ana Canyon Road. The topography within the Project Site consists of rolling hills and several steep sided hilltops and ridgelines located in the eastern and western portions of the Project Site. The Project Site is situated along and within Deer Canyon, which drains to the north towards the Santa Ana River with canyon walls ascending to the east and west (Group Delta 2023a).

A variety of vegetation types occur in the Project Site, including the following vegetation communities: sagebrush – black sage scrub; sagebrush – black sage scrub/ruderal; coyote brush scrub; toyon – sumac chaparral; toyon – sumac chaparral/ruderal; ruderal; disturbed ruderal; coastal freshwater marsh; poison oak scrub; southern willow scrub; mulefat scrub; southern coast live oak riparian forest; Mexican elderberry woodland; non-native woodland; xeric cliff face; developed areas; and disturbed areas (Psomas 2023a).

A total of approximately 119 individual trees were documented within the Project Site, along with approximately 6 clusters of willow scrub as shown on Exhibit 4.1-1. Of these approximately 119 trees, approximately 117 meet the definition of a specimen tree pursuant to the AMC, consisting of 114 coast live oaks (*Quercus agrifolia*), two Peruvian pepper trees (*Schinus molle*) and one western sycamore (*Platanus racemosa*). These trees generally occur





Aerial Source: Nearmap 2023

# Tree Inventory

Hills Preserve Project

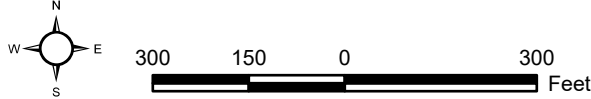


Exhibit 4.1-1





in three separate areas on the Project Site, which include: (1) along the northern Project Site boundary on north-facing slopes; (2) within the canyon area that runs along the western site boundary; and (3) near the base of side canyons that drain toward the larger canyon in the western portion of the Project Site. Also, six separate areas containing patches of willow scrub habitat were mapped within the channel that runs along the western boundary of the Project Site. These areas contain numerous Goodding's black willow (*Salix gooddingii*) trees and saplings, which are growing in dense clusters.

Because there are no buildings on-site, there is no existing lighting or glare sources within the Project Site.

### **Project Vicinity**

There are approximately eight existing streetlights outside of and adjacent to the Project Site, along its frontage with Santa Ana Canyon Road.

There are SCE transmission line towers outside of and adjacent to the Project Site, to the east.

### **Scenic Resources**

Scenic resources typically involve prominent, unique, and identifiable natural features in the environment (e.g., trees, rock outcroppings, islands, ridgelines, channels of water, and aesthetically appealing open space), and/or cultural features or resources, such as regional or architecturally distinctive buildings or structures that serve as a focal point of interest.

### **Project Site**

As noted below, the Project Site is visible from State Route (SR) 91, which is designated as a State Scenic Corridor. Also, the Project Site is within and visible from the City's Scenic Corridor Overlay Zone.

The Project Site is located between a local scenic corridor (Santa Ana Canyon Road) and a scenic highway (SR-91) to the north.

### **Views**

Views may be generally described as panoramic views of a large geographic area for which the field of view can be wide and extend into the distance. Associated vantage points provide an orientation from publicly accessible locations. Examples of distinctive views include urban skylines, valleys, mountain ranges, or large bodies of water.

### **Project Site**

There are public views of the Project Site from viewpoints including Santa Ana Canyon Road, SR-91, the Santa Ana River Trail, and Yorba Regional Park to the north. The Project Site is also visible from Deer Canyon Park Preserve to the south and from public roads immediately west of the Project Site including Eucalyptus Drive.

## **Light and Glare**

In the context of CEQA, light is nighttime illumination that stimulates sight and makes things visible; glare may be defined as difficulty seeing in the presence of bright light, such as direct or reflected sunlight.

## **Project Site**

As noted above, because there are no buildings on-site and it is primarily undeveloped, there are no sources of permanent lighting or glare.

## **Project Vicinity**

As noted above, there are approximately eight existing streetlights outside of and adjacent to the Project's frontage with Santa Ana Canyon Road. The primary sources of nighttime light in the surrounding area are from vehicle headlights traveling along Santa Ana Canyon Road and SR-91, as well as other surrounding roadways. There are also streetlights and buildings with outdoor security lighting in the Project vicinity.

### **4.1.2 REGULATORY SETTING**

#### **State**

#### ***California Department of Transportation State Scenic Highway Program***

The California Scenic Highway Program, created in 1963 by the California legislature, is managed by the California Department of Transportation (Caltrans). The goal of the program is to preserve and protect scenic highway corridors from changes that would negatively impact the aesthetic quality of lands that are adjacent to highways. Caltrans defines a scenic highway as any freeway, highway, roadway, or other public right-of-way that passes through an area of valuable scenic quality. Qualification for designation as a State Scenic Highway is based on vividness, intactness, and unity. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated.

The state highway corridor protection program seeks to encourage quality development that does not degrade scenic value of corridors. Minimum requirements for scenic corridor protection include:

- Regulation of land use and density of development
- Detailed land and site planning
- Control of outdoor advertising (including a ban on billboards)
- Careful attention to and control of earthmoving and landscaping

A 4.5-mile segment of SR-91 is an officially designated State Scenic Highway from SR-55 to west of the Weir Canyon Road interchange. SR-91 is located approximately 0.1-mile north of the Project Site. The Project Site is not visible from any other designated State Scenic Highways besides SR-91 (Caltrans 2023a).

**Title 24 of the California Code of Regulations Building Energy Efficiency Standards**

California Building Code (California Code of Regulations [CCR], Title 24)—including Title 24, Part 6— includes Section 132 of the Building Energy Efficiency Standards, which regulates lighting characteristics, such as maximum power and brightness, shielding, and sensor controls to turn lighting on and off. Different lighting standards are set by classifying areas by lighting zone. The classification is based on population figures of the 2000 Census. Areas can be designated as LZ1 (dark), LZ2 (rural), or LZ3 (urban). Lighting requirements for dark and rural areas are stricter, to protect the areas from the introduction of new sources of light pollution and light trespass.

**Local**

***City of Anaheim General Plan – Community Design Element***

The Community Design Element of the City’s General Plan helps to establish a positive and strong community identity for the City of Anaheim (City of Anaheim 2004a). The Community Design Element provides policy guidance in visually unifying the diverse areas of the City through carefully crafted design policies.

The Community Design Element includes a map with community design districts, which are general areas of the City with common design features and characteristics. As defined by the City in the Community Design Element, the Project Site is located within the Hill and Canyon Area community design district. The one goal that is directly applicable to the Hill and Canyon Area is Goal 21.1, which is: “(To) preserve the Hill and Canyon Area’s sensitive hillside environment and the community’s unique identity.” As described in Figure CD-1 of the Community Design Element, some of the City’s key points of focus for the Hill and Canyon Area community design district include:

- (To) reinforce the natural environment of the area through appropriate landscaping and the preservation of open space;
- (To) preserve views and ridgelines;
- (To) incorporate natural aesthetics into design; and
- (To) reinforce quality development standards and guidelines compatible with the hillside area.

The Community Design Element provides guidance for the City’s built environment and it includes goals and policies related to aesthetics that are relevant to this analysis. The

applicable goals and policies from the Community Design Element are provided in Table 4.10-1 of Section 4.10, Land Use and Planning.

### ***City of Anaheim General Plan – Land Use Element***

The Land Use Element of the City’s General Plan divides the City into community policy areas, along with goals and policies for each community policy area with the goal of creating, preserving, and enhancing these areas of the City. The Project Site is within the Hill and Canyon Area community policy area. The goals and policies that are relevant to this analysis from the Land Use Element are provided in Table 4.10-1 of Section 4.10, Land Use and Planning, with a Project consistency analysis.

### ***City of Anaheim General Plan – Green Element***

The Green Element of the City’s General Plan aims to use a variety of open space opportunities and resources to create a unified vision for a more beautiful, healthy city (City of Anaheim 2004b).

There are areas in the western and southern portions of the Project Site that are depicted as “Open Space” in Figure G-1 of the City’s Green Element. Figure G-1 of the Green Element also depicts a “Riding/Hiking, Pedestrian and Mountain Bike Trail” along Deer Canyon Parkway from Santa Ana Canyon to the south. The figure also depicts a “Riding/Hiking, Pedestrian and Mountain Bike Trail” north of the Project Site along Santa Ana Canyon Road.

The Green Element includes goals and policies related to hillside development and grading as well as ridgelines, views, and vistas, landscaping, and street trees. The goals and policies that are relevant to this analysis from the Green Element are provided in Table 4.10-1 of Section 4.10, Land Use and Planning, with a Project consistency analysis.

### ***City of Anaheim General Plan – Circulation Element***

The Circulation Element of the City’s General Plan includes a goal and policies related to State-designated scenic highways. The goals and policies that are applicable to the Project from the Circulation Element are provided in Table 4.10-1 of Section 4.10, Land Use and Planning, with a Project consistency analysis.

### ***Anaheim Municipal Code***

#### **Scenic Corridor Overlay Zone**

The entire Project Site is within the City’s Scenic Corridor Overlay Zone. The purpose of the Scenic Corridor Overlay Zone is to provide for and promote orderly growth in certain areas of the City designated as being of distinctive, scenic importance, while implementing local governmental agency actions for the protection, preservation, and enhancement of the unique and natural scenic assets of these areas as a valuable resource to the community. The City’s Scenic Corridor Overlay Zone has been designated as an area of distinctive natural and rural beauty, characterized and exemplified by the interrelationship between such primary

natural features as the rolling terrain, winding river, Specimen Trees, and the profusion of natural vegetation. As detailed further below, Chapter 18.18 of the AMC provides regulations for parcels that are located within the City's Scenic Corridor Overlay Zone; these address, for example, requirements related to setbacks, parking location, height, and roof mounted equipment.

Tree preservation procedures for the City's Scenic Corridor Overlay Zone are provided in AMC Section 18.18.040 with the purpose of preserving the natural beauty of the Santa Ana Canyon environment, to increase the visual identity and quality of the area, and to protect the remaining natural amenities from premature removal or destruction. Also, Section 18.18.040 of the AMC includes provisions for issuance of tree removal permits and replacement tree planting.

The AMC defines specimen trees as "any tree of the *Quercus* varieties (Oak) with a trunk measuring twenty-five (25) inches or greater in circumference; or any tree of the *Schinus* varieties (Pepper) and *Platanus* varieties (Sycamore), with trunks measuring fifty (50) inches or greater in circumference; measurements of circumference shall be taken at a point four (4) feet above ground level."

As required by AMC Section 18.18.040, impacted specimen trees would require the issuance of a Specimen Tree Removal Permit by the City. As part of the permit process, the City requires that replacement trees be planted on the same parcel or in the public right-of-way located in the immediate vicinity, as directed by the City. Any replacement trees in the public right-of-way must be approved by the Department of Public Works. The replacement trees shall comply with the following provisions:

- The replacement trees shall be a minimum thirty-six (36) inch box size at time of planting, or larger if appropriate to the tree unless the City Arborist approves a twenty-four (24) inch box size based on feasibility and site characteristics.
- The number of replacement trees shall be as identified in Table 18-A of AMC Section 18.18.040. For impacted specimen trees that are under 38" in circumference<sup>1</sup>, one replacement tree is required per impacted specimen tree. For impacted specimen trees that are 38"-64" in circumference, two replacement trees are required per impacted specimen tree. For impact specimen trees that are over 64", three replacement trees are required per impacted specimen tree.
- Any replacement trees that are planted within the Project Site, which are subsequently removed, damaged, diseased and/or dies, shall be replaced in a timely manner in accordance with the provisions of the AMC.

---

<sup>1</sup> The circumference of trees is measured at four feet above ground level.



### 4.1.3 THRESHOLDS OF SIGNIFICANCE

The following significance criteria, included for analysis in this Draft EIR, are based on the City of Anaheim's Environmental Checklist. Except as provided in Public Resource Code Section 21099, impacts to aesthetics would be significant if the Project would:

- a) Have a substantial adverse effect on a scenic vista.
- a) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- b) 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 those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.
- c) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

In terms of methodology, in conducting this analysis and applying the above-referenced thresholds, Psomas evaluated potential Project impacts on aesthetics, light, and glare through site reconnaissance and review of applicable plans, policies, data, and information. Psomas personnel visited the Project Site;; and reviewed aerial photographs, topographical maps, street maps, Project plans, and elevations to identify surrounding land uses and evaluate potential impacts from the proposed Project. The Anaheim General Plan, the AMC, and the Project's proposed Specific Plan were reviewed to determine applicable policies and design requirements for the Project. Project plans and design guidelines were reviewed to determine compliance with the requirements of the General Plan, Municipal Code and other applicable provisions. In addition, visual renderings were created to illustrate the proposed Project's potential impact on aesthetics resources.

### 4.1.4 IMPACT ANALYSIS

#### *a) Would the Project have a substantial adverse effect on a scenic vista?*

**Less Than Significant Impact.** A scenic vista is generally defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the public. A substantial adverse effect to a scenic vista is one that substantially degrades the view from a designated viewing location (Caltrans 2024a).

According to Goal 2.1 contained in the Green Element of the City's General Plan, scenic vistas in the City include views of ridgelines, natural open space areas, the contours of the Hill and Canyon Area and the Santa Ana Mountains, golf courses, and the Santa Ana River (City of Anaheim 2004b). The Project Site contains ridgelines and natural open space areas, which meet the definition of scenic resources pursuant to the City's Green Element. Therefore, this threshold response provides an evaluation as to whether views of ridgelines and natural open space areas would be substantially adversely affected by the Project.

The Project Site is visible from a City-designated scenic corridor, Santa Ana Canyon Road, and a State-designated scenic highway, SR-91, which are both to the north of the Project Site. The Project Site is also visible from public viewpoints on Eucalyptus Drive, Yorba Regional Park, Santa Ana River Trail, and Deer Canyon Park Preserve.

In general terms, to minimize impacts to scenic resources, the Project's buildings have been sited and the grading approach has been developed so that the more visually significant ridgelines and hilltops on the Project Site would not be developed. Instead, these upper elevations of the Project Site would be zoned as Open Space and would be retained as undeveloped areas, thereby helping to retain the existing scenic, open space qualities as visual resources. Specifically, as depicted in Exhibit 4.1-2, approximately 57% of the Project Site would be retained in its existing open space state, with the proposed residential and commercial elements clustered into a smaller overall footprint, taking into account topographical constraints and protecting the top of ridgelines in the Project Site.

In doing so, the Project would generally preserve public views of existing backdrop ridgelines from off-site perspectives, particularly from Santa Ana Canyon Road and SR-91, with the addition of new structures being clustered at the lower elevations of the Project Site in the foreground of most of these views. This substantial retention of the natural landscape outside of the development footprint would be accomplished through the export of soil from the Project Site and through the construction of retaining walls, which allows for the establishment of building pads.

Slopes that would be disturbed during construction would be stabilized and re-planted in accordance with a detailed landscape plan to be reviewed and approved by the City in coordination with the Project's Specimen Tree Removal Permit requirements.

As shown in the Project's overall site plan which is provided above as Exhibit 3-6, the Project would include a total of approximately 11.50 acres of landscaped areas (BrightView 2023a).

Overall, the Project would include the removal of approximately 73 specimen trees pursuant to the AMC, consisting entirely of coast live oak (*Quercus agrifolia*). The Project would also remove approximately 0.05 acre of area containing a dense patch of approximately 20 Goodding's black willow (*Salix gooddingii*) saplings, which are not specimen trees pursuant to the AMC. The Project would involve the planting of new trees pursuant to the Project's approved landscape plan, the City's applicable scenic corridor requirements, and applicable Specific Plan provisions. It is anticipated that the Project would plant and maintain approximately 485 new trees consisting of approximately 20 new trees at the pool deck and approximately 465 new trees at ground level. At a minimum, the Project would be required to plant a total of 175 replacement trees in accordance with Specimen Tree Removal Permit requirements contained in the AMC.

Implementation of the Project's proposed landscape plan would help to minimize visual effects of the Project.

Analyses related to the visual effects of the Project for viewers from specific public viewpoints are provided below.



Source: Salt Development, 2024

## Existing Aerial View Looking West Across SR-91 – Sheet A

Exhibit 4.1 – 2

*Hills Preserve Project*







Source: Salt Development, 2024

## Proposed Aerial View Looking West Across SR-91 – Sheet B

Exhibit 4.1 – 2

*Hills Preserve Project*

PSOMAS





Source: Salt Development, 2024

## Existing SR-91 Eastbound View – Sheet C

Exhibit 4.1 – 2

*Hills Preserve Project*

PSOMAS





Source: Salt Development, 2024

## Proposed SR-91 Eastbound View – Sheet D

Exhibit 4.1 – 2

*Hills Preserve Project*

PSOMAS



Source: Salt Development, 2024

## Existing SR-91 Westbound View 1 – Sheet E

*Hills Preserve Project*

## Exhibit 4.1 – 2







Source: Salt Development, 2024

## Proposed SR-91 Westbound View 1 – Sheet F

Exhibit 4.1 – 2

*Hills Preserve Project*







Source: Salt Development, 2024

## Existing SR-91 Westbound View 2 – Sheet G

Exhibit 4.1 – 2

*Hills Preserve Project*







Source: Salt Development, 2024

## Proposed SR-91 Westbound View 2 – Sheet H

Exhibit 4.1 – 2

*Hills Preserve Project*



- **Visual Effects For Views From Santa Ana Canyon Road:** The Project Site is located along and is visible from public vantage points along Santa Ana Canyon Road, as it winds its way along the northern edge of the Project Site. Santa Ana Canyon Road is a City-designated Scenic Corridor and the Project Site is within a Scenic Corridor Overlay Zone.

As shown in the rendering provided as Exhibit 4.1-3, the Project's commercial and multiple-family residential structures would be prominently visible from a motorist's, pedestrian's, or bicyclists' perspective as they travel along Santa Ana Canyon Road. However, these structures have been designed so that they are below the existing ridgelines that are in the Project Site, which helps to preserve views of existing natural contours in the Project Site. Also, these views are most often experienced by individuals in vehicles that are traveling at approximately 40 miles per hour; therefore, these viewers are less sensitive to visual changes that occur on the Project Site.

A total of approximately 73 specimen trees as well as other vegetation would be removed from the Project Site to accommodate the Project. Many of these trees that would be removed are visible from Santa Ana Canyon Road. Once grading and construction are completed, the Project Site would be re-landscaped, which would minimize these visual effects. As detailed above and more fully in the Specific Plan, the Project would retain approximately 46 trees and would plant a minimum of 175 replacement trees. Also, the Project would include a total of approximately 11.50 acres of landscaped areas (BrightView 2023a).

The proposed seven story multiple-family residential building would be visible from Santa Ana Canyon Road, particularly from the proposed Santa Ana Canyon Road and Deer Canyon Road intersection. The multiple-family residential building would have a maximum height of 95 feet, although it would appear taller for viewers along Santa Ana Canyon Road given that the building would be built upslope of the roadway. The ten-story parking structure (including three subterranean levels) and the roof deck would not be visible from Santa Ana Canyon Road since they would be blocked by the building's frontage.

The multiple-family residential building would be built near the lowest elevations within the Project Site, which would minimize the visual intrusion of this structure. Moreover, the Project would be required to implement the detailed Development Standards and Design Guidelines contained in the Specific Plan. Implementation of same are intended to facilitate the creation of buildings and landscape character that is aesthetically pleasing, highly functional, and takes into appropriate consideration physical site characteristics and constraints.

Also, to reduce the height of the proposed multiple-family residential building relative to neighboring properties, the Project would require the removal of soil from the Project Site, the construction of retaining walls, and the construction of subterranean parking floors. With respect to the retaining walls, these are being constructed in order to appropriately incorporate the proposed uses into the





Source: Salt Development, 2024

## Existing Santa Ana Canyon Road Eastbound View – Sheet A

Exhibit 4.1 – 3

*Hills Preserve Project*







Source: Salt Development, 2024

## Proposed Santa Ana Canyon Road Eastbound View – Sheet B

Exhibit 4.1 – 3

*Hills Preserve Project*

PSOMAS





Source: Salt Development, 2024

## Existing Santa Ana Canyon Road Westbound View 1 – Sheet C

Exhibit 4.1–3

*Hills Preserve Project*

PSOMAS





Source: Salt Development, 2024

## Proposed Santa Ana Canyon Road Westbound View 1 – Sheet D

Exhibit 4.1–3

*Hills Preserve Project*







Source: Salt Development, 2024

## Existing Santa Ana Canyon Road Westbound View 2 – Sheet E

Exhibit 4.1 – 3

*Hills Preserve Project*







Source: Salt Development, 2024

## Proposed Santa Ana Canyon Road Westbound View 2 – Sheet F

Exhibit 4.1 – 3

*Hills Preserve Project*

PSOMAS

topography of the Project Site and to minimize, to the extent feasible, the amount of grading and soil export that would be needed otherwise. Retaining walls would be constructed in accordance with applicable development standards set forth in the Specific Plan and the AMC; to reduce visual impact, where feasible, walls would be stepped with slopes and v-ditches in between.

Views of the multiple-family residential building from this perspective would be partially obscured through the dense planting of trees within the Project Site at the northern portion of Project Driveway No. 1 (i.e., Deer Canyon Road). The Project would include enhanced landscaping such as new specimen and accent trees, an entry monument wall, landscaped center median, and accent paving. Also, as noted above, the Project would plant substantial numbers of new trees (as well as retain approximately 46 existing trees) and other landscaping north and south of this driveway in accordance with the City's Scenic Corridor requirements and applicable Specific Plan provisions. This entry elevation is depicted in Exhibit 3-12. Also, southeast of the proposed intersection of Deer Canyon Road and "A" Street, the Project would include a water feature basin with a cascading water feature, which would further obscure views from Santa Ana Canyon Road of the multiple-family residential building.

The commercial buildings would consist of two, three-story, approximately 40,000 gross square foot buildings that would be built upslope of Santa Ana Canyon Road. The Project's proposed commercial buildings would be similar in scale to other buildings along Santa Ana Canyon Road within the Scenic Corridor Overlay Zone, including the office parks located approximately 0.45-mile to the east near Roosevelt Road and approximately 0.77-mile to the northeast of the Project Site on Riverview Drive. These existing office buildings within the Scenic Corridor Overlay Zone were built with similar exterior buildings materials to those which are proposed for the Project's commercial and multiple-family residential buildings, such as reflective windows and polished exterior metal features.

Views of the commercial buildings from Santa Ana Canyon Road would be partially obscured by trees that would be planted along the east side of Santa Ana Canyon Road, as well as by proposed trees that would be planted on both sides of "A" Street within the Project Site.

Behind the commercial structure, a series of retaining walls would be built that would be visible to viewers on Santa Ana Canyon Road. By building these retaining walls, grading would be avoided upslope of the retaining walls, allowing for views to be maintained above and past the commercial building for viewers along Santa Ana Canyon Road. As note above and described further in the Specific Plan, retaining walls would be constructed in accordance with applicable development standards and would be stepped with slopes and v-ditches in between to reduce visual impacts.

In summary, views from Santa Ana Canyon Road would be altered by the construction of new buildings at the lower elevations of the Project Site. Viewers along the eastern portion of Santa Ana Canyon Road north of the Project Site would generally observe

natural contours, vegetated slopes, and ridgelines above the two proposed commercial buildings. Viewers along the western portion of Santa Ana Canyon Road would experience a greater visual effect, with the Project's proposed structures obstructing to a degree views of natural ridgelines and contours from this perspective. Trees and other vegetation that are currently visible from Santa Ana Canyon Road would be removed by the Project. However, all views of proposed buildings from Santa Ana Canyon Road would be obscured and enhanced through new tree plantings and other landscaping that would be planted as part of the Project.

- **Visual Effects For Views From SR-91:** As discussed in more detail below under threshold 4.1(a), a 4.5-mile segment of SR-91 is an officially designated State Scenic Highway from SR-55 to west of the Weir Canyon Road interchange. SR-91 is located approximately 0.1-mile north of the Project Site. The Project Site is visible intermittently for motorists on SR-91. Visual renderings of existing and proposed views of the Project Site from SR-91 are provided as Exhibit 4.1-2. From SR-91, the proposed commercial and multiple-family residential buildings would be partially visible; however, the views of ridgelines and natural contours in the background would still remain prominent for viewers looking at the Project Site from SR-91. Views of the Project Site from SR-91 that are further to the east would be more affected than views that occur to the west as the views to the west are already mostly obscured by the existing soundwall and other intervening structures.
- **Visual Effects For Views From Eucalyptus Drive:** The Project Site is partially visible from Eucalyptus Drive, which is just west of the Project Site. Views of the Project Site from this location are limited due to intervening structures, slopes, and vegetation. With implementation of the Project, viewers from Eucalyptus Drive would have views of the tops of the proposed new single-family residences within the Project Site, as shown in Exhibit 4.1-4. However, views beyond the proposed single-family residences to natural vegetation and ridgelines from this perspective would largely be retained. Also, views would be softened through implementation of a landscaping plan. This viewpoint would not have any views of the proposed multiple-family residential or commercial buildings.
- **Visual Effects For Views From Yorba Regional Park and Santa Ana River Trail:** The Project Site is visible in the distance from public vantage points north of the Project Site including from Yorba Regional Park and the Santa Ana River Trail. From these perspectives, viewers would see a partially developed Project Site with vegetated slopes leading up to the ridgelines that would be retained. Development would appear as an extension of residential and commercial development that already exists to the east and west of the Project Site and views of the ridgelines would not be impacted.
- **Visual Effects For Views From Deer Canyon Park Preserve:** The Project Site is located approximately 825 feet (0.16-mile) north of Deer Canyon Park Preserve, which contains ridgelines and other natural open space areas. The Project would not block any views of Deer Canyon Park Preserve from any public viewpoints due to existing topography.





Source: Salt Development, 2024

## Existing View just North of 200 South Eucalyptus Road – Sheet A

Exhibit 4.1 –4

*Hills Preserve Project*

PSOMAS





Source: Salt Development, 2024

## Proposed View just North of 200 South Eucalyptus Road – Sheet B

Exhibit 4.1 –4

*Hills Preserve Project*

PSOMAS

Deer Canyon Park Preserve contains several trails from which hikers, bicyclists, and other public users have vantage points that provide views north to the Project Site. Due to topography, once built there would only be limited views of one of the Project's proposed single-family residences from Deer Canyon Park Preserve.

### **Scenic Vistas and Resources Pursuant to the City's Community Design Element**

The City's Community Design Element states that the topography of the Hill and Canyon Area, in which the Project occurs, requires special design attention and that residents in this area are proud of the natural, semi-rural setting and that residents have consistently expressed the desire to preserve open space, specimen trees, views, and vistas (City of Anaheim 2004a). The Community Design Element suggests that design guidelines be applied for projects in this portion of the City that respect the existing topography to enhance views to and from adjacent freeways, arterials, and streets.

Goal 21.1 of the Community Design Element is to "Preserve the Hill and Canyon Area's sensitive hillside environment and the community's unique identity". The Project Site is located in the "Hill and Canyon Area" of the City as referenced in this goal of the Community Design Element. Policies under Goal 21.1 of the City's Community Design Element include:

- Policy 1: (To) reinforce the natural environment of the area through appropriate landscaping and the preservation of open space.
- Policy 2: (To) require compliance with the Scenic Corridor Overlay Zone to reinforce quality development standards and guidelines compatible with the hillside area.

In furtherance of the Community Design Element's policies that are applicable to the Hill and Canyon Area of the City, including Goal 21.1, the Project has been designed and would be required to incorporate the following:

- Special Design Attention to Existing Topography: The Project's proposed buildings have been designed so that they would be visually integrated into the hilly terrain of the Project Site through the export of soil and the installation of retaining walls, which would clear way for building pads and minimize the appearance of the proposed buildings. This specific approach has been used to maintain existing topography in upslope portions of the Project Site to the extent feasible.
- Preservation of Natural, Semi-Rural Setting: The Project would introduce buildings onto the Project Site, which is currently undeveloped. Therefore, the Project would reduce the amount of natural areas within the Project Site when compared to existing conditions. Also, the Project would reduce the semi-rural setting of the Project's surroundings when compared to existing conditions through the introduction of new buildings that are developed at a greater development density than currently exist on the Project Site and on parcels in the nearby vicinity. The proposed buildings would be clustered to reduce the overall development footprint and external materials would be utilized for the Project's commercial and multiple-family residential buildings that evoke a Mid-century modern aesthetic in contrast to the

ranch houses or farmhouse exterior architecture that one would expect to see in a semi-rural setting. However, approximately 43.22 acres (approximately 57%) of the Project Site would be re-zoned as Open Space, which would help to maintain a degree of natural and semi-rural setting in the Project Site. These areas to be re-zoned as Open Space are the more visually-prominent ridgelines and slopes leading to ridgelines. Also, substantial landscaping in accordance with an approved landscape plan has been incorporated as part of the Project to minimize visual effects of the Project's buildings and the Project's proposed tree removals.

- Preservation of Open Space: The Project has been designed to minimize impacts to the upper portions of the Project Site that contain more visually-prominent slopes and ridgelines. These areas of the Project Site would be rezoned as open space, which would result in the retention of more than half of the Project Site in its existing open space condition, thereby maintaining its aesthetic and scenic qualities. Overall, the Project would result in approximately 43.22 acres of the Project Site being zoned as open space and approximately 32.79 acres being developed.
- Preservation of Trees: The Project would require the removal of approximately 73 specimen trees pursuant to the AMC, consisting entirely of coast live oak (*Quercus agrifolia*). The Project would also remove approximately 0.05 acre of area containing a dense patch of approximately 20 Goodding's black willow (*Salix gooddingii*) saplings, which are not specimen trees pursuant to the AMC; however, these trees contribute to the visual character of the Project Site nonetheless. The Project would require issuance of a Specimen Tree Removal Permit by the City, which would require replacement tree planting at a minimum ratio of 1:1, with larger trees requiring 2:1 or 3:1 replacement ratios for impacted trees as shown in Table 4.1-2. Overall, the Project would result in the planting of a minimum of 175 replacement trees that would minimize impacts related to the proposed tree removals. More information on this topic is provided in Section 4.3, Biological Resources.
- Preservation of Views and Vistas: Views from public vantage points of scenic resources such as ridgelines and vegetation within the Project Site would generally be maintained by the Project. Undeveloped open space areas within the Project Site would be reduced in size; therefore, there would be a reduction in the amount of scenic views and vistas when viewed from public vantage points. Views from the western portion of Santa Ana Canyon Road north of the Project Site would be affected the greatest by the Project as these viewers are at a lower elevation than the multiple-family residential building, which makes it appear taller. Therefore, for viewers from Santa Ana Canyon Road and Deer Canyon Road, the proposed multiple-family residential building would entirely obscure views of natural vegetation, contours, and ridgelines that are south of the proposed building, which are prominently visible from this vantage point on Santa Ana Canyon Road in pre-Project conditions. However, the Project's overall design has taken into appropriate account these considerations, by locating proposed buildings at lower elevations, clustering the proposed development to reduce the overall footprint, and retaining approximately 57% of the Project Site in its existing open space condition. In so doing, while the Project would involve the development of a mixed-use residential project on

previously undeveloped lands, its siting and design help to minimize impacts to views and vistas.

Further, the Project's proposed buildings would be similar in scale to other buildings along Santa Ana Canyon Road within the Scenic Corridor Overlay Zone, including the office parks located 0.45-mile to the east near Roosevelt Road and 0.77-mile to the northeast of the Project Site on Riverview Drive. These office buildings also use similar exterior building materials to those which are proposed for the Project's multiple-family residential building, such as reflective windows and polished exterior metal features.

Furthermore, the Anaheim Hills Festival commercial center is approximately 0.1-mile east of the Project Site, along Santa Ana Canyon Road, which is entirely developed with limited aspects about it that could be described as natural or semi-rural.

In summary, to minimize impacts to scenic resources, the Project's buildings have been sited and clustered and the grading approach has been developed so that the more visually significant ridgelines and hilltops on the Project Site would not be developed. Instead, these upper elevations of the Project Site would be zoned as Open Space. The Project would generally preserve public views of existing backdrop ridgelines from off-site perspectives, with the addition of new structures at the lower elevations of the Project Site in the foreground of most of these views. This retention of the natural landscape outside of the development footprint would be accomplished through the export of soil from the Project Site and through the construction of retaining walls that would allow for the development of building pads. The Project would minimize visual effects through replacement tree planting and re-landscaping of disturbed portions of the Project Site. However, the Project would result in reduced acreage of visible open space areas in the Project Site; reduced acreage of visible vegetated areas in the Project Site; and altered views of ridgelines, particularly for viewers at/near the intersection of Santa Ana Canyon Road at Deer Canyon Road who would no longer see ridgelines as they do in existing conditions. Overall, these effects would not constitute a substantial adverse effect on a scenic vista given that the Project would only change a limited amount of public viewpoints and many public views would remain of the ridgelines and natural open space areas that would be retained in the Project Site for other viewpoints from elsewhere along Santa Ana Canyon Road and from other vantage points.

The Project's consistency with other applicable policies from Land Use Element, Green Element, and the Community Design Element of the City's General Plan are provided in Section 4.10, Land Use and Planning.

Therefore, the Project would have a less than significant impact related to this threshold, and no mitigation is required.

***b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?***

**Less Than Significant Impact.** A 4.5-mile segment of SR-91 is an officially designated State Scenic Highway from SR-55 to west of the Weir Canyon Road interchange. SR-91 is located



approximately 0.1-mile north of the Project Site. The Project Site is visible intermittently for motorists on SR-91. Visual renderings of existing and proposed views of the Project Site from SR-91 are provided as Exhibits 4.1-2.

The Project would not remove any rock outcroppings or historic buildings.

Existing trees and other vegetation within approximately 32.79 acres of the Project Site would be removed, including a total of approximately 73 specimen trees pursuant to the AMC. However, the vegetation that would be removed is not prominently visible from most perspectives on SR-91. As required by the tree replacement ratios contained in the AMC, the Project would be required to plant a minimum of 175 replacement trees; moreover, the Project would be retaining approximately 46 existing trees and would be installing substantial additional landscaping, as discussed above (Psomas 2024a). The landscaping would provide for enhanced views of the Project Site from SR-91 and other public viewpoints.

Visual renderings of existing and proposed views of the Project Site from SR-91 are provided as Exhibits 4.1-2. As described further above, from SR-91, the proposed commercial and multiple-family residential buildings would be partially visible; however, the views of ridgelines and natural contours in the background would still remain prominent for viewers looking at the Project Site from SR-91. Views of the Project Site from SR-91 that are further to the east would be more affected than views that occur to the west as the views to the west are already mostly obscured by the existing soundwall and other intervening structures.

As shown in the rendering provided as Exhibit 4.1-2, the Project's commercial buildings would be visible from a motorist's perspective as they travel along SR-91. However, these structures have been designed so that they are below the existing ridgelines that are in the Project Site, which helps to preserve views of existing natural contours in the Project Site.

The Project would retain approximately 46 existing trees. However, a total of approximately 73 specimen trees as well as other vegetation would be removed from approximately 32.79 acres of the Project Site to accommodate the Project. Many of these trees that would be removed are visible from SR-91. Once grading and construction are completed, the Project Site would be re-planted with trees and re-landscaped, which would minimize these visual effects.

The commercial buildings would consist of two, three-story, approximately 40,000 gross square foot buildings that would be built upslope of SR-91. The Project's proposed commercial buildings would be similar in scale to other buildings along Santa Ana Canyon Road within the Scenic Corridor Overlay Zone.

Views of the commercial buildings from SR-91 would be partially obscured by trees that would be planted along the east side of Santa Ana Canyon Road, as well as by proposed trees that would be planted on both sides of "A" Street within the Project Site.

Behind the commercial structure, a series of retaining walls would be built that would be visible to viewers on Santa Ana Canyon Road. By building these retaining walls, grading

would be avoided upslope of the retaining walls, allowing for views to be maintained above and past the commercial building for viewers along SR-91. Retaining walls would be constructed in accordance with applicable development standards set forth in the Specific Plan and the AMC; to reduce visual impact, where feasible, walls would be stepped with slopes and v-ditches in between.

Also, as discussed in more detail below, new exterior lighting in the Project Site would be visible in the distance from SR-91; however, these new lights would be required to meet all applicable standards and would be similar to existing lighting that occurs in the immediate vicinity of the Project Site and elsewhere along Santa Ana Canyon Road. Therefore, the new exterior lighting would not substantially damage scenic views from SR-91.

In summary, SR-91 is an officially designated State Scenic Highway adjacent to the Project Site. The Project Site is visible intermittently for views from along SR-91. The Project would not remove any rock outcroppings or historic buildings but would remove vegetation on approximately 32.79 acres of the Project Site, with the remaining approximately 43.22 acres being retained in its existing open space condition. As discussed above, the Project would alter views from SR-91; however, through thoughtful site planning and by re-planting of trees and landscaping during construction, these visual effects to viewers along SR-91 would be minimized.

Therefore, the Project would have a less than significant impact related to this threshold, and no mitigation is required.

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

**Less Than Significant With Mitigation Incorporated.** The Project Site is located in an urbanized area of the City pursuant to Section 21071 of the Public Resources Code. Given that the Project Site is located in an urbanized area, the analysis for this threshold focuses on whether the Project would conflict with applicable zoning and other regulations governing scenic quality.

The Project Site contains an existing mix of General Plan land use designations which consist of Estate Density Residential; Low Density Residential; and Open Space. The Project Site has an existing mix of zoning designations that consist of Transition “T”, Single-Family Residential (7,200-square foot minimum lot size) “RS-2”, and Open Space (OS) (City of Anaheim 2023a), and is within the Scenic Corridor (SC) Overlay Zone.

The Project proposes to redesignate the Project Site under the City’s General Plan as Low Density Residential (5.30 acres); Medium Density Residential (14.17 acres); General Commercial (11,82 acres); and Open Space (43.22 acres) land uses.



To approve the Project, concurrent with the adoption of the specific plan for the Project the City Council would also need to reclassify the entirety of the Project Site as “Hills Preserve-Specific Plan” zoning designation, which would enable the implementation of the land use vision set forth in the Hills Preserve Specific Plan (Specific Plan). As detailed more fully in the Specific Plan, the Specific Plan would allow for land uses consisting of “Estate Residential”, “Medium Density Residential”, “Open Space”, and “General Commercial”.

Chapter 18.18.060 prescribes development standards for the height of single-family uses within the SC Overlay Zone. The Project would include six lots for custom single-family homes and the proposed Specific Plan would explicitly be required to comply with the SC Overlay Zone, which include the SC Overlay Zone height standards.

Chapter 18.18.070 prescribes development standards for multiple-family uses within the SC Overlay Zone, including standards for site area, setbacks and roof mounted equipment. The Project would be required to comply with applicable standards by providing greater site area and setbacks than required, and enclosing mechanical equipment within attic space.

Chapter 18.18.080 prescribes development standards for commercial uses within the SC Overlay Zone, including standards for setbacks, parking location, height, and roof mounted equipment. The Project would be mandated to comply with applicable standards by providing greater setbacks than required, locating parking areas outside of required landscape setbacks and providing landscape screening for said parking areas, limiting structural heights to less than required in the SC Overlay Zone, and screening of any rooftop equipment within and architecturally integrated “penthouse” located away from the edges of the roof to minimize visibility from public views. With respect to setback requirements, the Specific Plan would prescribe setback standards to incorporate an adequate setback from the limits of the Santa Ana Canyon Road improvements, with consideration of the excess right-of-way/City-owned parcel fronting Santa Ana Canyon Road (between the commercial buildings and the right-of-way). Therefore, the proposed commercial buildings would be setback a greater distance from the right-of-way than would otherwise be required by the SC Overlay Zone.

Also, the Project would involve authorization to deviate from the AMC for requirements pertaining to grading, retaining walls, public views, road standards, and equestrian trail standards, as discussed in more detail in the Specific Plan.<sup>2</sup> These proposed deviations are discussed in more detail within Section 4.10, Land Use and Planning.

As discussed in more detail in Section 4.10, Land Use and Planning, with implementation of **MM AES-3**, the Project would be consistent with the requirements for the Scenic Corridor Overlay Zone.

With implementation of the required standards and requirements as detailed in the Specific Plan, as well as with required incorporation of **MM AES-1**, **MM AES-2**, and **MM AES-3**, the Project would not conflict with applicable zoning or other regulations governing scenic

---

<sup>2</sup> With respect to deviations, pursuant to applicable AMC requirements, the Specific Plan sets forth the requested deviations being sought to implement the Project. With adoption of the Specific Plan, the City would be concurrently approving the requested deviations, which would then govern Project development.

quality and thus impacts would be less than significant in this regard. More supporting information is provided below.

## **Construction**

The Project would involve construction activities that would create visual disruptions for viewers of the Project Site. Construction activities would involve the limited demolition of existing structures and roadways within the Project Site, grading, and construction of new buildings on a currently undeveloped Project Site. Due to the size, layout, and topography of the Project Site and existing off-site urban development, only a portion of future construction-related activities would be visible from public viewpoints at any given point in time, and these activities would be largely limited to those occurring along the Project Site's perimeters. To minimize Project effects on scenic vistas and views during construction and as required by **MM AES-1**, construction staging areas would be required to be enclosed with an 8-foot-tall or taller chain-link fence with privacy windscreen or similar materials. As required by **MM AES-1**, the Contractor would be required to ensure the maintenance of the screening material at all times and would be required to remove and replace sections of screening material that experience graffiti, wind, or other damage. The Contractor would be required to provide daily visual inspections to ensure the immediate surroundings of construction staging areas are free from construction-related clutter and to maintain the areas in a reasonably clean and orderly manner throughout the construction period. With implementation of **MM AES-1**, active grading and other activities outside of the formal staging areas within the Project Site would be visible; however, these views of construction activity on the Project Site would be typical and temporary. Views of certain ridgelines and natural open space areas on the Project Site would be temporarily obscured by construction fencing, materials, and equipment.

Night lighting would be required for safety and security during construction that could temporarily and adversely affect nighttime scenic views of ridgelines and hillsides within the Project Site. Also, construction night lighting could result in indirect impacts on the behavioral patterns of nocturnal and crepuscular wildlife adjacent to the lighted areas, as described in more detail in Chapter 4.3, Biological Resources. As required by **MM AES-2**, the Contractor would be required to adhere to all applicable lighting standards and minimize the use of construction night lighting to the maximum extent feasible. Also, the Contractor would be required to ensure that all construction lighting that is used is hooded and downcast, and that direct illumination be limited to the active portions of the Project Site. With implementation of **MM AES-2**, the effects of construction night lighting on scenic views would be no greater than the operational night lighting that would be built for the Project, both of which would not conflict with regulations governing scenic resources.

## **Tree Removals**

The Project would result in direct impacts to trees within the Project Site in the following two ways:

1. **Tree removals** consisting of trees that occur within the Project impact boundary and those that occur immediately adjacent to the impact boundary. Though it is possible

some trees that are immediately adjacent to the impact boundary may be avoided, they are conservatively counted as removals in this analysis to provide an impact assessment that ensures the Project's tree impacts are not undercounted.

2. **Encroachments** which are trees that occur outside the Project impact boundary but are close enough that ground disturbing activities have the potential to extend within the critical root zone of these oaks, which is generally defined as extending five feet beyond the outer canopy limit. Trees in this category should have conspicuous fencing installed along their critical root zone to prevent unnecessary disturbance to their roots.

Trees that would be removed from the Project Site would alter its scenic quality from scenic viewpoints. Table 4.1.1 provides a summary of specimen trees that occur in the Project Site along with tree removals and potential encroachments. A summary of all collected data for specimen trees is provided in the tree survey report which is provided in the Biological Technical Report (Appendix F of this Draft EIR). As shown therein, approximately 46\_ existing trees would be retained.

**TABLE 4.1-1  
SPECIMEN TREES IMPACTED BY TYPE**

Tree Species	Tree Quantities			
	Total Existing (approx.)	To Be Removed (approx.)	Encroachments (approx.)	No Impact (approx.)
Coast live oak <i>Quercus agrifolia</i>	114	73	1	40
Western sycamore <i>Platanus racemosa</i>	1	0	0	1
Peruvian pepper <i>Schinus molle</i>	2	0	0	2
Total	117	73	1	43
Source: Psomas 2024a.				

The Project would require the removal of existing trees and other vegetation within the Project Site, including a total of approximately 73 specimen trees pursuant to the AMC.

In addition to the individual tree impacts shown above, the Project would remove a small (0.05-acre) area containing approximately 20 Goodding's black willow saplings (Psomas 2024a).

The Project would require issuance of a Specimen Tree Removal Permit by the City. The Project would require a minimum of 175 trees be planted to compensate for the proposed approximately 73 trees that would need to be removed during Project construction.

**TABLE 4.1-2  
SPECIMEN TREES IMPACTED AND REPLACEMENT TREES REQUIRED**

Tree Species	Size Class	Total Impacted (approx.)	Replacement Ratio	Replacement Total (approx.)
coast live oak Quercus agrifolia	A	10	1:1	10
	B	24	2:1	48
	C	39	3:1	117
Total		73		175
Source: Psomas 2024a.				

Once graded and built, the Project Site would be re-planted and re-landscaped as shown in the Project's conceptual landscape plan provided as Exhibit 3-6, which would minimize visual effects.

Therefore, with adherence to all applicable development standards and design guidelines (including those relating to lighting, tree re-planting and landscaping) as well as the required implementation of **MM AES-1** and **MM AES-2** and with issuance of a Specimen Tree Removal Permit for the Project (pursued and approved in accordance with applicable provisions in the AMC), construction activities related to the Project would not conflict with applicable zoning and other regulations governing scenic quality.

### **Operations:**

The Project requires the adoption of a Specific Plan, which includes design standards and guidelines that would govern scenic quality in Chapter 3 of that document, as well as details on other aspects of development of the Project.

The Design Vision for the Project is described in Section 4.2 of the Specific Plan as follows:

*"Design emphasis is placed on building "form" and building "style." Form in this context is determined by characteristics such as height, massing, roof line, and fenestration. Style can be identified as a historic period or theme. The architecture of The Hills Preserve multiple-family residential building is envisioned to draw on the "Mid-Century Modern" style. Key features to this style include clean lines, functionality and simplicity, indoor-outdoor relationship, flat planes and geometric shapes. Historically, Mid-Century Modern structures used a range of materials including steel, concrete, and glass. As such, the style enables the proposed Hills Preserve multi-family building to include large spans of windows which will maximize resident views; flat roofs which will accommodate roof deck activity; and building materials that bring a sense of airiness."*

*The single family homes will be custom designed, but the vision is for them to exude a unique and high quality architectural experience that is of same quality as the Hills Preserve multi-family structure.*

*The commercial buildings will be designed to generally be compatible with the rest of the Hills Preserve Specific Plan and suited for the needs of its tenants.”*

The Project would be required to comply with the Specific Plan, which includes objective design standards that would help to govern scenic quality that relate to site design, building massing and articulation, architectural detailing, building form, materials and colors, and roof details.

The Specific Plan includes landscape design elements for the Project Site, including:

- Landscaping should complement the overall design theme through the careful use of color, texture, form, scale, and plant massing.
- Existing natural conditions and situations should be considered during the landscape design process.
- Drought tolerant and fire resistive plant material shall be incorporated as required.
- No single species should dominate the landscape palette.
- Trees, shrubs, groundcovers, grasses, and vines should be utilized in such a way as to complement and soften architecture and other hardscape elements.
- Plant materials having a variety of heights and textures to enhance the visual impact at the project entry point and building entry is encouraged.
- Landscape areas should be designed to “layer” plant material of varying height and scale to create depth, variety, and interest.

The Specific Plan contains details on requirements for aspects of the landscape within the Project Site, including: the Project entry; site lighting; retaining walls; and landscape materials.

Collectively, the architectural and landscape standards proposed for the Project would result in an orderly and uniform aesthetic for development that occurs within the Project Site that would serve to minimize Project effects related to scenic resources.

### **Community Design Element**

As discussed above under threshold 4.1(a), to minimize impacts to scenic resources, the Project’s buildings have been sited and the grading approach has been developed so that the more visually significant ridgelines and hilltops on the Project Site would not be developed. Instead, these upper elevations of the Project Site would be zoned as Open Space. The Project would generally preserve public views of existing backdrop ridgelines from off-site

perspectives, with the addition of new structures at the lower elevations of the Project Site in the foreground of most of these views. This retention of the natural landscape outside of the development footprint would be accomplished through the export of soil from the Project Site and through the construction of retaining walls that would allow for the development of building pads. The Project would minimize visual effects through clustering, siting considerations, replacement tree planting and re-landscaping of disturbed portions of the Project Site. However, the Project would result in: reduced acreage of visible open space areas in the Project Site; reduced acreage of visible vegetated areas in the Project Site; and altered views of certain ridgelines, particularly for viewers at/near the intersection of Santa Ana Canyon Road at Deer Canyon Road who would no longer see certain ridgelines as they do in existing conditions. Overall, these effects do not constitute a substantial adverse effect on a scenic vista given that the Project would retain many other views of ridgelines and natural open space areas for other viewpoints from elsewhere along Santa Ana Canyon Road and from other vantage points. Also, the Project would be required to further minimize these visual effects through replacement tree planting and re-landscaping of the Project Site and adhere to all other design standards and guidelines as detailed in the Specific Plan.

### **Shade and Shadow**

Shade and shadow relates to the blockage of direct sunlight by structures, which may or may not affect adjacent properties. Shading is an important issue because the users of certain land uses, such as residential, recreational, and pedestrian areas, have expectations for periods of direct sunlight and warmth from the sun. Factors that influence the extent of range of shading include season, time of day, weather (i.e., sunny or cloudy), structure height, structure bulk and scale, spacing between structures; and tree cover. The longest shadows are cast during the winter months, when the sun orientation is lowest, and the shortest shadows are cast during the summer months, when the sun orientation is highest. Shadows are longer in the early morning and late afternoon.

Due to its proposed height relative to existing residences, the Project's proposed multiple-family residential building has the potential to briefly cast a shadow on existing single-family residences that are immediately west of the Project Site during the first few minutes of sunrise each day (i.e., for less than ten minutes per day). As the sun rises more and more in the east this shadow would gradually lessen and then disappear as direct line-of-sight eventually occurs between the existing residences west of the Project Site and the sun. Given the installation of retaining walls west of the proposed multiple-family residential building and the existing slope on the western side of the proposed multiple-family residential building, any shade effects would be minimal when compared to existing conditions.

### **Retaining Walls**

Retaining walls would be constructed along the northern edge of the Project Site as well as behind the proposed commercial buildings that would alter visual quality for public viewpoints from along Santa Ana Canyon Road, SR-91, the Santa Ana River Trail, Yorba Regional Park, Deer Canyon Park Preserve, and Eucalyptus Drive. The retaining walls are proposed to minimize grading and to preserve open space.



Although retaining walls are permitted with certain limitations by the AMC, the Specific Plan Area's topography requires thoughtfully engineered retaining walls that deviate from the AMC as explained in detail in Table 3.9, Retaining Wall Development Standards, of the Specific Plan. Walls for the Specific Plan Area have been designed to minimize visual impact, to the extent feasible. The Project's retaining walls have also been designed to limit ground disturbance, leaving as much area untouched as practical and feasible.

Two proposed retaining walls along the west property line near single family residences are necessary for the road alignment and to reduce development footprint within the canyon. Two walls up to 30' vertical height each (currently 58' combined vertical height) are to be designed to secure existing hillside and to have a rock façade.

The Project would include retaining walls that would deviate from the base standards set forth in the AMC. These walls are proposed due to the Project Site's varied topography and geologic conditions, and because of existing single-family homes west of the Project Site that need to be protected in place. Specifically, the Project would include some relatively tall retaining walls when compared to the walls that are allowed by AMC. The Specific Plan would allow for up to one 30-foot-tall retaining wall and up to two 60-foot-tall retaining walls to be installed along the western side of the Project Site. The Specific Plan would allow for up to three 14-foot-tall retaining walls and for up to five 10-foot-retaining walls on the east side of the Project Site. However, taller walls may be permissible if proven to the City to be geotechnically feasible during final design if such taller walls would result in greater open space acreage or if it allows for the total number of terraces to be reduced. Also, retaining walls would be required for the Project that would be visible from public viewpoints that would be taller than the requirements in the AMC allow for.

Also, within the Scenic Corridor setback portion of the Project Site, retaining walls up to 6-feet in height shall be permitted. Also, retaining walls up to 13-feet in height shall be permitted within the Scenic Corridor setback that are built in connection with the Project's required Santa Ana Canyon Road improvements.

The visual effects of these retaining walls would be minimized through implementation of **MM AES-3**, which requires that the toe of all retaining walls that are visible from Santa Ana Canyon Road be landscaped and/or that these retaining walls that are visible from Santa Ana Canyon Road be finished with a special façade treatment, such as the rock façade treatment that is shown in the Specific Plan, to soften their appearance in furtherance of the City's Scenic Corridor requirements. Further, trees would be planted amongst the various levels of these retaining walls to further soften their appearance.

## **Conclusion**

In conclusion, the proposed Project would not be consistent with the current zoning and land use designations for the Project Site. Therefore, the Project includes a General Plan Amendment and Zone Change to allow for the development and uses that are proposed.

Also, as discussed in more detail in Section 4.10, Land Use and Planning, with implementation of **MM AES-3**, the Project would be consistent with the requirements for the Scenic Corridor Overlay Zone.

The Project would remove specimen trees within the Project Site, which is prohibited by the AMC without a permit. As required by AMC Section 18.18.040, impacted specimen trees would require the issuance of a Specimen Tree Removal Permit by the City. As part of the permit process, the City requires that replacement trees be planted on the same parcel or in the public right-of-way located in the immediate vicinity, as directed by the City. The City's Specimen Tree Removal Permit process would ensure that Project effects related to the removal of specimen trees in the Project Site would be minimized.

Finally, the Project proposes several retaining walls that would be visible from Santa Ana Canyon Road that are taller than allowed by the AMC and that would require deviations from the AMC to approve. As required by **MM AES-3**, these walls would be landscaped, or they would have a rock façade treatment to improve their appearance to viewers from Santa Ana Canyon Road.

With adherence to applicable laws and requirements, including, among others, the City's Tree Preservation Ordinance, and the required implementation of mitigation measures **MM AES-1**, **MM AES-2**, and **MM AES-3**, the Project would have a less than significant impact related to this threshold.

***d) Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?***

**Less Than Significant With Mitigation Incorporated.** there is no existing lighting within the Project Site. However, there are approximately eight existing streetlights outside of and adjacent to the Project's frontage with Santa Ana Canyon Road. Otherwise, The Project Site is located within a partially developed area of the City that is subject to limited nighttime lighting in existing conditions, including lighting from streetlights and vehicle headlights on Santa Ana Canyon Road. There is also existing lighting near the Project Site associated with building and security lights on neighboring properties.

### **Exterior Lighting**

An exterior lighting plan for the Project is provided as Exhibit 3-21. A Lighting Study containing photometric analyses and renderings have been prepared for the multiple-family residential portion of the Project, which is nearest single-family residences (Placeworks 2024b).

The Specific Plan provides the following guidance for Project lighting, to which the Project must adhere:

*Outdoor lighting should be subdued yet effective for visibility, security, ambiance, and wayfinding. Appropriate lighting should be installed in all common activity areas, building entrances, and in pathways for purposes of wayfinding, safety, and security.*

*Public area lighting should be warm colored and unobtrusive. Light sources should be predominantly energy efficient warm light LED. Light sources should be directed so that it does not fall outside the area to be lighted. Shields should be used to direct and shield source from view. Lighting shall adhere to all applicable standards and requirements set forth in the Anaheim Municipal Code.* Exterior lighting would be required to be installed in accordance with all applicable requirements and standards, and would be located in all common activity areas, building entrances, and in pathways for purposes of wayfinding, safety, and security. Low lumen shielded landscape lighting, tree lighting, and other accent lighting is proposed.

The “Street Light Design #738/#739” for the “Anaheim Hills Area” of the City would be used for the Project, as detailed in the City of Anaheim’s Public Utilities Department’s Specification for Street Lighting Systems document (City of Anaheim 2017a). The standard design would be modified through the addition of shielding and other measures to be dark sky friendly and to limit lighting to developed areas of the Project Site only.

Light sources used by the Project would be predominantly energy efficient and would use warm light LED bulbs.

In accordance with applicable standards, all light sources would be directed and/or shielded so that exterior Project lighting does not illuminate adjacent open space areas, residences, or elsewhere off-site. The potential impacts of the Project’s night lighting to wildlife is evaluated in detail within Section 4.3, Biological Resources. Exterior lighting for the Project would be required to adhere to **MM BIO-11**, which requires that the Property Owner/Developer submit a final exterior lighting plan to the City of Anaheim for review and approval prior to issuance of a grading permit. The final exterior lighting plan would be required to provide the type and location of all proposed exterior lighting. All exterior lighting within the proposed development (i.e., exterior building lights, ground level landscaping lights, and lighting on the rooftop deck) and roadways (i.e., streetlights) would be required to be directed away from undeveloped portions of the Project Site (i.e., undeveloped areas to the west, south, and east of the Project footprint, see Exhibit 4.3-7). Specifically, exterior lighting proposed along the western, southern, and eastern edges of the Project development would be down-cast, diffused, shielded, low intensity, and located so that direct rays are confined to the permanently impacted portions of the Project Site. The final exterior light plan would be required to demonstrate that the Project’s exterior lighting would not increase lighting levels more than 0.5-foot-candle<sup>3</sup> over ambient conditions at the Project’s edge (i.e., where the buildings, roadways, landscaping, and lighting structures end) adjacent to undeveloped areas to the west, south, and east of the Project Site. Also, prior to final building and zoning inspections, the applicant would be required to relevant provisions set forth in Covenants, Conditions, and Restrictions (CC&Rs), reciprocal easements, or similar document recorded on the property to the City for approval to ensure ongoing compliance with the foregoing exterior lighting requirement; specifically, it would be required to be included as a mandatory requirement for future owners and occupants in the CC&Rs, reciprocal easements, or similar document recorded on the property, for

---

<sup>3</sup> A foot-candle is a unit of illuminance or light intensity that measures how much light falls on a surface one foot away from a candle.

commercial, multiple-family, and single-family residential lots. Modifications to the relevant provisions of the CC&Rs would require City approval.

As depicted in the Lighting Study's photometric analyses and nighttime renderings, the design of the multiple-family residential building and supporting infrastructure (e.g., streetlights) would not result in any substantial off-site lighting effects for neighboring parcels (Placeworks 2024b).

During construction night lighting would be required for safety and security that may adversely affect nighttime scenic views of ridgelines and hillsides within the Project Site. As required by **MM AES-2**, the Contractor would be required to minimize the use of construction night lighting to the maximum extent feasible. Also, the Contractor would be required to ensure that all construction lighting that is used is hooded and downcast, and that direct illumination be limited to the active portions of the Project Site.

With adherence to all applicable requirements and standards, along with the required implementation of **MM BIO-11** and **MM AES-2**, the Project's operational lighting effects would be minimized and considered less than significant.

## **Glare**

Reflected glare can occur when sunlight is reflected from a building surface into the view of surrounding observers causing annoyance and/or loss of vision. Sources of daytime glare would include direct beam sunlight and reflections from windows, architectural coatings, glass, and other reflective surfaces. Nighttime illumination and associated glare are generally divided into two sources: stationary and mobile. Stationary sources would include structure lighting and decorative landscaping, lighted signs, solar panels, and streetlights. Mobile sources would primarily consist of headlights from motor vehicles.

From a building design perspective, the risk of reflected glare is greatest for: buildings that are four-stories or taller; buildings that are not oriented directly in a north/south/east/west direction; and buildings with concave and/or tilted facades. From a building materials perspective, there is a greater degree of reflected glare from buildings that incorporate glass and polished exterior siding materials. Reflected glare risks can also arise when cladding, painted walls or concrete have matte or smooth finishes.

A Reflected Solar Glare Study was prepared for the Project in 2024 to evaluate whether the Project's proposed buildings would result in a new source of substantial glare that could adversely affected day or nighttime views in the area (Placeworks 2024a) (Appendix D).

The Reflected Solar Glare Study took the foregoing Project elements into consideration as well as its overall orientation vis-à-vis off-site perspectives. It determined that there are few residential viewers west of the proposed Project and that all of these views would be looking down or level with the roof of the proposed multiple-family residential building. Therefore, glare effects to residences is not likely to result from the Project. The east and west sides and west sides of the multiple-family residential building would only have direct sun in the mornings and evenings respectively and could thus reflect glare to the east and west of the

Project Site. The movement of the sun throughout the day would mean the angle of reflection would be constantly changing and momentary. Therefore, given the temporary nature of any such glare, these effects would be minimal for off-site viewers. Also, the Reflected Solar Glare Study determined that given the location of the proposed multiple family residential building on the inside of the curve of the SR-91 freeway and Santa Ana Canyon Road, the building and any potential glare effects would be put outside of a driver's foveal vision.

Glare from lighting in the Project Site and from vehicles would be similar to glare that already occurs in the Project Site vicinity related to existing development and roadways.

In addition to the foregoing, the Project would be required to adhere to all applicable development standards and design guidelines for development of the Project Site including, without limitation, those set forth in the Specific Plan and the AMC.

Therefore, as detailed more fully in the Reflected Solar Glare Study, the Project would have a less than significant impact related to glare and that no mitigation was required.

### **Conclusion**

Therefore, with implementation of **MM BIO-11** and **MM AES-2**, the Project would result in a less than significant impact related to this threshold.

## **4.1.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects within the City of Anaheim. These related projects are described in more detail in Table 4-1, Cumulative Projects List, which is provided in Section 4.0.

As discussed above, the Project vicinity included in this cumulative analysis includes scenic resources such as a segment of a State-designated scenic highway, local scenic corridor and natural open space areas and ridgelines. However, this area is already urbanized to a certain degree, with existing and proposed development including residential, office, and commercial uses consistent with the General Plan and similar to the Project. Cumulative development, similar to the Project, would be subject to applicable zoning, development standards and design guidelines and the applicable policies and implementing programs to help ensure no significant impacts to scenic vistas and other scenic resources in the City. The Project, combined with other cumulative development, would increase light and glare in the Project vicinity. Cumulative development could include streetlights, exterior lighting, safety lighting, lighting from vehicles, and sources of glare from the buildings and vehicles. That said, local regulations related to light and glare would be applicable to all cumulative development, which would be required to adhere to same or otherwise mitigate to reduce impacts on a project-specific basis.

Nearest the Project Site, there are 450 multiple-family residential units proposed within the Anaheim Hills Festival Specific Plan area as part of DEV2023-00043. Since the site for this project is previously developed with urban uses, DEV2023-00043 would not substantially alter any views of ridgelines, natural open space areas, or other scenic vistas or views from

Santa Ana Canyon Road or SR-91. Also, DEV2023-00043 would not substantially alter lighting nor would that Project require the removal of any specimen trees. However, DEV2023-00043 would require discretionary approvals so that project would not result in any substantial conflicts with applicable zoning and other regulations governing scenic quality.

DEV2020-00204 consists of a 180-acre cemetery on a property that would be located south of Santa Ana Canyon Road and Gypsum Canyon Road. If built, there is potential that ridgelines and natural open space areas would be removed to make space for the cemetery. However, during the City's development review process, the City will have an opportunity to review DEV2020-00204 prior to its approval for consistency with the City's zoning and other regulations governing scenic quality. If DEV2020-00204 is determined to be inconsistent with applicable aesthetic-related City policies, modifications to the Project would be required to help ensure impacts to aesthetic resources would be less than significant.

Collectively, the cumulative projects and the Project would result in increased urban development that would collectively increase the number of buildings, vehicles, and people within eastern Anaheim near the Project Site. The Project, along with DEV2020-00204, would result in fewer acres of open space land uses and fewer visually-significant ridgelines that are visible from Santa Ana Canyon Road, a City scenic corridor, and SR-91, a State Scenic Highway. However, through compliance with applicable City and other requirements, through issuance of discretionary approvals, and through implementation of reasonably foreseeable mitigation measures that would be required for visual effects, the Project and the cumulative projects would result in less than significant cumulative impacts.

Moreover, for the reasons set forth above, the Project would not make a cumulatively considerable contribution to this already less than significant impact. The Project would be required to adhere to all applicable development standards and design guidelines for development of the Project Site including, without limitation, those set forth in the Specific Plan and the AMC. The Project has been designed such that the building envelopes would be clustered and located at lower elevations, thereby protecting upper elevations with prominent ridgelines. Moreover, approximately 57% of the Project Site would remain in open space uses, thereby retaining the aesthetic and scenic qualities of this natural open space areas.

Therefore, based on foregoing, the Project's contribution to this less than significant impact would not be cumulatively consideration, and thus no mitigation is required.

## **4.1.6 MITIGATION PROGRAM**

**MM AES-1** To minimize temporary impacts to views, construction staging areas shall be enclosed with an 8-foot-tall or taller chain-link fence with privacy windscreen or similar materials. The Contractor shall ensure the maintenance of the screening material at all times and shall remove and replace sections of screening material that experience graffiti, wind, or other damage. The Contractor shall provide daily visual inspections to ensure the immediate surroundings of construction staging areas are free from construction-related



clutter and to maintain the areas in a reasonably clean and orderly manner throughout the construction period. This measure would be verified in the field during construction by the biological monitor that is required by **MM BIO-13**. Should the biological monitor identify any fencing or windscreen materials that require repair, the biological monitor shall advise the Property Owner/Developer immediately and the Property Owner/Developer shall be responsible for replacing or otherwise remedying the materials.

**MM AES-2** The Contractor shall minimize the use of construction night lighting to only the amount needed to perform work safely and maintain appropriate security in accordance with applicable requirements in the AMC. Also, prior to issuance of a grading or building permit, the Property Owner/Developer shall provide a note on plans, and the Contractor shall ensure, that all construction lighting that is used is hooded and downcast, and that direct illumination be limited to the active portions of the Project Site.

**MM AES-3** To partially screen views of retaining walls, all retaining walls in the Project Site that are visible from Santa Ana Canyon Road shall be landscaped (as defined below) and/or they shall have an aesthetic treatment such as a rock façade treatment. If landscaping is used as the screening method, at a minimum the retaining wall landscaping shall include trees and/or shrubs that are planted at the base of the retaining wall that mature to at least  $\frac{3}{4}$  of the average height of the wall. Alternatively, or in addition, landscaping of retaining walls can consist of the use of climbing vines and/or by using plantable walls. In areas that landscaping is used as a screen, plant materials shall screen at least 50% of each wall when viewed from Santa Ana Canyon Road. Prior to the issuance of a permit for the construction of retaining walls, the Property Owner/Developer shall depict retaining wall aesthetic treatments consistent with the Specific Plan Design Standards, and landscaping on plans and shall submit the plans to the City for review and approval, and shall thereafter adhere to same.

#### **4.1.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of mitigation measures **MM AES-1**, **MM AES-2**, **MM AES-3**, and **MM BIO-11**, the Project would result in a less than significant impact related to aesthetics.

*This page intentionally left blank*

---

## 4.2 AIR QUALITY

This section is partially based on the Health Risk Assessment (HRA) that was prepared for the Project, which is included as Appendix E (Psomas 2024h). Supporting calculations related to air quality are provided in Appendix E.

### 4.2.1 EXISTING CONDITIONS

#### Climate and Meteorology

Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features. Atmospheric conditions such as wind speed, wind direction, and air temperature inversions interact with the physical features of the landscape to determine the movement and dispersal of air pollutant emissions and, consequently, their effect on air quality.

The Project Site is located within the South Coast Air Basin (SoCAB), which includes all of Orange County and the urbanized portions of Los Angeles, Riverside, and San Bernardino Counties. The SoCAB is arid, with virtually no rainfall and abundant sunshine during the summer months. The SoCAB has light winds and poor vertical mixing compared to the other large urban areas in the United States. The combination of poor dispersion and abundant sunshine drives the photochemical reactions that form pollutants (such as ozone [O<sub>3</sub>]) and provide conditions especially favorable to the formation of smog. The SoCAB is bound to the north and east by mountains with maximum elevations exceeding 10,000 feet. The unfavorable combination of meteorology, topography, and emissions from the nation's second largest urban area results in the SoCAB having some of the worst air quality in the U.S.

#### Criteria Air Pollutants

Air quality is defined by ambient air concentrations of seven criteria air pollutants, which are a group of common air pollutants identified by the U.S. Environmental Protection Agency (USEPA) to be of concern with respect to the health and welfare of the general public. The Federal and State governments regulate criteria pollutants by using ambient standards based on criteria regarding the health and/or environmental effects of each pollutant. These pollutants include nitrogen dioxide (NO<sub>2</sub>); O<sub>3</sub>; particulate matter, including both particles equal to or smaller than 10 microns in size (PM<sub>10</sub>) and particles equal to or smaller than 2.5 microns in size (PM<sub>2.5</sub>); carbon monoxide (CO); sulfur dioxide (SO<sub>2</sub>); and lead. Particulate matter size refers to the aerodynamic diameter of the particle. A description of each criteria pollutant, including source types and health effects, is provided below.

#### ***Nitrogen Dioxide***

Nitrogen gas, normally relatively inert (i.e., nonreactive), comprises about 80 percent of the air. At high temperatures (e.g., in combustion processes) and under certain other conditions, nitrogen can combine with oxygen to form several different gaseous compounds collectively called nitrogen oxides (NO<sub>x</sub>). Nitric oxide (NO), NO<sub>2</sub>, and nitrous oxide (N<sub>2</sub>O) are important

constituents of NO<sub>x</sub>. NO is converted to NO<sub>2</sub> in the atmosphere. Motor vehicle emissions are the main source of NO<sub>x</sub> in urban areas.

NO<sub>2</sub> is a red-brown pungent gas and is toxic to various animals and to humans because of its ability to form nitric acid with water in the eyes, lungs, mucus membranes, and skin. In animals, long-term exposure to NO<sub>2</sub> increases susceptibility to respiratory infections, lowering resistance to such diseases as pneumonia and influenza. Laboratory studies show that susceptible humans, such as asthmatics, who are exposed to high concentrations of NO<sub>2</sub> can suffer lung irritation and, potentially, lung damage. Epidemiological studies have also shown associations between NO<sub>2</sub> concentrations and daily mortality from respiratory and cardiovascular causes, and with hospital admissions for respiratory conditions.

While the National Ambient Air Quality Standards (NAAQS) only address NO<sub>2</sub>, NO and NO<sub>2</sub> are both precursors in the formation of O<sub>3</sub> and PM<sub>2.5</sub>, as discussed below. Because of this and the fact that NO emissions largely convert to NO<sub>2</sub>, NO<sub>x</sub> emissions are typically examined when assessing potential air quality impacts.

## ***Ozone***

O<sub>3</sub> is a secondary pollutant, meaning that it is not directly emitted. It is a gas that is formed when volatile organic compounds (VOCs) (also referred to as reactive organic gases (ROGs)) and NO<sub>x</sub> undergo photochemical reactions that occur only in the presence of sunlight. The primary source of VOC emissions is unburned hydrocarbons in motor vehicle and other internal combustion engine exhaust. NO<sub>x</sub> also form as a result of the combustion process, most notably due to the operation of motor vehicles. Sunlight and hot weather cause ground-level O<sub>3</sub> to form; as a result, ozone is known as a summertime air pollutant. Ground-level O<sub>3</sub> is not to be confused with atmospheric O<sub>3</sub> or the “ozone layer”, which occurs very high in the atmosphere and shields the planet from some ultraviolet rays. Ground-level O<sub>3</sub> is the primary constituent of smog. Because O<sub>3</sub> formation occurs over extended periods of time, both O<sub>3</sub> and its precursors are transported by wind, and high O<sub>3</sub> concentrations can occur in areas well away from sources of its constituent pollutants.

People with lung disease, children, older adults, and people who are active can be affected when ozone levels exceed ambient air quality standards. Numerous scientific studies have linked ground-level ozone exposure to a variety of problems, including the following:

- lung irritation that can cause inflammation much like a sunburn;
- wheezing, coughing, pain when taking a deep breath, and breathing difficulties during exercise or outdoor activities;
- permanent lung damage to those with repeated exposure to ozone pollution; and
- aggravated asthma, reduced lung capacity, and increased susceptibility to respiratory illnesses like pneumonia and bronchitis.

---

## ***Particulate Matter***

Particulate matter includes both aerosols and solid particles of a wide range of size and composition. Of particular concern are PM10 and PM2.5. Particulate matter tends to occur primarily in the form of fugitive dust. This dust appears to be generated by both local sources and by region-wide dust during moderate to high wind episodes. These regional episodes tend to be multi-district and sometimes interstate in scope. The principal sources of dust in urban areas are from grading, construction, disturbed areas of soil, and dust entrained by vehicles on roadways.

PM10 is generally emitted directly as a result of mechanical processes that crush or grind larger particles or from the re-suspension of dusts, most typically through construction activities and vehicular travels. PM10 generally settles out of the atmosphere rapidly and is not readily transported over large distances.

PM2.5 is directly emitted in combustion exhaust and is formed in atmospheric reactions between various gaseous pollutants including NO<sub>x</sub>, sulfur oxides (SO<sub>x</sub>), and VOCs. PM2.5 can remain suspended in the atmosphere for days and/or weeks and can be transported long distances, as many as several hundred miles.

The principal health effects of airborne particulate matter are on the respiratory system. Short-term exposure, lasting several days or weeks, to high PM2.5 and PM10 levels is associated with premature mortality and increased hospital admissions and emergency room visits; increased respiratory symptoms are also associated with short-term exposure to high PM10 levels. Long-term exposure, lasting years to decades, to high PM2.5 levels is associated with premature mortality and development of chronic respiratory disease. According to the USEPA, some people are much more sensitive than others to breathing PM10 and PM2.5. People with influenza, chronic respiratory and cardiovascular diseases, and the elderly may suffer worse illnesses; people with bronchitis can expect aggravated symptoms; and children may experience decline in lung function due to breathing in PM10 and PM2.5. Other groups considered sensitive include smokers and people who cannot breathe well through their noses. Exercising athletes are also considered sensitive because many breathe through their mouths.

## ***Carbon Monoxide***

CO is a colorless and odorless gas which, in the urban environment, is associated primarily with the incomplete combustion of fossil fuels in motor vehicles. CO combines with hemoglobin in the bloodstream and reduces the amount of oxygen that can be circulated through the body. High CO concentrations can cause headaches, aggravate cardiovascular disease, and impair central nervous system functions.

CO concentrations can vary greatly over comparatively short distances. Relatively high concentrations are typically found near crowded intersections; along heavily used roadways carrying slow-moving traffic; and at or near ground level. Even under the most severe meteorological and traffic conditions, high concentrations of CO are limited to locations

within a relatively short distance (i.e., up to 600 feet or 185 meters) of heavily traveled roadways.

### ***Sulfur Dioxide***

SO<sub>x</sub> constitute a class of compounds of which SO<sub>2</sub> and sulfur trioxide (SO<sub>3</sub>) are of greatest importance. Ninety-five percent of pollution-related SO<sub>x</sub> emissions are in the form of SO<sub>2</sub>. SO<sub>x</sub> emissions are typically examined when assessing potential air quality impacts of SO<sub>2</sub>. The primary contributor of SO<sub>x</sub> emissions is fossil fuel combustion for generating electric power. Industrial processes, such as nonferrous metal smelting, also contribute to SO<sub>x</sub> emissions. SO<sub>x</sub> is also formed during combustion of motor fuels; however, most of the sulfur has been removed from fuels, greatly reducing SO<sub>x</sub> emissions from vehicles.

SO<sub>2</sub> combines easily with water vapor, forming aerosols of sulfurous acid (H<sub>2</sub>SO<sub>3</sub>), a colorless, mildly corrosive liquid. This liquid may then combine with oxygen in the air, forming the even more irritating and corrosive sulfuric acid (H<sub>2</sub>SO<sub>4</sub>). Peak levels of SO<sub>2</sub> in the air can cause temporary breathing difficulty for people with asthma who are active outdoors. Longer-term exposures, lasting years to decades, to high levels of SO<sub>2</sub> gas and particles cause respiratory illness and aggravate existing heart disease. SO<sub>2</sub> reacts with other chemicals in the air to form tiny sulfate particles which are measured as PM<sub>2.5</sub>.

### ***Lead***

Lead is a stable compound, which persists and accumulates both in the environment and in animals. In humans, it affects the body's blood-forming (or hematopoietic), nervous, and renal systems. In addition, lead has been shown to affect the normal functions of the reproductive, endocrine, hepatic, cardiovascular, immunological and gastrointestinal systems, although there is significant individual variability in response to lead exposure. In general, an analysis of lead is limited to projects that emit significant quantities of the pollutant (i.e., lead smelters) and are not applied to residential projects.

### **Toxic Air Contaminants**

Toxic air contaminants (TACs) are a diverse group of air pollutants that may cause or contribute to an increase in deaths or in serious illness, or that may pose a present or potential hazard to human health. TACs may be emitted from a variety of common sources, including motor vehicles, gasoline stations, dry cleaners, industrial operations, painting operations, and research and teaching facilities. The USEPA uses the term "hazardous air pollutants" for TACs.

TACs are different than the criteria pollutants previously discussed in that ambient air quality standards have not been established for them, although air pollutant human exposure standards are identified for many TACs, including the following common TACs relevant to development projects: PM, fugitive dust, lead, and asbestos (as discussed below). TACs occurring at extremely low concentrations may still cause health effects, and it is typically difficult to identify levels of exposure that do not produce adverse health effects. TAC impacts are described by carcinogenic (i.e., cancer) risk: chronic (i.e., of long duration)



and acute (i.e., severe but of short duration) adverse effects on human health. Diesel particulate matter (diesel PM) is a TAC and is responsible for the majority of California's known cancer risk from outdoor air pollutants.

Two TACs of common concern during construction and development activities are diesel particulate matter (DPM) and asbestos.

### Diesel Particulate Matter

Fine particle pollution can be emitted directly or formed secondarily in the atmosphere. PM<sub>2.5</sub> health impacts are important because their size can be deposited deep in the lungs, causing respiratory effects. For the purposes of this analysis, exhaust emissions of DPM are represented as exhaust emissions of PM<sub>10</sub>. Studies indicate that DPM poses the greatest health risk among airborne TACs. A 10-year CARB research program demonstrated that DPM from diesel fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic long-term health risk. DPM differs from other TACs in that it is not a single substance but a complex mixture of hundreds of substances. Although diesel fueled internal combustion engines emit DPM, the composition of the emissions varies depending on engine type and age, operating conditions, fuel composition, lubricating oil, and whether an emission control system is present.

DPM has a significant impact on California's population. It is estimated that about 70 percent of total known cancer risk related to air toxics in California is attributable to DPM.<sup>1</sup> Within these toxics, DPM is the overwhelming contributor. Diesel engine emissions are believed to be responsible for about 70 percent of California's estimated known cancer risk attributable to TACs.<sup>2</sup> Diesel in particular, because of its high toxicity, may pose a threat to public health even at very low concentrations.

### Asbestos

Asbestos is also another TAC and federal HAP of concern during construction and development. Asbestos is the common name for a group of naturally occurring fibrous minerals that can separate into thin, inhalable fibers. Asbestos found in many parts of California and its emissions present a significant risk to human health on a Statewide and local level. When rock containing asbestos is broken or crushed, asbestos fibers may be released and become airborne. While there are many different types of asbestos; all forms of asbestos are harmful to human health. Asbestos has been known to cause lung cancer and mesothelioma, a cancer of the lining of lung tissue that is nearly always fatal.<sup>3</sup> Since asbestos

---

<sup>1</sup> California Air Resources Board (ARB). Overview: Diesel Exhaust and Health. Website: <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>. Accessed February 9, 2024.

<sup>2</sup> California Air Resources Board (ARB). 2023 Summary: Diesel Particulate Matter Health Impacts. Website: <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>. Accessed February 9, 2024.

<sup>3</sup> United States Environmental Protection Agency (EPA). 2023. Learn About Asbestos. Website: <https://www.epa.gov/asbestos/learn-about-asbestos#find>. Accessed February 9, 2024.

is naturally occurring in rock structures it is a concern during construction and mining operations when it has the potential to be present.

Because of its properties (fiber strength and heat resistance) asbestos has been used in a variety of building construction materials as insulation and as a fire retardant. It historically was used in roofing shingles, ceiling and floor tiles; it also may be in utility pipes (e.g., concrete reinforced storm drain/sewer pipe located on the Project Site). It is only a health concern when asbestos containing material is disturbed or damaged in some way releasing the particles and inhalable the fibers into the air. Exposure to asbestos can occur during demolition or remodeling of buildings or related improvements that were constructed prior to the 1977 ban on asbestos for use in buildings. Exposure to naturally occurring asbestos can occur during soil-disturbing activities in areas with deposits present.

### Valley Fever

Valley fever, also called coccidioidomycosis, is a disease caused by a fungus that grows in the soil and dirt in some areas of California and elsewhere in the southwestern United States. People and animals can get sick when they breathe in dust that contains the Valley fever fungus. This fungus usually infects the lungs and can cause respiratory symptoms including cough, fever, chest pain, and tiredness (CDPH 2024a). According to the CDPH, most cases of Valley fever in California are reported from the Central Valley and Central Coast regions (CDPH 2024a). However, according to CDPH, Valley fever cases have also been increasing outside of these regions as California experiences more drought (CDPH 2024a). Valley fever cases are on the rise in California, including in the northern Central Valley and southern coastal areas of California. According to the CDPH's *Valley Fever in California Dashboard*, Orange County had approximately 297 cases of Valley Fever in 2022 (CDPH 2024b). Therefore, there is potential that ground disturbance at the Project Site could potentially lead to exposure to Valley Fever for construction workers and individuals in the Project Site vicinity, if Valley Fever were to be present in soils or decaying vegetative materials within the Project Site.

## **Existing Air Quality**

### ***Regional Attainment Status***

Both the EPA and CARB use ambient air quality monitoring data to designate areas according to their attainment status for criteria air pollutants. Based on monitored air pollutant concentrations, the USEPA and the California Air Resources Board (CARB) designate an area's status in attaining the NAAQS and California Ambient Air Quality Standards (CAAQS), respectively, for the criteria pollutants. These designations identify the areas with air quality problems and initiate planning efforts for improvement. The three basic designation categories are nonattainment, attainment, and unclassified. "Attainment" status refers to those regions that are meeting federal and/or State standards for a specified criteria pollutant. "Nonattainment" refers to regions that do not meet federal and/or State standards for a specified criteria pollutant. "Unclassified" refers to regions with insufficient data to determine the region's attainment status for a specified criteria air pollutant. When an area has been reclassified from a nonattainment to an attainment area for a federal standard, the

status is identified as “maintenance”, and there must be a plan and measures that will keep the region in attainment for the following ten years.

Each standard has a different definition, or “form” of what constitutes attainment, based on specific air quality statistics. For example, the federal 8-hour CO standard is not to be exceeded more than once per year; therefore, an area is in attainment of the CO standard if no more than one 8-hour ambient air monitoring value exceeds the threshold per year. In contrast, the federal annual PM<sub>2.5</sub> standard is met if the 3-year average of the annual average PM<sub>2.5</sub> concentration is less than or equal to the standard.

Table 4.2-1, provided below summarizes the attainment status in the SoCAB for the criteria pollutants.

**TABLE 4.2-1  
ATTAINMENT STATUS OF CRITERIA POLLUTANTS  
IN THE SOUTH COAST AIR BASIN**

Pollutant	State	Federal
O <sub>3</sub> (1 hour)	Nonattainment	No standard
O <sub>3</sub> (8 hour)		Extreme Nonattainment
PM <sub>10</sub>	Nonattainment	Attainment/Maintenance
PM <sub>2.5</sub>	Nonattainment	Moderate Nonattainment
CO	Attainment	Attainment/Maintenance
NO <sub>2</sub>	Attainment <sup>a</sup>	Attainment/Maintenance
SO <sub>2</sub>	Attainment	Attainment
Lead	Attainment	Attainment/Nonattainment <sup>b</sup>
All others	Attainment/Unclassified	No Standards
O <sub>3</sub> : ozone; PM <sub>10</sub> : particulate matter 10 microns or less in diameter; PM <sub>2.5</sub> : particulate matter 2.5 microns or less in diameter; CO: carbon monoxide; NO <sub>2</sub> : nitrogen dioxide; SO <sub>2</sub> : sulfur dioxide. <sup>a</sup> The SoCAB is designated as attainment for NO <sub>2</sub> for all areas except for the California 60 portion of the freeway, in Los Angeles County, which is designated as nonattainment. <sup>b</sup> The Los Angeles County portion of the SoCAB is designated nonattainment for lead; the remainder of the SoCAB is designated attainment. <i>Source: CARB 2019; USEPA 2021.</i>		

## Local Air Quality

As discussed previously, the Project Site is located within the SoCAB. Air quality in the SoCAB is regulated by the USEPA, CARB, and the South Coast Air Quality Management District (SCAQMD). Each of these agencies develops rules, regulations, policies, and/or goals to comply with applicable legislation. Although federal law/USEPA regulations may not be superseded, both State and local laws and regulations may be more stringent. The Southern California Association of Governments (SCAG) is an important partner to the SCAQMD and produces estimates of anticipated future growth and vehicular travel in the SoCAB that are used for air quality planning. The SCAQMD has divided the SoCAB into 38 source receptor (air monitoring) areas (SRAs), with a designated ambient air monitoring station

representative of each area. The Project Site is located within the Inland Orange County general forecast area, and specifically, within SRA 17, Central Orange County (SCAQMD 1999).

The Project Site is in the area represented by measurements made at the Anaheim Monitoring Station, located approximately 10.6 miles northwest of the Project Site. The monitored air quality data is from 2019 to 2022,<sup>4</sup> and a comparison to the NAAQS and CAAQS from the Anaheim Monitoring Station is presented in Table 4.2-2.

**TABLE 4.2-2  
AIR POLLUTANT LEVELS MEASURED AT THE  
ANAHEIM MONITORING STATION**

Pollutant	California Standard	National Standard	Year	Max. Level <sup>a</sup>	State Standard Days Exceeded <sup>b</sup>	National Standard Days Exceeded <sup>b, c</sup>
O <sub>3</sub> (1 hour)	0.09 ppm	None	2019	0.096	1	0
			2020	0.142	1	0
			2021	.089	0	0
			2022	0.102	1	1
O <sub>3</sub> (8 hour)	0.070 ppm	0.070 ppm	2019	0.082	1	1
			2020	0.098	1	1
			2021	0.068	0	0
			2022	0.076	1	1
PM <sub>10</sub> (24 hour)	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	2019	127.6	12.0	0
			2020	74.8	24.4	0
			2021	63.6	5.7	0
			2022	67.0	NA	NA
PM <sub>10</sub> (AAM)	20 µg/m <sup>3</sup>	None	2019	24.6	NA	NA
			2020	30.8	NA	NA
			2021	23.4	NA	NA
			2022	20.9	NA	NA
NO <sub>2</sub> (1 hour)	0.18 ppm	0.100 ppm	2019	0.059	0	0
			2020	0.070	0	0
			2021	0.067	0	0
			2022	0.053	0	0
NO <sub>2</sub> (AAM)	0.030 ppm	0.053 ppm	2019	0.013	-	-
			2020	0.013	-	-
			2021	0.012	-	-
			2022	0.011	-	-
CO (1 hour)	20 ppm	35 ppm	2019	2.4	0	0
			2020	2.3	0	0
			2021	NA	NA	NA
			2022	2.4	0	0
CO	9 ppm	9 ppm	2019	1.3	0	0

<sup>4</sup> 2022 data were the latest available as of the time environmental review commenced for the Project.

**TABLE 4.2-2  
AIR POLLUTANT LEVELS MEASURED AT THE  
ANAHEIM MONITORING STATION**

Pollutant	California Standard	National Standard	Year	Max. Level <sup>a</sup>	State Standard Days Exceeded <sup>b</sup>	National Standard Days Exceeded <sup>b, c</sup>
(8 hour)			2020	1.7	0	0
			2021	NA	NA	NA
			2022	1.4	0	0
PM2.5 (24 Hour)	None	35 µg/m <sup>3</sup>	2019	37.1	NA	4
			2020	64.8	NA	12
			2021	54.4	NA	10
			2022	33.1	NA	0
PM2.5 (AAM)	12 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>	2019	9.4	NA	NA
			2020	12.4	NA	NA
			2021	11.6	NA	NA
			2022	9.8	NA	NA

O<sub>3</sub>: ozone; ppm: parts per million; µg/m<sup>3</sup>: micrograms per cubic meter; PM10: respirable particulate matter with a diameter of 10 microns or less; mg/m<sup>3</sup>: milligrams per cubic meter; AAM: Annual Arithmetic Mean; NO<sub>2</sub>: nitrogen dioxide; NA: Not Available; -: No Standard; CO: carbon monoxide; PM2.5: fine particulate matter with a diameter of 2.5 microns or less.

Source: CARB 2022 and SCAQMD 2022.

### ***Sensitive Receptors***

Some members of the population are especially sensitive to air pollutant emissions and should be given special consideration when evaluating air quality impacts from projects. These people include children, elderly, persons with pre-existing respiratory or cardiovascular illness, and athletes and others who engage in frequent exercise. The SCAQMD defines sites that house these persons or places where they gather (i.e., residences, schools, playgrounds, child-care centers, convalescent centers, retirement homes, and athletic fields) as “sensitive receptors.”

The area surrounding the Project Site consists primarily of residential uses. The nearest sensitive receptors to the Project Site are located to the west, east, and south of the Project Site, with the nearest sensitive receptors located as close as 30 feet to the west.

### **Existing Emissions**

The Project Site is currently primarily undeveloped with no buildings. Therefore, there are no existing pollutant sources that are considered for CEQA disclosure purposes.

In the Project vicinity, the primary sources of air pollutants (both criteria air pollutant and TACs) include the surrounding residential and commercial properties, and their building-related energy use and motor-related vehicle trips. Other existing activities that result in

emissions include space and water heating, landscape maintenance, and any surrounding uses that can store, produce, decommission, or otherwise handle hazardous materials.

## **4.2.2 REGULATORY SETTING**

In addition to the below summary of the relevant regulatory setting, see also discussion in Sections 4.5, Energy, and 4.7, Greenhouse Gas Emissions, of this Draft EIR.

### **Federal**

#### ***Clean Air Act***

Congress established much of the basic structure of the Clean Air Act (CAA) in 1970, and made major revisions in 1977 and 1990. Six common air pollutants (also known as criteria pollutants) are addressed in the CAA. These are particulate matter, ground level ozone, CO, sulfur oxides, nitrogen oxides, and lead. The EPA calls these pollutants criteria air pollutants, because it regulates them by developing human health-based and/or environmentally based criteria (science-based guidelines) for setting permissible levels. The air quality standards provide benchmarks for determining whether air quality is healthy at specific locations and whether development activities will cause or contribute to a violation of the standards.

The Federal CAA requires the adoption of NAAQS, which are periodically updated to protect the public health and welfare from the effects of air pollution. The USEPA is responsible for setting and enforcing the NAAQS for criteria pollutants. Primary standards set limits to protect public health, including the health of at-risk populations such as people with pre-existing heart or lung disease (such as asthmatics), children, and older adults. Secondary standards set limits to protect public welfare, including protection against visibility impairment as well as damage to animals, crops, vegetation, and buildings. Current federal standards are set for SO<sub>2</sub>, CO, NO<sub>2</sub>, O<sub>3</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and lead. NAAQS are shown in Table 4.2-3.

The USEPA regulates emission sources that are under the exclusive authority of the federal government, such as aircraft, ships, and certain locomotives.

As noted above, specific geographic areas are classified as either “attainment” or “nonattainment” areas for each pollutant based upon the comparison of measured data with the NAAQS. “Attainment” areas have concentrations of the criteria pollutant that are below the NAAQS, and a “nonattainment” classification indicates the criteria pollutant concentrations have exceeded the NAAQS. When an area has been reclassified from a nonattainment to an attainment area for a federal standard, the status is identified as “maintenance”, and there must be a plan and measures that will keep the region in attainment for the following ten years. The CAA also requires each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The federal CAA amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The purpose of the federal SIPs is to (1) demonstrate a state has the basic air quality management program components in place to implement a new or revised NAAQS; (2) identify the emissions



control requirements that a state will rely on to attain and/or maintain the primary and secondary NAAQS; and (3) prevent air quality deterioration for areas that are in attainment with the NAAS, and to reduce common or criteria pollutants emitted in nonattainment updating the standards as more medical research is available regarding the health effects of the criteria pollutants. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies. As noted above, areas designated as “nonattainment” are required to incorporate additional control measures into the subject SIP to set forth a strategy for bringing an area into compliance with the standards. The SoCAB SIP Status and Orange County’s attainment status are described in Tables 4.2-1 and 4.2-3 and discussed further below.

### ***EPA Emission Standards for New Off-Road Equipment***

Before 1994, there were no standards to limit the amount of emissions from off-road equipment. In 1994, the EPA established emission standards for hydrocarbons, NO<sub>x</sub>, CO, and PM to regulate new pieces of off-road equipment. These emission standards came to be known as Tier 1. Since that time, increasingly more stringent Tier 2, Tier 3, and Tier 4 (interim and final) standards were adopted by the EPA, as well as by the ARB. Each adopted emission standard was phased in over time. New engines built in and after 2015 across all horsepower sizes must meet Tier 4 final emission standards. In other words, new manufactured engines cannot exceed the emissions established for Tier 4 final emissions standards.

## **State**

### ***California Ambient Air Quality Standards (CAAQS); SIPs***

CARB also has established the CAAQS shown in Table 4.2-3, which are generally more restrictive than the NAAQS. Other CARB responsibilities include but are not limited to overseeing local air district compliance with California and federal laws; approving local air quality plans; CARB conducts basic research aimed at providing a better understanding between emissions and public well-being; compiles emissions inventories and monitor air quality; determine and update area designations and maps; develops suggested control measures; provides oversight of local programs; and prepares the SIPs and submits them to the EPA. For regions that do not attain the CAAQS, CARB requires the air districts to prepare plans for attaining the standards. CARB establishes emissions standards for motor vehicles sold in California, consumer products (e.g., hair spray, aerosol paints, and barbecue lighter fluid), small utility engines, off-road vehicles, and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions.

As noted above, a SIP is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain federal standards. The SIP for the State of California is administered by the CARB, which has overall responsibility for Statewide air quality maintenance and air pollution prevention. California’s SIP incorporates individual federal attainment plans for regional air districts—an air district prepares their federal attainment plan, which is sent to the CARB to be approved and

incorporated into the California SIP. Federal attainment plans include the technical foundation for understanding air quality (e.g., emission inventories and air quality monitoring), control measures and strategies, and enforcement mechanisms for attaining and maintaining air quality standards.

Areas designated nonattainment must develop air quality plans and regulations to achieve standards by specified dates, depending on the severity of the exceedances. For much of the country, implementation of federal motor vehicle standards and compliance with federal permitting requirements for industrial sources are adequate to attain air quality standards on schedule. For many areas of California, however, additional State and local regulation is required to achieve the standards.

### ***California Clean Air Act***

The California Legislature enacted the California Clean Air Act (CCAA) in 1988 to address air quality issues of concern not adequately addressed by the federal CAA at the time. California's air quality problems were and continue to be some of the most severe in the nation and required additional actions beyond the federal mandates. As discussed above, the CARB administers the CAAQS for the 10 air pollutants designated in the CCAA. The 10 State air pollutants are the six federal standards listed above as well as visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride. The EPA authorized California to adopt its own regulations for motor vehicles and other sources that are more stringent than similar federal regulations implementing the CAA. Generally, the planning requirements of the CCAA are more stringent than the federal CAA; therefore, consistency with the CCAA will also demonstrate consistency with the CAA.

### ***Advanced Clean Cars***

The CARB first adopted Low Emission Vehicle (LEV) program standards in 1990. These first LEV standards ran from 1994 through 2003. LEV II regulations, running from 2004 through 2010, represent continuing progress in emission reductions. As the State's passenger vehicle fleet continues to grow and more sport utility vehicles and pickup trucks are used as passenger cars rather than work vehicles, the more stringent LEV II standards were adopted to provide reductions necessary for California to meet federally mandated clean air goals outlined in the 1994 SIP. In January 2012, CARB approved the LEV III amendments to California's LEV regulations, also known as the Advanced Clean Cars program, included more stringent emissions standards for model years 2017 through 2025 for both criteria pollutants and greenhouse gas (GHG) emissions for new passenger vehicles.<sup>5</sup> The program combines the control of smog, soot, and greenhouse gas (GHG) emissions with requirements for greater numbers of zero-emission vehicles. By 2025, when the rules will be fully implemented, 2025 model year automobiles will emit 75 percent fewer smog-forming

---

<sup>5</sup> California Air Resources Board (ARB). 2013. Clean Car Standards—Pavley, Assembly Bill 1493. Website: <https://ww2.arb.ca.gov/californias-greenhouse-gas-vehicle-emission-standards-under-assembly-bill-1493-2002-pavley>. Accessed February 9, 2024.

emissions and 34 percent fewer global warming gases than the average 2012 model year automobile.

The most recent amendments in 2022, the Advanced Clean Cars II Regulations, applies to light-duty passenger car, truck and SUV emissions starting with the 2026 model year through 2035. It will take the State's already growing Zero-Emission Vehicle (ZEV) market and robust motor vehicle emission control rules and augment them to meet more aggressive tailpipe emissions standards and ramp up to 100 percent zero-emission vehicles. By 2035 all new passenger cars, trucks and SUVs sold in California will be zero emissions.

### ***California On-Road Heavy-Duty Vehicle Program***

The CARB has adopted standards for emissions from various types of new on-road heavy-duty vehicles. Section 1956.8, Title 13, California Code of Regulations contains California's emission standards for on-road heavy-duty engines and vehicles, and test procedures. The CARB has also adopted programs to reduce emissions from in-use heavy-duty vehicles including the Heavy-Duty Diesel Vehicle Idling Reduction Program, the Heavy-Duty Diesel In-Use Compliance Program, the Public Bus Fleet Rule and Engine Standards, and the School Bus Program and others.<sup>6</sup>

### ***California In-Use Off-Road Diesel Vehicle Regulation***

On July 26, 2007, the CARB adopted a regulation to reduce DPM and NO<sub>x</sub> emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation limits idling to no more than five consecutive minutes, requires reporting and labeling, and requires disclosure of the regulation upon vehicle sale. Performance requirements of the rule are based on a fleet's average NO<sub>x</sub> emissions, which can be met by replacing older vehicles with newer, cleaner vehicles or by applying exhaust retrofits. More recent 2022 amendments to the regulation include:<sup>7</sup>

- Phase-out of the oldest off-road engines from operation—Tier 2 and model year 2003 or older on-road engines must be phased out from large/medium/small/ultra-small fleets in 2028/30/32/36, respectively.
- Restrictions on the addition of older engines to the fleet—Vehicles with Tier 3/4i and model year 2006 or older on-road engines cannot be added to a fleet from 2024/28/35 for large & medium/small/ultra-small fleets, respectively.

---

<sup>6</sup> California Air Resources Board (ARB). 2013. The California Almanac of Air Quality and Emissions—2013 Edition. Website: <http://www.arb.ca.gov/aqd/almanac/almanac13/almanac13.htm>. Accessed February 9, 2024.

<sup>7</sup> California Air Resources Board (ARB). 2024. Rulemaking Documents. Website: <https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation/rulemaking-documents>. Accessed February 9, 2024.

## ***All fleets must use R99 or R100 Renewable Diesel Fuel starting January 1, 2024. California Truck and Bus Regulation***

The latest amendments to the Truck and Bus regulation became effective on December 31, 2014. The amended regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses must have 2010 model year engines or equivalent.

The regulation applies to nearly all privately and federally owned diesel fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating greater than 14,000 pounds. The regulation provides a variety of flexibility options tailored to fleets operating low use vehicles, fleets operating in selected vocations like agricultural and construction, and small fleets of three or fewer trucks.<sup>8</sup>

## ***Small Off-Road Engine Regulation***

Small Off-road Engines (SORE) are spark-ignition engines with rated power at or below 19 kilowatts (25 horsepower). The SORE regulations require new engines to be certified and labeled to meet emission standards and other requirements. Typical equipment types that use SORE include lawn and garden equipment, portable generators, and pressure washers. Recent amendments to the SORE regulations will require most landscaping equipment to be zero emissions beginning in 2024. Despite their small size, these engines are highly polluting. The volume of smog-forming emissions from this type of equipment has surpassed emissions from light-duty passenger cars and is projected to be nearly twice those of passenger cars by 2031. Portable generators, including those in recreational vehicles, would be required to meet more stringent standards in 2024 and meet zero-emission standards starting in 2028.<sup>9</sup> Engines that use diesel fuel and engines that are used in stationary equipment, including standby generators, are not subject to the SORE regulations.

## ***California Airborne Toxic Control Measures***

As of December 2022, the CARB had developed 26 mobile and stationary source Airborne Toxic Control Measures (ATCMs).<sup>10</sup> The following summarizes the ATCMs that are potentially applicable for land use development projects such as logistics, warehouse, residential, mixed use, and retail development. Source and industry-specific requirements

---

<sup>8</sup> California Air Resources Board (ARB). 2015. On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation. Website: <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>. Accessed February 9, 2024.

<sup>9</sup> California Air Resources Board (ARB). 2021. Website: <https://ww2.arb.ca.gov/news/carb-approves-updated-regulations-requiring-most-new-small-road-engines-be-zero-emission-2024>. Accessed February 9, 2024.

<sup>10</sup> California Air Resources Board (ARB). 2023. Website: <https://ww2.arb.ca.gov/resources/documents/airborne-toxic-control-measures>. Accessed February 9, 2024.

apply to industrial projects, gas stations, dry cleaners, and other types of facilities which are significant sources of TACs.

### Asbestos ATCM

In July 2001, CARB approved an ATCM for construction, grading, quarrying, and surface mining operations to minimize emissions of naturally occurring asbestos. The regulation requires application of Best Management Practices (BMPs) to control fugitive dust in areas known to have naturally occurring asbestos and requires notification to the local air district prior to commencement of ground-disturbing activities. The measure establishes specific testing, notification, and engineering controls prior to grading, quarrying, or surface mining in construction zones where naturally occurring asbestos is located on projects of any size. There are additional notification and engineering controls at work sites larger than 1 acre. These projects require the submittal of a “Dust Mitigation Plan” and approval by the CARB prior to the start of a project.

As noted above, asbestos is also found in a natural state, known as naturally occurring asbestos. Exposure and disturbance of rock and soil that naturally contain asbestos can result in the release of fibers into the air and consequent exposure to the public. Asbestos most commonly occurs in ultramafic rock that has undergone partial or complete alteration to serpentine rock (serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near faults. Sources of asbestos emissions include unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying activities where ultramafic rock is present.

Areas are subject to the regulation if they are identified on maps published by the Department of Conservation as ultramafic rock units or if the Air Pollution Control Officer or owner/operator has knowledge of the presence of ultramafic rock, serpentine, or naturally occurring asbestos on the site. The measure also applies if ultramafic rock, serpentine, or asbestos is discovered during any operation or activity. Review of the Department of Conservation maps indicates that there are no known ultramafic rock on or near the Project Site (DOC 2024b).

### Verified Diesel Emission Control Strategies

The EPA and the CARB tiered off-road emission standards only apply to new engines and off-road equipment can last several years. The CARB has developed Verified Diesel Emission Control Strategies (VDECS), which are devices, systems, or strategies used to achieve the highest level of pollution control from existing off-road vehicles, to help reduce emissions from existing engines. VDECS are designed primarily for the reduction of DPM emissions and have been verified by CARB. There are three levels of VDECS, the most effective of which is the Level 3 VDECS. Tier 4 engines are not required to install VDECS because they already meet the emissions standards for lower tiered equipment with installed controls.

## ***Tanner Air Toxics Act and Air Toxics Hot Spots Information and Assessment Act***

TACs in California are primarily regulated through the Tanner Air Toxics Act (Assembly Bill 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (Assembly Bill 2588), also known as the Hot Spots Act. To date, as noted above, the CARB has identified more than 21 TACs, and has adopted the EPA's list of Hazardous Air Pollutants (HAPs) as TACs.

### ***Title 24 Green Building Standards***

The 2022 California Green Building Standards Code (CCR, Title 24, Part 11), also known as the "CALGreen Code," contains mandatory requirements and voluntary measures for new residential and non-residential buildings (including buildings for retail uses, office uses, public schools, and hospitals) throughout California (CBSC 2022). Development of the CALGreen Code is intended to (1) cause a reduction in GHG emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; (3) reduce energy and water consumption; and (4) respond to the directives by the Governor. The CALGreen Code was established to reduce construction waste; make buildings more efficient in the use of materials and energy; and reduce environmental impact during and after construction. The City has adopted the CALGreen Code in AMC Section 15.03.010 Adoption of Building Standards Codes.

The CALGreen Code provides standards for bicycle parking, carpool/vanpool/electric vehicle spaces, light and glare reduction, grading and paving, energy-efficient appliances, renewable energy, graywater systems, water efficient plumbing fixtures, recycling and recycled materials, pollutant controls (including moisture control and indoor air quality), acoustical controls, storm water management, building design, insulation, flooring, and framing, among others. Implementation of the CALGreen Code measures reduces energy consumption and vehicle trips and encourages the use of alternative-fuel vehicles which, in turn, reduces pollutant emissions.

**TABLE 4.2-3  
CALIFORNIA AND NATIONAL AMBIENT AIR QUALITY STANDARDS**

Pollutant	Averaging Time	California <sup>a</sup> Standards	Federal Standards	
			Primary <sup>b</sup>	Secondary <sup>c</sup>
O <sub>3</sub>	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	–	–
	8 Hour	0.070 ppm (137 µg/m <sup>3</sup> )	0.070 ppm (137 µg/m <sup>3</sup> )	Same as Primary
PM <sub>10</sub>	24 Hour	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	Same as Primary
	AAM	20 µg/m <sup>3</sup>	–	–
PM <sub>2.5</sub>	24 Hour	–	35 µg/m <sup>3</sup>	Same as Primary
	AAM	12 µg/m <sup>3</sup>	12.0 µg/m <sup>3</sup>	15.0 µg/m <sup>3</sup>
CO	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	35 ppm (40 mg/m <sup>3</sup> )	–
	8 Hour	9.0 ppm (10 mg/m <sup>3</sup> )	9 ppm (10 mg/m <sup>3</sup> )	–



**TABLE 4.2-3  
CALIFORNIA AND NATIONAL AMBIENT AIR QUALITY STANDARDS**

Pollutant	Averaging Time	California <sup>a</sup> Standards	Federal Standards	
			Primary <sup>b</sup>	Secondary <sup>c</sup>
NO <sub>2</sub>	AAM	0.030 ppm (57 µg/m <sup>3</sup> )	0.053 ppm (100 µg/m <sup>3</sup> )	Same as Primary
	1 Hour	0.18 ppm (339 µg/m <sup>3</sup> )	0.100 ppm (188 µg/m <sup>3</sup> )	–
SO <sub>2</sub>	24 Hour	0.04 ppm (105 µg/m <sup>3</sup> )	–	–
	3 Hour	–	–	0.5 ppm (1,300 µg/m <sup>3</sup> )
	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )	0.075 ppm (196 µg/m <sup>3</sup> )	–
Lead	30-day Avg.	1.5 µg/m <sup>3</sup>	–	–
	Calendar Quarter	–	1.5 µg/m <sup>3</sup>	Same as Primary
	Rolling 3-month Avg.	–	0.15 µg/m <sup>3</sup>	
Visibility Reducing Particles	8 hour	Extinction coefficient of 0.23 per km – visibility ≥ 10 miles	<b>No Federal Standards</b>	
Sulfates	24 Hour	25 µg/m <sup>3</sup>		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )		
Vinyl Chloride	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )		
O <sub>3</sub> : ozone; ppm: parts per million; µg/m <sup>3</sup> : micrograms per cubic meter; –: No Standard; PM10: respirable particulate matter with a diameter of 10 microns or less; AAM: Annual Arithmetic Mean; PM2.5: fine particulate matter with a diameter of 2.5 microns or less; CO: carbon monoxide; mg/m <sup>3</sup> : milligrams per cubic meter; NO <sub>2</sub> : nitrogen dioxide; SO <sub>2</sub> : sulfur dioxide; km: kilometer.				
<sup>a</sup> <i>California Air Quality Standards:</i> California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM10, PM2.5, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded.				
<sup>b</sup> <i>National Primary Standards:</i> The levels of air quality necessary, within an adequate margin of safety, to protect the public health.				
<sup>c</sup> <i>National Secondary Standards:</i> The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.				
Note: More detailed information in the data presented in this table can be found at the CARB website (www.arb.ca.gov).				
Source: CARB 2016a.				

### ***California Health and Safety Code Section 39655 and California Code of Regulations Title 17 Section 93000 (Substances Identified as Toxic Air Contaminants)***

The CARB identifies substances as TACs as defined in Health and Safety Code Section 39655 and listed in Title 17, Section 93000 of the California Code of Regulations, “Substances Identified As Toxic Air Contaminants.” As explained above, a TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. In general, for those TACs that may cause cancer, there are thresholds set by regulatory agencies below which adverse health impacts are not expected to occur. This contrasts with the criteria pollutants for which acceptable levels of exposure can be determined and for which the State and federal governments have set ambient air quality standards. According to the California Almanac of Emissions and Air Quality, the majority of the estimated health risk from TACs for the State of California can be attributed to relatively few compounds, the most important of which is DPM from diesel fueled engines.

### **Regional**

#### ***South Coast Air Quality Management District***

In the SoCAB, the SCAQMD is the agency responsible for protecting public health and welfare through the administration of federal and State air quality laws, regulations, and policies. Included in the SCAQMD’s tasks are the monitoring of air pollution, the preparation of the Air Quality Management Plan (AQMP) for the SoCAB, and the promulgation of rules and regulations related to its regulatory responsibilities.

SCAG is the federally designated Metropolitan Planning Organization (MPO) and the State-designated transportation planning agency for six counties: Riverside, San Bernardino, Los Angeles, Ventura, Imperial, and Orange.

The SCAQMD and SCAG are jointly responsible for formulating and implementing the AQMP for the SoCAB. SCAG’s Regional Mobility Plan and Growth Management Plan form the basis for the land use and transportation control portion of the AQMP.

### **Air Quality Management Plan**

The current regional plan applicable to the Project is the SCAQMD’s 2022 AQMP. The SCAQMD is responsible for ensuring that the SoCAB meets the NAAQS and CAAQS by reducing emissions from stationary (area and point), mobile, and indirect sources. To accomplish this goal, the SCAQMD prepares AQMPs in conjunction with the SCAG, County transportation commissions, and local governments; develops rules and regulations; establishes permitting requirements for stationary sources; inspects emissions sources; and enforces such measures through educational programs or fines, when necessary.

The 2022 AQMP was adopted on December 2, 2022, by the SCAQMD Governing Board. The 2022 AQMP evaluates integrated strategies and measures to meet the following NAAQS (SCAQMD 2022a):

- 8-hour O<sub>3</sub> target of 80 parts per billion (ppb) by 2024, 75 ppb by 2032, 70 ppb by 2038;
- Annual PM<sub>2.5</sub> (12 micrograms per cubic meter [µg/m<sup>3</sup>]) by 2025;
- 1-hour O<sub>3</sub> (120 ppb) by 2023; and
- 24-hour PM<sub>2.5</sub> (35 µg/m<sup>3</sup>) by 2023.

#### South Coast Air Quality Management District Rules

The Project would be required to comply with existing SCAQMD rules for the reduction of fugitive dust and criteria pollutant emissions. The following rules are the most relevant to the Project.

**SCAQMD Rule 201** requires a “Permit to Construct” prior to the installation of any equipment “the use of which may cause the issuance of air contaminants...”.

**SCAQMD Rule 402, Nuisance** states that a project shall not “discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.”

**SCAQMD Rule 403, Fugitive Dust** requires actions to prevent, reduce, or mitigate fugitive particulate matter emissions. These actions include applying water or chemical stabilizers to disturbed soils; managing haul road dust by applying water; covering all haul vehicles before transporting materials; restricting vehicle speeds on unpaved roads to 15 miles per hour (mph); and sweeping loose dirt from paved site access roadways used by construction vehicles. In addition, Rule 403 requires that vegetative ground cover be established on disturbance areas that are inactive within 30 days after active operations have ceased. Alternatively, an application of dust suppressants can be applied in sufficient quantity and frequency to maintain a stable surface. Rule 403 also requires grading and excavation activities to cease when winds exceed 25 mph.

**SCAQMD Rule 445** has been adopted to reduce the emissions of particulate matter from wood-burning devices and prohibits the installation of such devices in any new development.

**SCAQMD Rule 1113** governs the sale of architectural coatings and limits the VOC content in paints and paint solvents. Although this rule does not directly apply to the proposed Project, it does dictate the VOC content of paints available for use during building construction and ongoing maintenance.

**SCAQMD Rule 1401** under Regulation XIV requires new source review of any new, relocated, or modified facilities that emit TACs. The rule establishes allowable risks for permit units requiring permits pursuant to Rule 201 discussed above.

**SCAQMD Rule 1403, Asbestos Emissions from Demolition/Renovation Activities**, specifies work practice requirements to limit asbestos emissions from demolition of buildings and other improvements and renovation activities, including the removal and associated disturbance of asbestos-containing materials. All operators are required to maintain records, including waste shipment records, and are required to use appropriate warning labels, signs, and markings. The Project would require the demolition of limited facilities including portions of the existing access road in the Project Site as well as existing underground sewer and stormwater facilities.

### ***Southern California Association of Governments***

As noted above, SCAG is the regional planning agency for Orange, Los Angeles, Ventura, Riverside, San Bernardino, and Imperial Counties and, among other things, serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. SCAG serves as the federally designated MPO for the Southern California region. On April 4, 2024, SCAG's Regional Council adopted Connect SoCal 2024, which is SCAG's latest RTP/SCS covering the Southern California region. The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The RTP/SCS includes a strong commitment to reduce emissions from transportation sources to improve public health, to meet the NAAQS.

### **Local**

#### ***City of Anaheim***

The City of Anaheim General Plan's Green Element, adopted in 2004, contains goals that focus on the reduction of vehicle trips and vehicle emissions (Anaheim 2004a). The Green Element comprehensively addresses topics concerning conservation, open space, parks and recreation, trails, and public landscaping. Applicable goals and policies from the Green Element that are related to the reduction of vehicle trips and vehicle emissions and that are relevant to this analysis are provided in Table 4.10-1 in Section 4.10, Land Use and Planning, with a project consistency analysis.

#### ***City of Anaheim Greenhouse Gas Reduction Plan***

The most recent version of the City of Anaheim's Greenhouse Gas Reduction Plan, developed by Anaheim Public Utilities Department, was adopted in May 2020. The City's Greenhouse Gas Reduction Plan is a vision for the future of Anaheim's electric and water resources to be sustainable and environmentally friendly, while continuing to be affordable and reliable for the benefit of Anaheim Public Utilities Department residential and business customers. The plan outlines baseline metrics and goals for GHG reduction and establishes timelines that are consistent with state policies and SB 100. The GHGRP identifies renewables portfolio targets for increasing the APU power supply generated from renewable sources and also establishes

transportation-related goals for APU to convert its fleet vehicles to result in emissions reductions. It should be noted that the City's GHGRP is applicable to the City's electric and water resources and would not be directly applicable to the Project.

### 4.2.3 THRESHOLDS OF SIGNIFICANCE

In accordance with Appendix G of the State CEQA Guidelines, the Project would result in significant impacts related to air quality if it would:

- 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; or
- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

#### *South Coast Air Quality Management District CEQA Significance Thresholds*

Table 4.2-4 presents the most current SCAQMD CEQA significance thresholds for daily emissions, TACS, and criteria pollutants applicable to the Project. A project with daily emission rates, risk values, or concentrations below these thresholds is generally considered to have a less than significant effect on air quality. These regional emission thresholds cannot be used to correlate whether a specific health impact would occur to an individual receptor. These thresholds were developed to assist Lead Agencies by providing a consistent threshold, based on evidence-based scientific criteria and considerations, which could be used to determine whether a project's emissions could significantly contribute to the total emissions occurring within an air basin. The totality of the SoCAB's emissions would determine whether it would be in attainment of the CAAQS and NAAQS.

In *Sierra Club v. County of Fresno* (Friant Ranch, L.P.) (2018) Cal.5th 502, 510, 517-522, the California Supreme Court held generally that an EIR should "make[s] a reasonable effort to substantively connect a project's air quality impacts to likely health consequences." A possible example of such a connection would be to calculate a project's "impact on the days of nonattainment per year" (id. at pp. 521). But the court recognized that there might be scientific limitations on an agency's ability to make the connection between air pollutant emissions and public health consequences in a credible fashion, given limitations in technical methodologies (id. at pp. 520-521). Thus, the Court acknowledged that another option for an agency preparing an EIR might be "to explain why it was not feasible to provide an analysis that connected the air quality effects to human health consequences" (id. at p. 522).

Here, the SCAQMD is the primary agency responsible for ensuring the health and welfare of sensitive individuals to elevated concentrations of emissions in the SoCAB. At present, the SCAQMD has not provided any methodology to assist local governments in reasonably and accurately assessing the specific connection between mass emissions of ozone precursors (e.g., ROG and NOX) and other pollutants of concern on a regional basis and any specific

effects on public health or regional air quality concentrations that might result from such mass emissions. For this reason and as explained more fully below, the City, in its discretion, has therefore concluded that it is not feasible to predict how mass emissions of pollutants of regional concern from the Project could lead to specific public health consequences, changes in pollutant concentrations, or changes in the number of days for which the SoCAB will be in nonattainment for regional pollutants. Ozone concentrations, for instance, depend upon various complex factors, including the presence of sunlight and precursor pollutants, natural topography, nearby structures that cause building downwash, atmospheric stability, and wind patterns. Because of the complexities of predicting ground-level ozone concentrations related to the NAAQS and CAAQS, it is not feasible, and thus would be speculative to attempt, to link health risks to the magnitude of emissions exceeding the significance thresholds. To achieve the health-based standards established by the EPA, the air districts prepare AQMPs that detail regional programs to attain NAAQS and CAAQS. However, if a project within the SCAQMD exceeds the regional significance thresholds, the project could contribute to an increase in health effects in the basin until the attainment standards are met in the SoCAB.



**TABLE 4.2-4  
SCAQMD AIR QUALITY SIGNIFICANCE THRESHOLDS**

Mass Daily Thresholds (lbs/day)		
Pollutant	Construction	Operation
VOC	75	55
NOx	100	55
CO	550	550
PM10	150	150
PM2.5	55	55
SOx	150	150
Lead	3	3
Toxic Air Contaminants		
TACs <sup>a</sup>	Maximum Incremental Cancer Risk ≥ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Chronic & Acute Hazard Index ≥ 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	
GHG	10,000 MT/yr CO <sub>2</sub> eq for industrial facilities	
Ambient Air Quality For Criteria Pollutants <sup>b</sup>		
NO <sub>2</sub>	1-hour average ≥ 0.18 ppm Annual average ≥ 0.03 ppm (state) and 0.0534 ppm (federal)	
CO	1-hour average ≥ 20.0 ppm (State) 8-hour average ≥ 9.0 ppm (State/federal)	
PM10	24-hour average ≥ 10.4 µg/m <sup>3</sup> (construction) 24-hour average ≥ 2.5 µg/m <sup>3</sup> (operation) Annual average ≥ 1.0 µg/m <sup>3</sup>	
PM2.5	24-hour average ≥ 10.4 µg/m <sup>3</sup> (construction) 24-hour average ≥ 2.5 µg/m <sup>3</sup> (operation)	
Sulfate	24-hour average ≥ 25.0 µg/m <sup>3</sup>	
Lead 30-day average Rolling 3-month average	1.5 µg/m <sup>3</sup> (state) 0.15 µg/m <sup>3</sup> (federal)	
lbs/day: pounds per day; VOC: volatile organic compound; NOx: nitrogen oxides; CO: carbon monoxide; PM10: respirable particulate matter with a diameter of 10 microns or less; PM2.5: fine particulate matter with a diameter of 2.5 microns or less; SOx: sulfur oxides; TAC: toxic air contaminants; SCAQMD: South Coast Air Quality Management District; GHG: greenhouse gas; MT/yr CO <sub>2</sub> eq: metric tons per year of CO <sub>2</sub> equivalents; NO <sub>2</sub> : nitrogen dioxide; ppm: parts per million; µg/m <sup>3</sup> : microgram per cubic meter.		
<sup>a</sup> TACs (carcinogenic and noncarcinogenic)		
<sup>b</sup> Ambient air quality threshold based on SCAQMD Rule 403.		
Source: SCAQMD 2019a.		

It is, however, technically feasible to predict with reasonable accuracy the potential localized health consequences of localized pollutants. As discussed below, a HRA that addresses the potential for additional incidences of cancer as well as a non-cancer hazard index resulting from both the construction-related emissions of the Project has been prepared.

## **Methodology**

### California Emission Estimator Model

The Project emissions were calculated by using California Emissions Estimator Model (CalEEMod) version 2022.1.1.24 (CAPCOA 2023). CalEEMod is a computer program accepted by the SCAQMD that can be used to estimate criteria pollutant and GHG emissions associated with land development projects in California. CalEEMod has separate databases for specific counties and air districts. The Orange County database was used for the Project. The model calculates emissions of CO, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and the O<sub>3</sub> precursors VOC and NO<sub>x</sub>. For this analysis, the results are expressed in pounds per day (lbs/day) and are compared with the SCAQMD mass daily thresholds described in Table 4.2-4 to determine impact significance for Project-related construction and operations phase emissions.

The CARB has published emission factors for on-road mobile vehicles/trucks in the Emission Factor (EMFAC) mobile source emissions model and emission factors for off-road equipment and vehicles in the OFFROAD emissions model. Activity levels are a measure of how active a piece of equipment is operated and can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, or VMT per day. An air emissions model (or calculator) combines the equipment emission factors and the various levels of activity and outputs the emissions for the various pieces of equipment.

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. Construction emissions result from both on-site and off-site activities. On-site emissions consist of exhaust emissions from the activity levels of heavy-duty construction equipment, motor vehicle operation, and fugitive dust (mainly PM<sub>10</sub>) from disturbed soil. Additionally, paving operations and application of architectural coatings would release ROG emissions. Off-site emissions result from motor vehicle exhaust from delivery vehicles, worker traffic and road dust (PM<sub>10</sub> and PM<sub>2.5</sub>).

Specific inputs to CalEEMod include land uses and acreages. Construction input data include but are not limited to: (1) the anticipated start and finish dates of each construction activity (e.g., demolition, grading, building, and paving); (2) inventories of construction equipment to be used during each Project activity; (3) areas to be graded for development; (4) volumes of materials to be imported to and exported from the Project Site; (5) areas to be paved; and (6) areas to be painted. The input data and assumptions are discussed in Section 4.2.4, Impact Analysis, below and are shown in notes on the CalEEMod data in Appendix E of this Draft EIR. The CalEEMod model has the capability to calculate reductions in construction emissions from the effects of dust control, off-road diesel-engine classifications, low-emission paints, and other selected measures.

Operational inputs to CalEEMod include (1) the specific year for Project operations; (2) vehicle trip generation rates; (3) land use and location characteristics that contribute to reductions in vehicle miles traveled; and (4) Project criteria for energy use. Output operational emissions data are separated into energy use, area sources, and mobile sources.

The area sources are landscape maintenance equipment, consumer products, and architectural coatings used for routine maintenance. Consumer products (e.g., household cleaners, air fresheners, automotive products, and personal care products) emit VOCs. Mobile sources are the vehicles used by employees, residents, visitors, and vendors at the Project Site. CalEEMod also includes data to calculate emissions reductions based on Project-specific characteristics and resulting from the implementation of mitigation measures.

#### Construction Equipment Tiers and Emission Factors

As noted above, construction equipment tiers refer to the generation of emission standards established by the EPA and the CARB that apply to off-road diesel equipment engines. The “tier” of an engine depends on the model year and horsepower rating; generally, the newer a piece of equipment is, the greater the tier it is likely to have and the lower the emission standards. Excluding engines greater than 750 horsepower, Tier 1 engines were manufactured generally between 1996 and 2003. Tier 2 engines were manufactured between 2001 and 2007. Tier 3 engines were manufactured between 2006 and 2011. Tier 4 engines are the newest and some incorporate hybrid electric technology; they were manufactured after 2007.

The 2022 amendments of the in-use off-road diesel fueled regulation target the phase-out of high-emitting Tier 0, 1, and 2 engines. Although these older engines only make up about one-third of the Statewide fleet, they account for a consequential 60 percent of oxides of nitrogen emissions Statewide. In fact, a single Tier 0 off-road engine has up to 80 times higher emissions per hour compared to a new Tier 4 Final engine. The implementation of the ARB In-Use Off-Road Diesel Fueled regulation results in construction equipment fleets that will become cleaner each year. The fleet make up and requirements vary across individual fleets as compliance is determined based on calculated fleet averages and the stringency depends on the size of the fleet.

#### On-site Off-road Construction Equipment

Activity estimates for construction is modeled in CalEEMod utilizing built in default profiles of construction equipment used for a variety of land use construction projects that incorporate estimates of the equipment type, number of equipment, engine tier, hours per day, as well as horsepower and load factors. These equipment profiles were developed based on relevant construction surveys for several land use projects.

#### Local Concentrations of Criteria Pollutants from On-Site Sources

The SCAQMD has developed an assessment method to evaluate local air quality conditions related to the exposure of persons to criteria pollutants generated on a project site. The SCAQMD developed localized significance threshold (LST) methodology and mass rate look-up tables that public agencies can use to determine whether or not a project may generate significant adverse localized air quality impacts. In addition to the mass daily emissions for regional thresholds, the SCAQMD established CEQA significance thresholds for ambient air quality to address localized impacts. The localized impact analysis is based on the concentration of a pollutant at a receptor site. The concentration standard is either the same

as the NAAQS or CAAQS or is based upon a health-based standard. It is possible for a pollutant to have a significant impact regionally and a less than significant impact locally or vice versa. It is also possible for both impacts (i.e., regional and local) to be significant or less than significant. The look-up tables allow the evaluation of impacts without the complex task of dispersion modeling.

The LST methodology translates the concentration standards into emissions thresholds. The LST methodology is generally recommended to be limited to projects of five acres or less. For projects that exceed five acres, the five-acre LST look-up values can be used as a screening tool to provide a conservative analysis of localized impacts. Use of the LST method for projects that are larger than five acres provides a conservative analysis because equipment operating on a site that is larger than five acres allows for equipment emissions to be distributed over a larger area with a corresponding lower rate of emissions per area (Krause 2018a). Although the Project Site is larger than five acres, SCAQMD recognizes the efficacy of using the LST for larger sites.

The LST methodology addresses NO<sub>2</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions for construction and operational emissions. SO<sub>2</sub> and lead are not included because these pollutants are not generated or produced in negligible amounts in development projects. Ozone is not included because it is a secondary pollutant and local concentrations cannot be estimated from precursor emissions. For NO<sub>2</sub> and CO, the one-hour standards are used and receptors that could be exposed for one hour are considered. For PM<sub>10</sub> and PM<sub>2.5</sub>, the 24-hour standards are used, and the receptors of interest are those where persons could be exposed for 24 hours, such as residences. Because emissions are based on the AAQS, exceedance of the LST represents a potential health impact.

### Health Risk Assessment

Health risks represent the increase in cancer and non-cancer risks to sensitive uses within and near the Project associated with exposure to TACs from construction emissions generated from the Project during each of the Project's construction phases. For construction activities, the exposure duration lasts as long as construction activities occur. Cancer risk is expressed as the probability of one person developing cancer out of a million persons due to exposure to TAC emissions for the exposure duration that emissions would occur. A receptor calculated to have a cancer risk of one in one million means that this receptor has a probability of one in one million of developing cancer from the continuous exposure to diesel particulate matter (DPM). The HRA that was prepared for the Project focuses on estimating potential health risk impacts to the nearby land uses from TAC emissions emitted by construction of the proposed Project (Psomas 2024h). DPM released in connection with Project construction were modeled at uses in the vicinity of the Project Site. TACs include both organic and inorganic chemical substances that may be emitted from a variety of common sources, including motor vehicles, gasoline stations, dry cleaners, industrial operations, painting operations, and research and teaching facilities. As the Project does not involve development of these typical TAC emitting land uses, an operational HRA was not prepared.

The four steps involved in the risk assessment process are 1) hazard identification, 2) exposure assessment, 3) dose-response assessment, and 4) risk characterization. The following is a brief discussion of each of these steps:

1. **Hazard Identification.** This step involves identification of the emission sources and respective pollutants that may cause adverse health effects at nearby receptors. For this analysis, the primary sources of TACs related to the Project Site are the construction vehicles. The data for diesel exhaust emissions from these vehicles were selected for analysis of potential health risk impacts because it represents the majority of risk associated with the Project.
2. **Exposure Assessment.** Air pollutant dispersion modeling is conducted to determine the extent of pollutant exposure to off-site uses for the emitted pollutants identified from the Hazard Identification step. This involves emission rate quantification, modeling of environmental transport, evaluation of environmental fate, identification of exposure routes, receptor locations, and temporal exposure levels. The exposure assessment for this HRA was conducted using the EPA's American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD). This model calculates air pollutant concentrations at receptor locations based on emissions source data, terrain, buildings, and meteorological conditions and is recommended for use in HRAs conducted within the jurisdiction of the SCAQMD.
3. **Dose-Response Assessment.** The dose-response assessment involves characterizing the relationship between a pollutant and the incidence of adverse health effects for exposed populations. For carcinogenic risk, the dose-response relationship indicates the probability of cancer with an estimated exposure, which is also known as the cancer potency factor. Office of Environmental Health Hazard Assessment (OEHHA) has compiled cancer potency factors for use in HRAs. Non-cancer health risks are based on dose-response data developed from animal or human studies to develop acute, 8-hour and chronic Reference Exposure Levels (RELs). Exposure below these RELs is not anticipated to result in adverse health effects. Because the Project Site would be exposed to diesel exhaust from truck, the inhalation pathway was selected for the dose-response assessment. OEHHA has not identified other ingestion pathways for diesel exhaust. The CARB's Hotspots Analysis and Report Program version 2 (HARP2) model was used to assess the dose-response relationship for TACs, as well as the risk characterization for cancer and non-cancer health effects.
4. **Risk Characterization.** Risk characterization is the last step of the HRA, where air pollutant concentrations produced in the exposure assessment are combined with the cancer potency factors and RELs. The population type and exposure period to TACs are selected in this step. The risk characterization uses an OEHHA recommended 30-year exposure period for residential uses.

The OEHHA specifies a significance threshold for chronic (long-term) non-cancer impacts, which is expressed in terms of a hazard index (HI). The HI is based on whether TACs would exceed the Reference Exposure Level, which is the level at which no adverse non-cancer health effects are anticipated. No short-term acute risks have been identified by the CARB

for diesel exhaust exposure. Acute risks for non-cancer thresholds are limited to one to 14 days of exposure. The assumptions applied in calculating cancer risk from the various TACs are based on the methodology published by the SCAQMD and the OEHHA. The HARP2 model developed by the CARB was used to calculate the health risk exposure at the Project Site based on ground-level concentrations of particulate matter developed with the USEPA's AMS/EPA Regulatory Model (AERMOD) air pollutant dispersion modeling. The HRA is included in Appendix E of this Draft EIR (Psomas 2024h).

## 4.2.4 IMPACT ANALYSIS

### *a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

**Less Than Significant With Mitigation Incorporated.** Pursuant to the SCAQMD's CEQA Air Quality Handbook, a project would be inconsistent with the AQMP if it would (SCAQMD 1993):

- Create an increase in the frequency or severity of air quality violations; cause or contribute to new violations; delay attainment of air quality standards; or
- Exceed the assumptions of the AQMP.

For the first criterion, the main purpose of an AQMP is to bring an area into compliance with the requirements of federal and State air quality standards. For a project to be consistent with the AQMP, the pollutants emitted from the project should not (1) exceed the SCAQMD CEQA air quality significance thresholds or (2) conflict with or exceed the assumptions used for preparing growth forecasts in the AQMP. A project with daily emission rates below the SCAQMD's established air quality significance thresholds (shown in Table 4.2-4) would have a less than significant effect on regional air quality.

To address the criterion of whether the Project would exceed the SCAQMD significance thresholds for ozone precursors and potentially delay the timely attainment of the ambient air quality standards or interim emission reductions of the 2022 AQMP an air quality modeling estimate identified the Project's impact on air quality was performed. As shown in response to Threshold 4.2(b) below, pollutant emissions from the Project would be less than the SCAQMD thresholds with implementation of mitigation measures. Therefore, the Project meets the first criterion with implementation of **MM AQ-1, MM AQ-2, and MM TRANS-1** through **MM TRANS-5**.

With respect to the second criterion, the Project was assessed as to whether it would exceed the assumptions in the AQMP. The SCAQMD's current air quality planning document is the 2022 Air Quality Management Plan (2022 AQMP). The 2022 AQMP is a regional and multiple-agency effort among the SCAQMD, CARB, SCAG, and the USEPA. The 2022 AQMP includes an analysis of emissions, meteorology, atmospheric chemistry, regional growth projections, and the impact of existing control measures. The purpose of the 2022 AQMP is to set forth a comprehensive program to promote reductions in criteria pollutants, greenhouse gases, and toxic risk and efficiencies in energy use, transportation, and goods movement. The 2022 AQMP incorporates the latest scientific and technical information and



planning assumptions, including updated emission inventory methods for various source categories; and SCAG's latest growth forecasts that were available in 2022 when the AQMP was developed (SCAQMD 2020a). The 2022 AQMP includes strategies and measures necessary to meet the NAAQS.

The purpose of a consistency finding is to determine whether a project is inconsistent with the policies and regulatory requirements promulgated under regional air quality plans, and thus if it would interfere with the region's ability to comply with federal and State air quality standards. In general, projects are considered consistent with, and would not conflict with or obstruct implementation of the air quality plan if the growth in socioeconomic factors is consistent with the underlying regional plans used to develop the air quality management plan. The AQMP is based on projections of energy usage and vehicle trips from land uses designated by local governments that are within the SoCAB. Implementation of the Project would result in a change in land use compared to existing conditions. However, as discussed in Section 4.12 Population and Housing, of this Draft EIR, the Project would not represent a substantial amount of new housing nor would represent a substantial increase or result in a significant impact when compared to local and regional population projections (residents/employees). Additionally, the City is currently updating the Housing Element of its General Plan to meet the City of Anaheim's Regional Housing Needs Allocation (RHNA) allocation for the Sixth Cycle Housing Element Update, which is a total of 17,453 units of total new construction. The Project would assist the City in achieving their Above Average Income housing units for the 6<sup>th</sup> RHNA cycle.

In conclusion, with implementation of **MM AQ-1, MM AQ-2, and MM TRANS-1 through MM TRANS-5**, the Project would result in a less than significant impact related to this threshold.

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

**Less Than Significant With Mitigation Incorporated.** Orange County is a nonattainment area for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>, as shown in Table 4.2-1. The Project would generate PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>2</sub>, and O<sub>3</sub> precursors (NO<sub>x</sub> and VOC) during short-term construction and long-term operations.

**Construction-Related Regional Impacts**

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. During the construction of the Project, air pollutants would be emitted by off-road and on-road construction equipment and worker vehicles, and fugitive dust would be generated during earth-moving and grading activities on site. Project construction would be completed over three phases, consisting of development of the proposed multiple-family residential uses as Phase 1, followed by the commercial uses as Phase 2, and the single-family residential uses as Phase 3. Relevant elements of each phase related to the analysis of potential air quality construction impacts include (1) site preparation activities to remove vegetation from the

Project Site; (2) on-site grading, demolition and excavation; (3) trenching activities; (4) building construction; (5) architectural coating; and (6) paving activities for asphalt and pavement. Construction of the entire Project is anticipated to take approximately 7 years and 1 month. There would be approximately 513,915 cubic yards of soil export during the first phase of Project construction, approximately 330,283 cubic yards of soil export during second phase of Project construction, and 227,509 cubic yards of soil export during the third phase of Project construction.

Project construction emissions were estimated for the Project's three construction phases using the CalEEMod model described in Section 4.2.3, Thresholds of Significance. Project-specific input was based on Project improvements and construction information described in Section 3.0, Project Description; additional data that was provided by the Applicant and default model settings to estimate reasonable worst-case conditions. The details of phasing, selection of construction equipment, areas to be paved, and other input parameters, including CalEEMod data, are included in Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, of this Draft EIR. Construction related emissions include off-road equipment exhaust; on-road vehicle exhaust; fugitive dust from grading and vehicle travel on paved and unpaved roads; and VOCs from asphalt and architectural coatings. The model inputs reflect compliance with SCAQMD Rules 403 and 402. SCAQMD Rule 403, Fugitive Dust, requires measures such as watering and control of track-out from the site. Dust-control measures are included in the emissions calculations. Construction would also be required to comply with SCAQMD Rule 402, Nuisance, which prohibits the emission of quantities of air contaminants that could cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public. The Project would also be required to comply with SCAQMD Rule 1113, Architectural Coatings, which places limits on the VOC content of coatings sold and used, and thus the model inputs reflect adherence with Rule 1113.

Estimated daily construction emissions for each of the Project's phases are shown in Table 4.2-5. The primary source of the VOC emissions generated during construction would be off gassing from architectural coatings that would be applied to new buildings. The primary source of NO<sub>x</sub> emissions would be diesel engines from construction equipment during site preparation and grading activities. The primary source of CO emissions would be on-road vehicles from vendor and worker trips during concurrent grading, building, and paving activities. The primary source of PM<sub>10</sub> and PM<sub>2.5</sub> emissions would be fugitive dust and vehicle exhaust during the concurrent grading, demolition, building, and paving activities. As shown in Table 4.2-5, Project construction mass daily emissions would be less than the SCAQMD's thresholds for CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> but would exceed the SCAQMD's thresholds for VOCs and NO<sub>x</sub> prior to the implementation of CEQA mitigation measures.

**TABLE 4.2-5  
ESTIMATED UNMITIGATED MAXIMUM  
DAILY CONSTRUCTION EMISSIONS**

Year	Emissions (lbs/day)					
	VOC	NOx	CO	SOx	PM10	PM2.5
2024 (Phase 1)	5	102	60	<1	18	7
2025 (Phase 1)	3	17	45	<1	8	2
2026 (Phase 1)	3	16	43	<1	8	2
2027 (Phases 1 and 2)	165	82	96	<1	21	7
2028 (Phase 2)	1	10	17	<1	2	1
2029 (Phases 2 and 3)	14	48	46	<1	11	4
2030 (Phases 2 and 3)	13	9	15	<1	<1	<1
2031 (Phase 3)	4	8	13	<1	<1	<1
<i>Maximum Emissions</i>	<b>165</b>	<b>102</b>	<b>96</b>	<b>&lt;1</b>	<b>21</b>	<b>7</b>
<i>SCAQMD Thresholds (Table 4.2-4)</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
<b>Exceeds SCAQMD Thresholds?</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; VOC: volatile organic compound; NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District. Source: SCAQMD 2022 (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.						

**MM AQ-1** requires the use of construction equipment that are compliant with Tier 4 offroad engine standards. Use of these cleaner engines would substantially reduce NOx and VOC emissions to levels that are below the SCAQMD's significance thresholds. In addition, **MM AQ-2** would be implemented as part of the Project, which requires that super-compliant paints that have a VOC content of 10 grams per liter or less be used during construction of Phases 1 and 2. **MM AQ-2** would reduce VOC emissions to levels that are less than the SCAQMD's significance threshold. As shown in Table 4.2-6, Project emissions would be reduced below the SCAQMD's significance thresholds for all emission types with implementation of **MM AQ-1** and **MM AQ-2**.

**TABLE 4.2-6  
ESTIMATED MITIGATED MAXIMUM DAILY CONSTRUCTION EMISSIONS**

Year	Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2024 (Phase 1)	2	72	65	<1	17	6
2025 (Phase 1)	2	9	46	<1	8	2
2026 (Phase 1)	2	9	45	<1	8	2
2027 (Phase 1 and 2)	33	48	107	<1	19	6
2028 (Phase 2)	1	4	19	<1	1	<1
2029 (Phases 2 and 3)	2	31	48	<1	9	3
2030 (Phases 2 and 3)	1	4	17	<1	<1	<1
2031 (Phase 3)	4	3	15	<1	<1	<1
<i>Maximum Emissions</i>	<b>33</b>	<b>72</b>	<b>107</b>	<b>&lt;1</b>	<b>19</b>	<b>5</b>
<i>SCAQMD Thresholds (Table 4.2-4)</i>	75	100	550	150	150	55
<b>Exceeds SCAQMD Thresholds?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; VOC: volatile organic compound; NO <sub>x</sub> : nitrogen oxides; CO: carbon monoxide; SO <sub>x</sub> : sulfur oxides; PM <sub>10</sub> : respirable particulate matter 10 microns or less in diameter; PM <sub>2.5</sub> : fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District. Source: SCAQMD 2022 (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.						

### Operations-Related Regional Impacts

Operational emissions from the Project would consist of emissions from area, energy, and mobile sources. The principal source of VOC emissions associated with the Project would result from area sources. Area and energy source emissions are based on CalEEMod assumptions for the specific land uses and size. Mobile source emissions are based on estimated Project-related trip generation forecasts. As described in the Project Description, the non-residential amenity access would be limited to 200 memberships; as such, for purposes of AQ, GHG, and Energy analyses, the ITE trip rate for “Recreational Community Center” (270.62/1000 members per day) was utilized, rather than the ITE trip rate for “Health Fitness Club” that was utilized in LLG’s Transportation Impact Analysis. These trips, in addition to the trips for all other land uses quantified by LLG, results in approximately 3,239 trips (LLG 2024).

The peak day operational emissions for VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> daily emissions that would be created from the Project’s long-term operation have been calculated for the Project. Because the Project would be developed in three phases, separate tables are presented for each of these phases. Separate tables showing the emissions for each phase are needed because this approach allows for a more precise analysis of construction emissions occurring from multiple phases at one time. Specifically, the Project would build Phase 3 at the same time that Phase 1 and Phase 2 of the Project are being operated. As such, the SCAQMD recommends combining both emissions occurring during the construction phase with those occurring simultaneously with the operations phase. These total emissions

are evaluated against the SCAQMD's operations phase emissions thresholds. The operations phase thresholds are lower and consequently more stringent than the construction phase thresholds.

Mitigation required to reduce impacts related to GHGs and transportation (see Section 4.7, Greenhouse Gas Emissions, and Section 4.16, Transportation) would also reduce operational air quality emissions for some criteria pollutants. These reductions are calculated in the worksheets that are provided in Appendix E.

**TABLE 4.2-7  
UNMITIGATED 2027 PEAK DAILY OPERATIONAL EMISSIONS**

Source	Emissions (lbs/day)*					
	VOC	NOx	CO	SOx	PM10	PM2.5
Mobile sources	7	6	69	<1	18	5
Area sources	17	1	46	<1	<1	<1
Energy sources	<1	1	1	<1	<1	<1
Water	<1	<1	<1	<1	<1	<1
Waste	<1	<1	<1	<1	<1	<1
Refrig.	<1	<1	<1	<1	<1	<1
Stationary	1	2	<1	<1	<1	<1
<i>Unmitigated Peak Daily Construction (Phase 2, 2027)</i>	5	67	59	<1	13	5
<b>Total Operational Emissions*</b>	29	77	175	<b>&lt;1</b>	32	10
<i>SCAQMD Significance Thresholds (Table 4.2-4)</i>	55	55	550	150	150	55
<b>Significant Impact?</b>	<b>No</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; VOC: volatile organic compound; NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District. * Some totals do not add due to rounding. Source: SCAQMD 2019a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod model outputs. *Phase 2 – 2027 Peak Day						

As shown in Table 4.2-7, emissions of NOx in 2027, during concurrent operation of the multiple-family residential use area and construction of Phase 2 of the Project, would exceed the SCAQMD's regional operational emissions threshold prior to the implementation of mitigation. However, as shown below in Table 4.2-8, with implementation of **MM AQ-1** and **MM AQ-2**, emissions would be reduced below the SCAQMD's thresholds.

**TABLE 4.2-8  
MITIGATED 2027 PEAK DAILY OPERATIONAL EMISSIONS**

Source	Emissions (lbs/day)*					
	VOC	NOx	CO	SOx	PM10	PM2.5
Mobile sources	7	6	69	<1	18	5
Area sources	17	1	46	<1	<1	<1
Energy sources	<1	1	1	<1	<1	<1
Water	<1	<1	<1	<1	<1	<1
Waste	<1	<1	<1	<1	<1	<1
Refrig.	<1	<1	<1	<1	<1	<1
Stationary	1	2	<1	<1	<1	<1
<i>Mitigated Peak Daily Construction (Phase 2, 2027)</i>	2	40	68	<1	11	4
<b>Total Operational Emissions</b>	<b>27</b>	<b>50</b>	<b>184</b>	<b>&lt;1</b>	<b>29</b>	<b>9</b>
<i>SCAQMD Significance Thresholds (Table 4.2-4)</i>	<i>55</i>	<i>55</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

lbs/day: pounds per day; VOC: volatile organic compound; NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District.

\* Some totals do not add due to rounding.

Source: SCAQMD 2019a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod model outputs.

Unmitigated emissions for year 2029 during concurrent operation of the multifamily residential and commercial use areas of the Project and construction of Phase 3 of the Project are shown in Table 4.2-9. Combined concurrent construction and operations of previously constructed uses would be below the SCAQMD's operations phase thresholds for this phase prior to the implementation of mitigation.



**TABLE 4.2-9  
UNMITIGATED 2029 PEAK DAILY OPERATIONAL EMISSIONS**

Source	Emissions (lbs/day)*					
	VOC	NOx	CO	SOx	PM10	PM2.5
Mobile sources	9	8	93	<1	27	7
Area sources	20	1	56	<1	<1	<1
Energy sources	<1	2	1	<1	<1	<1
Water	<1	<1	<1	<1	<1	<1
Waste	<1	<1	<1	<1	<1	<1
Refrig.	<1	<1	<1	<1	<1	<1
Stationary	1	2	<1	<1	<1	<1
<i>Unmitigated Peak Daily Construction (Phase 3, 2029)</i>	2	38	29	<1	9	3
<b>Total Operational Emissions*</b>	32	51	178	<b>&lt;1</b>	36	10
<i>SCAQMD Significance Thresholds (Table 4.2-4)</i>	55	55	550	150	150	55
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; VOC: volatile organic compound; NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District. * Some totals do not add due to rounding. Source: SCAQMD 2019a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod model outputs.						

Table 4.2-10 shows the unmitigated operations phase emissions associated with the full build out of the Project. Since the Project is assumed to be fully built out by the year 2031, there would be no further construction emissions occurring at this time. As shown in Table 4.2-10, operations phase emissions would be below the SCAQMD's operations phase thresholds.

**TABLE 4.2-10  
UNMITIGATED 2031 PEAK DAILY OPERATIONAL EMISSIONS**

Source	Emissions (lbs/day)*					
	VOC	NOx	CO	SOx	PM10	PM2.5
Mobile sources	9	6	92	<1	27	7
Area sources	20	1	56	<1	<1	<1
Energy sources	<1	2	1	<1	<1	<1
Water	<1	<1	<1	<1	<1	<1
Waste	<1	<1	<1	<1	<1	<1
Refrig.	<1	<1	<1	<1	<1	<1
Stationary	1	2	<1	<1	<1	<1
<b>Total Operational Emissions*</b>	<b>30</b>	<b>10</b>	<b>149</b>	<b>&lt;1</b>	<b>27</b>	<b>7</b>
<i>SCAQMD Significance Thresholds (Table 4.2-4)</i>	<i>55</i>	<i>55</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; VOC: volatile organic compound; NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District. * Some totals do not add due to rounding. Source: SCAQMD 2019a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod model outputs.						

In conclusion, with implementation of **MM AQ-1 and MM AQ-2** the Project would have a less than significant impact with mitigation related to this threshold.

***c) Would the Project expose sensitive receptors to substantial pollutant concentrations?***

**Significant and Unavoidable Impact.** A significant impact would occur related to this threshold if the Project were to generate pollutant concentrations to a degree that would significantly affect sensitive receptors.

This impact addresses whether implementation of the Project would expose air pollution sensitive receptors to TACs such as construction-generated fugitive dust (PM<sub>10</sub>), construction-generated DPM, operational-related TACs, or operational CO hotspots.

Sensitive receptors include populations that are more susceptible to the effects of air pollution than the population at large. Exposure of sensitive receptors is addressed below in this evaluation for emissions that would occur from construction and operation of the Project. To address construction activities, the analysis below includes an evaluation of localized air quality impacts from construction and TACs, including diesel particulate matter (DPM) from on-site construction. To address the exposure of sensitive receptors to operational emissions, the analysis below discusses local air quality impacts from on-site operations and CO hotspots. Operational, long-term TACs may be generated by some industrial land uses; commercial land uses (e.g., gas stations and dry cleaners); and diesel

trucks on freeways. Residential and commercial uses do not generate substantial quantities of TACs and are therefore not addressed in this analysis.

## **Construction**

### Localized Criteria Pollutants from On-Site Construction

In addition to the mass daily emissions thresholds established by the SCAQMD, short-term local impacts to nearby sensitive receptors from on-site emissions of NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> are examined herein based on SCAQMD LST methodology. To assess local air quality impacts for development projects without complex dispersion modeling, the SCAQMD developed screening (lookup) tables to assist lead agencies in evaluating impacts.

The LST method is recommended to be limited to projects that are five acres or less. As discussed previously, for projects that exceed five acres, the five-acre LST look-up values can be used as a screening tool to provide a conservative analysis of localized impacts. Use of the LST method for projects that are larger than five acres provides a conservative analysis because equipment operating on a site that is larger than five acres allows for equipment emissions to be distributed over a larger area with a corresponding lower rate of emissions per area (Krause 2018a). Although the Project Site is larger than five acres, SCAQMD recognizes the efficacy of using the LST for larger sites.

For the purposes of an LST analysis, the SCAQMD considers receptors where it is possible that an individual could remain for 1 hour for NO<sub>2</sub> and CO exposure and 24 hours for PM<sub>10</sub> and PM<sub>2.5</sub> exposure. The emissions limits in the lookup tables are based on the SCAQMD's Ambient Air Quality Standards (SCAQMD 2016). The closest receptors to the Project Site are single-family residential uses adjacent to the Project's boundaries. The emissions thresholds are based on the worst-case condition of having receptors within an average of 25 meters (82 feet) from the center of the Project Site and within 30 feet from the nearest edge of the Project Site. Receptors located further away would be exposed to less Project-induced emissions. Similarly, future onsite receptors located at the proposed multi-family residential development would be greater than 30 feet away from Phase 2 and Phase 3 construction activities.

The LSTs for three-acre sites were utilized for construction Phases 1 and 2. Meanwhile, the LSTs for one-acre sites were used for construction Phase 3. The SCAQMD released guidance titled "Fact Sheet for Applying CalEEMod to Localized Significance Thresholds" which provides clarification that "site acreage" is based on the daily soil disturbance area for each piece of equipment during each construction phase rather than the total acreage of disturbance for that project phase. Based on this methodology, the Project would disturb up to three acres during the demolition, excavation and grading phase for construction of Phases 1 and 2 and one-acre during the excavation and grading phase for construction Phase 3 (SCAQMD 2024a).

Table 4.2-11 shows the maximum daily on-site emissions for construction activities occurring during Phase 1 compared with the SCAQMD LSTs with receptors assumed to be within an average of 25 meters for a Project Site area of three acres.

The Project's maximum daily on-site emissions during Phase 1 construction would occur during the demolition phase for NO<sub>x</sub> and CO, and during the grading phase for PM<sub>10</sub> and PM<sub>2.5</sub>. As shown in Table 4.2-11, the localized emissions from the Project's Phase 1 construction activities would result in emissions that would be below the applicable significance thresholds, and no significant impacts would result to sensitive receptors.

**TABLE 4.2-11  
LOCALIZED SIGNIFICANCE THRESHOLD  
UNMITIGATED CONSTRUCTION EMISSIONS (PHASE 1)**

Emissions and Thresholds	Emissions (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Project maximum daily on-site emissions	34	30	4	2
<b>SCAQMD Localized Significance Threshold<sup>a</sup></b>	<b>138</b>	<b>894</b>	<b>8</b>	<b>5</b>
<b>Exceed threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; NO <sub>x</sub> : nitrogen oxides; CO: carbon monoxide; PM <sub>10</sub> : respirable particulate matter 10 microns or less in diameter; PM <sub>2.5</sub> : fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District.				
<sup>a</sup> Data is for SCAQMD Source Receptor Area 17, Central Orange County, 25-meter distance, three acres.				
Source: SCAQMD 2009a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.				

Table 4.2-12 shows the maximum daily mitigated on-site emissions for construction activities occurring during Phase 1 compared with the SCAQMD LSTs with receptors assumed to be within an average of 25 meters for a Project area of three acres. This assumes implementation of **MM AQ-1**.

**TABLE 4.2-12  
LOCALIZED SIGNIFICANCE THRESHOLD  
MITIGATED CONSTRUCTION EMISSIONS (PHASE I)**

Emissions and Thresholds	Emissions (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Project maximum daily on-site emissions	6	35	3	1
<b>SCAQMD Localized Significance Threshold<sup>a</sup></b>	<b>138</b>	<b>894</b>	<b>8</b>	<b>5</b>
<b>Exceed threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; NO <sub>x</sub> : nitrogen oxides; CO: carbon monoxide; PM <sub>10</sub> : respirable particulate matter 10 microns or less in diameter; PM <sub>2.5</sub> : fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District.				
<sup>a</sup> Data is for SCAQMD Source Receptor Area 17, Central Orange County, 25-meter distance, three acres.				
Source: SCAQMD 2009a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.				

Table 4.2-13 shows the maximum daily on-site emissions for construction activities occurring during Phase 2 compared with the SCAQMD LSTs with receptors assumed to be

within an average of 25 meters for a Project Site area of three acres. As shown in Table 4.2-13, the localized emissions from the Project's Phase 2 construction would result in emissions that would be below the applicable significance thresholds, and no significant impacts would result to sensitive receptors.

**TABLE 4.2-13  
LOCALIZED SIGNIFICANCE THRESHOLD  
UNMITIGATED CONSTRUCTION EMISSIONS (PHASE 2)**

Emissions and Thresholds	Emissions (lbs/day)			
	NOx	CO	PM10	PM2.5
Project maximum daily on-site emissions	26	27	3	2
<b>SCAQMD Localized Significance Threshold<sup>a</sup></b>	<b>138</b>	<b>894</b>	<b>8</b>	<b>5</b>
<b>Exceed threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; NOx: nitrogen oxides; CO: carbon monoxide; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District.				
<sup>a</sup> Data is for SCAQMD Source Receptor Area 17, Central Orange County, 25-meter distance, three acres. Source: SCAQMD 2009a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.				

Table 4.2-14 shows the maximum daily mitigated on-site emissions for construction activities occurring during Phase 2 compared with the SCAQMD LSTs with receptors assumed to be within an average of 25 meters for a Project Site area of three acres. This assumes implementation of **MM AQ-1**. As shown in Table 4.2-14, the localized emissions from the Project's second phase of construction would result in emissions that would be below the applicable significance thresholds, and no significant impacts would result to sensitive receptors.

**TABLE 4.2-14  
LOCALIZED SIGNIFICANCE THRESHOLD  
MITIGATED CONSTRUCTION EMISSIONS (PHASE 2)**

Emissions and Thresholds	Emissions (lbs/day)			
	NOx	CO	PM10	PM2.5
Project maximum daily on-site emissions	6	35	3	1
<b>SCAQMD Localized Significance Threshold<sup>a</sup></b>	<b>138</b>	<b>894</b>	<b>8</b>	<b>5</b>
<b>Exceed threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; NOx: nitrogen oxides; CO: carbon monoxide; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District.				
<sup>a</sup> Data is for SCAQMD Source Receptor Area 17, Central Orange County, 25-meter distance, three acre. Source: SCAQMD 2009a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.				

Table 4.2-15 shows the maximum daily on-site emissions for construction activities occurring during Phase 3 compared with the SCAQMD LSTs with receptors assumed to be within an average of 25 meters for a Project Site area of one acre. As shown in Table 4.2-15, the localized emissions from the Project's third phase of construction would result in emissions that would be below the applicable significance thresholds, and no significant impacts would result to sensitive receptors.

**TABLE 4.2-15  
LOCALIZED SIGNIFICANCE THRESHOLD  
UNMITIGATED CONSTRUCTION EMISSIONS (PHASE 3)**

Emissions and Thresholds	Emissions (lbs/day)			
	NOx	CO	PM10	PM2.5
Project maximum daily on-site emissions	17	26	2	1
<b>SCAQMD Localized Significance Threshold<sup>a</sup></b>	<b>81.0</b>	<b>485.0</b>	<b>4.0</b>	<b>3.0</b>
<b>Exceed threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; NOx: nitrogen oxides; CO: carbon monoxide; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District.				
<sup>a</sup> Data is for SCAQMD Source Receptor Area 17, Central Orange County, 25-meter distance, one acre.				
Source: SCAQMD 2009a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.				

Table 4.2-16 shows the maximum daily mitigated on-site emissions for construction activities occurring during Phase 3 compared with the SCAQMD LSTs with receptors assumed to be within an average of 25 meters for a Project Site area of one acre. As shown in Table 4.2-16, the localized emissions from the Project's third phase of construction would result in emissions that would be below the applicable significance thresholds, and no significant impacts would result to sensitive receptors.

**TABLE 4.2-16  
LOCALIZED SIGNIFICANCE THRESHOLD  
MITIGATED CONSTRUCTION EMISSIONS (PHASE 3)**

Emissions and Thresholds	Emissions (lbs/day)			
	NOx	CO	PM10	PM2.5
Project maximum daily on-site emissions	2	18	2	1
<b>SCAQMD Localized Significance Threshold<sup>a</sup></b>	<b>81.0</b>	<b>485.0</b>	<b>4.0</b>	<b>3.0</b>
<b>Exceed threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; NOx: nitrogen oxides; CO: carbon monoxide; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District.				
<sup>a</sup> Data is for SCAQMD Source Receptor Area 17, Central Orange County, 25-meter distance, one acre.				
Source: SCAQMD 2009a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.				



---

### Toxic Air Contaminant Emissions from On-Site Construction

Construction activities would result in short-term, Project-generated emissions of DPM from the exhaust of off-road, heavy-duty diesel equipment used for site preparation (e.g., demolition, excavation, and grading); paving; building construction; and other miscellaneous activities. As noted above, CARB identified DPM as a TAC in 1998. The dose to which receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer time period. According to the Office of Environmental Health Hazard Assessment, HRAs—which determine the exposure of sensitive receptors to TAC emissions—should be based on a 30-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the Project.

An HRA was prepared to assess the impact of construction emissions from the development of the Project on nearby residential uses proximate to the Project Site (Psomas 2024h). This HRA is provided as Appendix E of this Draft EIR. As stated in the HRA, the majority of cancer risk associated with construction activities is due to the operation of large offroad construction vehicles. The amount of diesel vehicle usage assumed in the quantification for the HRA is considered conservative considering that the State of California is phasing out the sale of new gasoline and diesel vehicles by 2035 as part of the California Air Resources Board’s Advanced Clean Car II Rule.

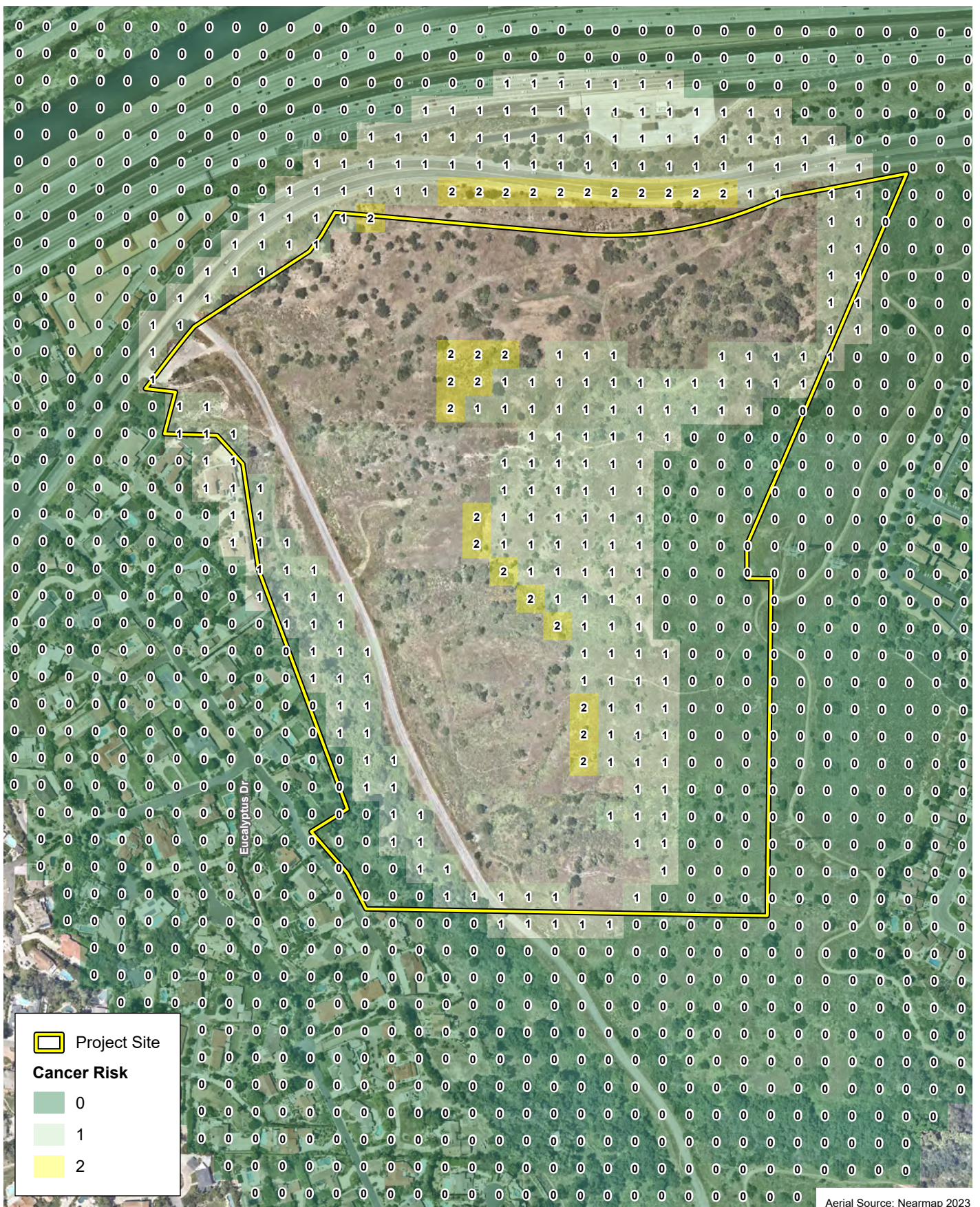
The assessment of cancer risk shows that the Point of Maximum Impact (PMI) is 12 in a million risk for unmitigated emissions and 2 in a million for mitigated emissions. The PMI is located immediately to the east of the Project Site. However, this area is located in open space, and no one is anticipated to be exposed at the creek for a prolonged period of years. The Maximally Exposed Impacted Resident (MEIR) describes the highest impacted residential use nearest to the Project Site. The MEIR is located to the west of the Project Site along East Autry Drive and would be exposed to a total risk level of 6 in a million risk for unmitigated emissions and 1 in a million for mitigated emissions. The distribution of cancer risk is shown in Exhibit 4.2-1. As shown in Exhibit 4.2-1, cancer risk values decrease with distance due to air pollutant dispersion from the construction areas at the Project Site. This total cancer risk exposure period is comprised of a combined total for risk levels for both children and adults. Because the Project would result in cancer risk that is below the significance threshold adopted by the SCAQMD, the Project would not result in excessive cancer risk.

### Non Cancer Risk

Exposures to TACs can also cause chronic (long-term) related non-cancer illnesses, such as reproductive effects, respiratory effects, eye sensitivity, immune effects, kidney effects, blood effects, central nervous system effects, birth defects, or other adverse health effects. As discussed in the Project’s HRA, “exposure to diesel exhaust also causes inflammation in the lungs, which may aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks.” Risk characterization for non-cancer health risks from DPM



D:\Projects\3ANA\_BaseFiles\TheHills\PRO\TheHills\_Project\aprx\ex\_Cancer\_Risk



## Distribution of Cancer Risk

## Exhibit 4.2-1

Hills Preserve Project



400 200 0 400  
Feet



(Rev: 6-13-2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Cancer\_Risk.pdf



is expressed as a hazard index (HI). The HI is a ratio of the predicted concentration of DPM to a concentration of DPM considered acceptable to public health professionals, termed the Reference Exposure Level (REL). The estimated chronic non-cancer risk hazard index at the maximally impacted residence receptor is  $<0.1$ , which, for comparison purposes, is substantially less than the OEHHA hazard index of 1.0 for which no adverse noncancer health risk is anticipated. The Project would result in exposure at nearby uses to risk levels that are substantially below the chronic hazard index of 1.0 and, consequently, would not result in significant health risk impacts related to chronic exposure of diesel exhaust from Project related vehicular emissions. The OEHHA has not defined a non-cancer acute reference exposure level for DPM. As such, acute exposures are not analyzed in this HRA.

## ***Operational***

### Localized Criteria Pollutants from On-Site Operations

Project-related air emissions may have the potential to exceed the State and/or federal air quality standards in the vicinity of the Project Site even though these pollutant emissions may not be significant enough to create a regional impact to the SoCAB. Project-related air emissions from on-site sources such as architectural coatings and landscaping equipment appliances may have the potential to generate emissions that exceed the State and/or federal air quality standards in the vicinity of the Project even though these pollutant emissions may not be significant enough to create a regional impact to the SoCAB.

The local air quality emissions from on-site operations were analyzed using the SCAQMD's Mass Rate LST Look-up Tables and the LST Methodology. Because the Project would be developed in three phases, separate tables are presented for each of these phases. As explained above, separate tables showing the emissions for each phase are needed because this approach allows for a more precise analysis of construction emissions occurring from multiple phases at one time. Specifically, the Project would build Phase 3 at the same time that Phase 1 and Phase 2 of the Project are being operated/occupied. As such, the SCAQMD recommends combining both emissions occurring during the construction phase (i.e., Phase 3) with those occurring simultaneously with the operations phase (i.e., of Phases 1 and 2). These total emissions are evaluated against the SCAQMD's operations phase LSTs.

Table 4.2-17 shows the unmitigated on-site operational emissions from area sources, energy usage, vehicles operating on-site, the peak daily on-site construction emissions from Phase 2, and the calculated emissions thresholds. As shown in Table 4.2-17, the SCAQMD's operational LST for PM<sub>10</sub> and PM<sub>2.5</sub> would be exceeded during the 2027 interim scenario (construction and operations) prior to mitigation.

**TABLE 4.2-17  
LOCALIZED SIGNIFICANCE THRESHOLD UNMITIGATED  
OPERATIONAL EMISSIONS  
(YEAR 2027)**

On-Site Emission Source	Pollutant Emissions (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Mobile Sources <sup>a</sup>	<1	3	1	<1
Area Sources	1	46	<1	<1
Energy Sources	1	1	<1	<1
Water	<1	<1	<1	<1
Waste	<1	<1	<1	<1
Refrigerants	<1	<1	<1	<1
Stationary	2	<1	<1	5
Unmitigated Peak Daily Construction (Phase 2, 2027)	26	27	3	2
Project's total maximum daily on-site emissions	30	77	4	7
<b>SCAQMD Localized Significance Threshold<sup>b</sup></b>	<b>183</b>	<b>1,253</b>	<b>3</b>	<b>2</b>
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>
lbs/day: pounds per day; NO <sub>x</sub> : nitrogen oxides; CO: carbon monoxide; PM <sub>10</sub> : respirable particulate matter 10 microns or less in diameter; PM <sub>2.5</sub> : fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District. <sup>a</sup> Onsite vehicle emissions based on 5% of the gross vehicular emissions, which is the estimated portion of vehicle emissions occurring within a quarter mile of the Project Site. <sup>b</sup> SCAQMD Source Receptor Area 17, Central Orange County, 25-meter distance, five acres. Source: SCAQMD 2009a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.				

As shown in Table 4.2-18, with the implementation of feasible construction and operation mitigation (**MM AQ-1**, **MM AQ-2**, **MM GHG-1** through **MM GHG-3**, and **MM TRANS-1** through **TRANS-5**), the SCAQMD's operational LST for PM<sub>10</sub> would continue to be exceeded in the 2027 interim scenario. As such, impacts related to operations LST for the year 2027 would be significant and unavoidable.

**TABLE 4.2-18  
LOCALIZED SIGNIFICANCE THRESHOLD MITIGATED  
OPERATIONAL EMISSIONS  
(YEAR 2027)**

On-Site Emission Source	Pollutant Emissions (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Mobile Sources <sup>a</sup>	<1	3	1	<1
Area Sources	1	46	<1	<1
Energy Sources	1	1	<1	<1
Water	<1	<1	<1	<1
Waste	<1	<1	<1	<1
Refrigerants	<1	<1	<1	<1
Stationary	2	<1	<1	5
Mitigated Peak Daily Construction (Phase 2, 2027)	4	35	3	1
Project's total maximum daily on-site emissions	9	86	4	1
<b>SCAQMD Localized Significance Threshold<sup>b</sup></b>	<b>183</b>	<b>1,253</b>	<b>3</b>	<b>2</b>
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
lbs/day: pounds per day; NO <sub>x</sub> : nitrogen oxides; CO: carbon monoxide; PM <sub>10</sub> : respirable particulate matter 10 microns or less in diameter; PM <sub>2.5</sub> : fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District. <sup>a</sup> Onsite vehicle emissions based on 5% of the gross vehicular emissions, which is the estimated portion of vehicle emissions occurring within a quarter mile of the Project Site. <sup>b</sup> SCAQMD Source Receptor Area 17, Central Orange County, 25-meter distance, five acres. Source: SCAQMD 2009a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.				

Table 4.2-19 shows the on-site operational emissions from area sources, energy usage, and vehicles operating on-site, the peak daily on-site construction emissions from Phase 3, and the calculated emissions thresholds. As shown in Table 4.2-19, the SCAQMD's operational LST for PM<sub>10</sub> would be exceeded during the 2029 interim scenario (construction and operations) prior to mitigation.

**TABLE 4.2-19  
LOCALIZED SIGNIFICANCE THRESHOLD UNMITIGATED  
OPERATIONAL EMISSIONS (YEAR 2029)**

On-Site Emission Source	Pollutant Emissions (lbs/day)			
	NOx	CO	PM10	PM2.5
Mobile Sources <sup>a</sup>	<1	5	1	<1
Area Sources	1	56	<1	<1
Energy Sources	2	1	<1	<1
Water	<1	<1	<1	<1
Waste	<1	<1	<1	<1
Refrigerants	<1	<1	<1	<1
Stationary	2	<1	<1	<1
Unitigated Peak Daily Construction (Phase 3, 2029)	13	17	2	1
Project's total maximum daily on-site emissions	18	79	3	1
<b>SCAQMD Localized Significance Threshold<sup>b</sup></b>	<b>183</b>	<b>1,253</b>	<b>3</b>	<b>2</b>
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
lbs/day: pounds per day; NOx: nitrogen oxides; CO: carbon monoxide; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District. <sup>a</sup> Onsite vehicle emissions based on 5% of the gross vehicular emissions, which is the estimated portion of vehicle emissions occurring within a quarter mile of the Project Site. <sup>b</sup> SCAQMD Source Receptor Area 17, Central Orange County, 250 feet (76 meters) distance, five acres. Source: SCAQMD 2009a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.				

As shown in table 4.2-20, with the implementation of feasible construction and operation mitigation(**MM AQ-1**, **M AQ-2**, **MM GHG-1** through **MM GHG-3**, and **MM TRANS-1** through **TRANS-5**), impacts related to operations LST for the interim scenario in year 2029 would be significant and unavoidable.

**TABLE 4.2-20  
LOCALIZED SIGNIFICANCE THRESHOLD MITIGATED  
OPERATIONAL EMISSIONS (YEAR 2029)**

On-Site Emission Source	Pollutant Emissions (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Mobile Sources <sup>a</sup>	<1	4	1	<1
Area Sources	1	56	<1	<1
Energy Sources	2	1	<1	<1
Water	<1	<1	<1	<1
Waste	<1	<1	<1	<1
Refrigerants	<1	<1	<1	<1
Stationary	2	<1	<1	<1
Mitigated Peak Daily Construction (Phase 3, 2029)	2	18	2	1
Project's total maximum daily on-site emissions	7	79	4	1
<b>SCAQMD Localized Significance Threshold<sup>b</sup></b>	<b>183</b>	<b>1,253</b>	<b>3</b>	<b>2</b>
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
lbs/day: pounds per day; NO <sub>x</sub> : nitrogen oxides; CO: carbon monoxide; PM <sub>10</sub> : respirable particulate matter 10 microns or less in diameter; PM <sub>2.5</sub> : fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District. <sup>a</sup> Onsite vehicle emissions based on 5% of the gross vehicular emissions, which is the estimated portion of vehicle emissions occurring within a quarter mile of the Project Site. <sup>b</sup> SCAQMD Source Receptor Area 17, Central Orange County, 250 feet (76 meters) distance, five acres. Source: SCAQMD 2009a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.				

Table 4.2-21 shows 2031 on-site operational emissions from area sources, energy usage, vehicles operating on-site, and the calculated emissions thresholds.



**TABLE 4.2-21  
LOCALIZED SIGNIFICANCE THRESHOLD UNMITIGATED  
OPERATIONAL EMISSIONS (YEAR 2031)**

On-Site Emission Source	Pollutant Emissions (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Mobile Sources <sup>a</sup>	<1	5	1	<1
Area Sources	1	56	<1	<1
Energy Sources	2	1	<1	<1
Water	<1	<1	<1	<1
Waste	<1	<1	<1	<1
Refrigerants	<1	<1	<1	<1
Stationary	2	<1	<1	<1
Project's total maximum daily on-site emissions	6	62	2	1
<b>SCAQMD Localized Significance Threshold<sup>b</sup></b>	<b>183.0</b>	<b>1,253.0</b>	<b>3.0</b>	<b>2.0</b>
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
lbs/day: pounds per day; NO <sub>x</sub> : nitrogen oxides; CO: carbon monoxide; PM <sub>10</sub> : respirable particulate matter 10 microns or less in diameter; PM <sub>2.5</sub> : fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District. <sup>a</sup> Onsite vehicle emissions based on 5% of the gross vehicular emissions, which is the estimated portion of vehicle emissions occurring within a quarter mile of the Project Site. <sup>b</sup> SCAQMD Source Receptor Area 17, Central Orange County, 25-meter distance, five acres. Source: SCAQMD 2009a (thresholds); see Appendix E, Air Quality and Greenhouse Gas Emissions Calculations, for CalEEMod outputs.				

The data provided in Table 4.2-21 show that the ongoing operations of the Project would not exceed the local NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> thresholds of significance.

However, as shown in tables 4.2-17 and 4.2-20, operational LSTs would be exceeded during concurrent construction and operational activities (interim scenarios) and impacts would be significant and unavoidable with feasible mitigation incorporated.

### Carbon Monoxide Hotspot

In an urban setting, vehicle exhaust is the primary source of CO. Consequently, the highest CO concentrations generally are found close to congested intersections. Under typical meteorological conditions, CO concentrations tend to decrease as the distance from the emissions source (e.g., congested intersection) increases. Therefore, for purposes of providing a conservative reasonable worst-case impact analysis, CO concentrations typically are analyzed at congested intersection locations. If impacts are less than significant close to congested intersections, impacts would also be less than significant at more distant sensitive-receptor and other locations. ]

A CO hotspot is an area of elevated CO concentrations that is caused by severe vehicle congestion on major roadways, typically near intersections. If a project substantially increases average delay at signalized intersections that are operating at Level of Service (LOS) E or F or causes an intersection that would operate at LOS D or better without the project to operate at LOS E or F with the Project, there is a potential for a CO hotspot. The Project site is located in the SoCAB which is in a CO attainment area; additionally, the SoCAB has been in attainment for CO for over two decades and its “continued attainment” has been verified (CARB 2005).

The proposed Project would not result in the degradation of any of the study intersection’s LOS to an E or an F during the year 2029 with Project conditions with the exception of the intersection of Quintana Road and Santa Ana Canyon Road. The Project would increase the delay during the evening peak hour; nevertheless, the intersection does not meet a traffic signal warrant and therefore does not result in an operational deficiency per the LOS standards defined in this report. As such, the Project would not have the potential to substantially change the average LOS at nearby intersections and consequently would not contribute to the potential for the formation of a CO hotspot. Moreover, monitored ambient CO concentrations of 2.4 ppm for 1-hour concentrations and 1.7 for 8-hour concentrations are a small fraction of the California ambient air quality standards of 20 ppm and 9 ppm. Due to the small magnitude of Project’s trip generation, exceedance of the ambient air quality standards would not occur.

Therefore, the Project would result in less than significant impacts related to CO hotspots, and no mitigation measures are required.

## ***Conclusion***

Even with implementation of **MM AQ-1**, **M AQ-2**, **MM GHG-1** through **MM GHG-3**, and **MM TRANS-1** through **TRANS-5**, the Project would result in a significant unavoidable impact related to this threshold.

### ***d) Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?***

**Less Than Significant Impact.** The occurrence and severity of potential odor impacts depends on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receiving location. Although offensive odors seldom cause physical harm, they can be annoying and cause distress among the public and generate citizen complaints.

Project construction would use equipment and activities that could result in other emissions (such as those leading to odors). However, these odors would be typical when compared to other construction sites and would not be extraordinarily objectionable. Potential construction odors would include diesel exhaust emissions from onsite construction equipment as well as odors that would result from roofing, painting, and paving operations. There may be situations where construction activity odors could be noticed. However, these odors would be temporary and would dissipate rapidly from the source with an increase in

distance and over time. These odors would not be of such magnitude to cause a public nuisance. Also, the SCAQMD has also not identified construction areas to be a significant source of odors in the list of sources that generate significant sources of odors. Therefore, the impacts would be short-term; would not affect a substantial number of people; and would be less than significant.

According to the SCAQMD CEQA Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding (SCAQMD 1993). Given its mixed use residential nature, the Project does not include any uses identified by the SCAQMD as being associated with odors, and therefore, would not likely produce objectionable odors. Typical odors generated from operation of the Project would include vehicle exhaust generated by residents, employees, and visitors traveling to and from the Project Site, through the periodic use of landscaping or maintenance equipment, and odors from the temporary storage of typical solid waste (refuse). In addition, the Project uses would be regulated from nuisance odors or other objectionable emissions by SCAQMD Rule 402, Nuisance. Rule 402 prohibits discharge from any source of air contaminants or other material which would cause injury, detriment, nuisance, or annoyance to people or the public. Accordingly, it is reasonable to conclude that any odors produced would be minimal and would be confined to the immediate vicinity.

Therefore, the Project would result in a less than significant impact related to this threshold, and no mitigation is required.

## **4.2.5 CUMULATIVE IMPACTS**

### **Cumulative Construction Impacts**

Construction activities associated with the Project would result in less than significant construction-related regional and localized air quality impacts, as quantified above under Threshold 4.2[c]. Short-term cumulative impacts related to air quality could occur if construction of the Project and other cumulative projects in the surrounding area were to occur simultaneously. In particular, with respect to local impacts, the consideration of cumulative construction particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) impacts is limited to cases when projects constructed simultaneously are within a few hundred yards of each other because of (1) the combination of the short range (distance) of particulate dispersion (especially when compared to gaseous pollutants), and (2) the SCAQMD's required dust-control measures, which further limit particulate dispersion from the Project Site.

SCAQMD's policy with respect to cumulative impacts associated with the above-referenced pollutants and their precursors is that impacts that would be directly less than significant on a project level would also be cumulatively less than significant (SCAQMD 2003). Because the Project's construction emissions are below the SCAQMD's regional and local construction significance thresholds, the Project's regional and local construction emissions would not be cumulatively considerable, and the cumulative impact would be less than significant, and no mitigation measures are either required.

## **Cumulative Operational Impacts**

As shown in Table 4.2-6, Peak Daily Operational Emissions, operational emissions of VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> would be below the SCAQMD CEQA significance thresholds. Consistent with the approach described above (under Cumulative Construction Impacts), and based on the SCAQMD's "White Paper on Regulatory Options for Addressing Cumulative Impacts from Air Pollution Emissions" (SCAQMD 2003), the SCAQMD's policy on assessing cumulative impacts associated with the above-referenced pollutants and their precursors is that impacts that would be directly less than significant on a project level would also be cumulatively less than significant. Therefore, because the Project's operational emissions are less than the respective SCAQMD daily operational thresholds, the Project's operations phase activities would not contribute to a cumulatively considerable net increase of a pollutant for which the SoCAB is in nonattainment. Emissions of nonattainment pollutants or their precursors would not be cumulatively considerable and would be less than significant, and no mitigation measures are either required. Nevertheless, as presented in Tables 4.2-17 and 4.2-20, the SCAQMD's operational LST for PM<sub>10</sub> would be exceeded during the 2027 and 2029 interim scenarios (construction and operations) even with the implementation of construction and operational mitigation measures **MM AQ-1**, **MM AQ-2**, **MM GHG-1** through **MM GHG-3**, and **MM TRANS-1** through **TRANS-5**. In this regard, the Project's contribution would be cumulatively considerable, and thus would result in a significant cumulative impact. As such, impacts related to operational LST for the years 2027 and 2029 would be significant and unavoidable.

### **4.2.6 MITIGATION PROGRAM**

- MM AQ-1** During construction activities, for all offroad engines that are diesel and above 50 brake horsepower, the contractor shall use engines that comply with USEPA Tier 4 offroad engine standards.
- MM AQ-2** Super compliant paints for architectural coatings which have less than 10 grams of volatile organic compounds per liter shall be used during Project construction of Phases 1 and 2. A list of super compliant paints can be found at: <http://www.aqmd.gov/home/rules-compliance/compliance/vocs/architectural-coatings/super-compliant-coatings>.

### **4.2.7 SIGNIFICANCE AFTER MITIGATION**

Even with implementation of **MM AQ-1**, **MM AQ-2**, and **MM TRANS-1** through **MM TRANS-5**, the Project would result in a significant unavoidable impact related to air quality.

## **4.3 BIOLOGICAL RESOURCES**

Information in this section is based in part on the analysis contained in the Biological Technical Report that was prepared for the Project in January 2024 (Psomas 2024c), which is provided as Appendix F.

The information and analysis set forth herein and in the Biological Technical Report has been reported in accordance with accepted scientific and technical standards that are consistent with the requirements of the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW).

The determination of impacts in this analysis is based on the Project impact boundaries overlayed with maps of biological resources in the Project Site. For ease of reference and consistent with the Biological Technical Report, this analysis refers to the Project Site, which consists of the Project Site and adjacent open spaces areas within 500 feet of the proposed impact boundaries.

As detailed more fully below, biological impacts associated with the Project were evaluated with respect to the following special status biological issues:

- Species listed under federal or State Endangered Species Acts;
- Species proposed for listing under federal or State Endangered Species Acts;
- Non-listed species that meet the criteria in the definition of “Rare” or “Endangered” in the State CEQA Guidelines (i.e., 14 California Code of Regulations, Section 15380)<sup>1</sup>;
- Species designated as California Species of Special Concern;
- Vegetation types (synonymous with “habitat” and “community”) suitable to support a federally or State-listed Endangered or Threatened plant or wildlife species;
- Streambeds, waterbodies, wetlands, and their associated vegetation;
- Vegetation types, other than wetlands, considered sensitive natural communities by regulatory agencies (e.g., USFWS, CDFW) or resource conservation organizations;
- Other species or issues of concern to regulatory agencies or conservation organizations; and
- Central-Coastal Subregion NCCP/HCP Implementation Agreement.

---

<sup>1</sup> Section 15380 of the State CEQA Guidelines indicates that a lead agency can consider a non-listed species (e.g., plant with a CRPR of 1B.1 or 2) to be Endangered, Rare, or Threatened if the species can be shown to meet the criteria in the definition of Rare or Endangered. For the purposes of this report, the current scientific knowledge on the population size and distribution for each special status species was considered in determining if a non-listed species meets the definitions for Rare and Endangered according to Section 15380 of the State CEQA Guidelines.

The actual and potential occurrence of these resources in the Project Site was correlated with the relevant significance criteria to determine whether the impacts of the Project on these resources would be considered significant, as discussed further below.

### **4.3.1 EXISTING CONDITIONS**

#### **Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP)**

The Project Site is in the Central/Coastal Subregion of the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The purpose of this plan is to provide regional protection and recovery of multiple species and habitat while allowing compatible land use and appropriate development. The City of Anaheim is a signatory jurisdiction, which means that the City has signed the NCCP/HCP Implementation Agreement (IA) that requires the City to comply with the provisions of the NCCP/HCP and associated IA. As depicted in Exhibit 4.3-1, the Project Site is located within a NCCP Reserve “Existing Use Area”.

#### **Critical Habitat**

The United States Fish and Wildlife Service (USFWS) published a Revised Final Rule designating Critical Habitat for the coastal California gnatcatcher in 2007. This revised rule designates 197,303 acres of Critical Habitat in San Diego, Orange, Riverside, San Bernardino, Los Angeles, and Ventura Counties. As depicted in Exhibit 4.3-2, the Project Site is within designated Critical Habitat for the coastal California gnatcatcher.

#### **Focused Biological Surveys**

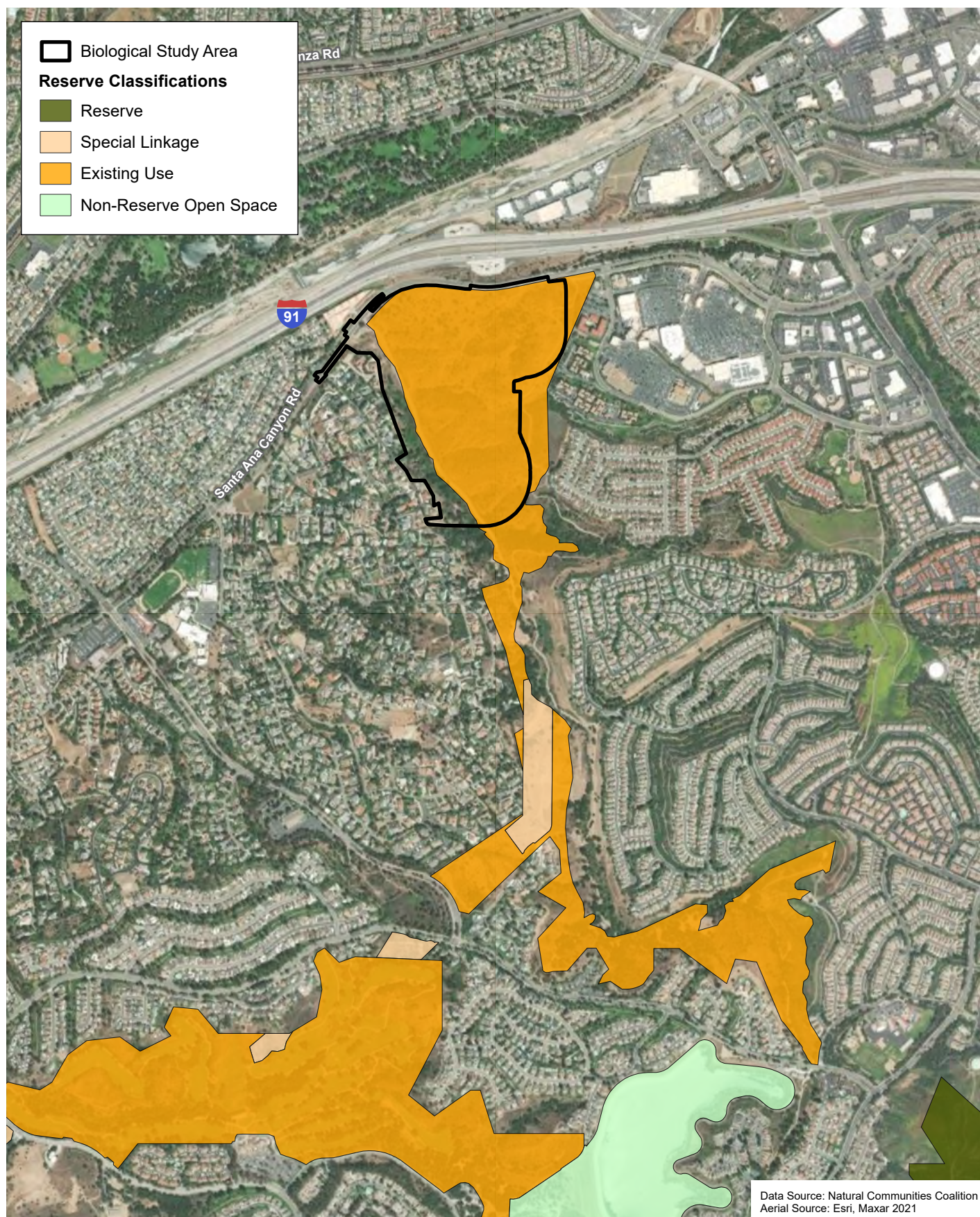
As explained in more detail in the Biological Technical Report and below, focused surveys were conducted for special status plant and wildlife species with potential to occur in the Project Site. Focused surveys were conducted for special status plant species, coastal California gnatcatcher, coastal cactus wren, least Bell’s vireo, and southwestern willow flycatcher.

During the 2023 focused surveys that were conducted , two special status plant species, intermediate mariposa-lily (*Calochortus weedii* var. *intermedius*), and Southern California black walnut (*Juglans californica*) were observed.

With respect to special status wildlife species, focused surveys were conducted for coastal California gnatcatcher, coastal cactus wren, least Bell’s vireo, and southwestern willow flycatcher. One pair of coastal California gnatcatcher was observed in the Project Site during the 2023 focused surveys. The pair successfully nested and fledged one juvenile. Four pairs of coastal California gnatcatchers were previously observed during focused surveys



D:\Projects\3ANA\_BaseFiles\TheHills\PRO\TheHills\_Project\aprx\ex\_OCC\_NCCP\_HCP



## Orange County Central-Coastal NCCP/HCP

Exhibit 4.3-1

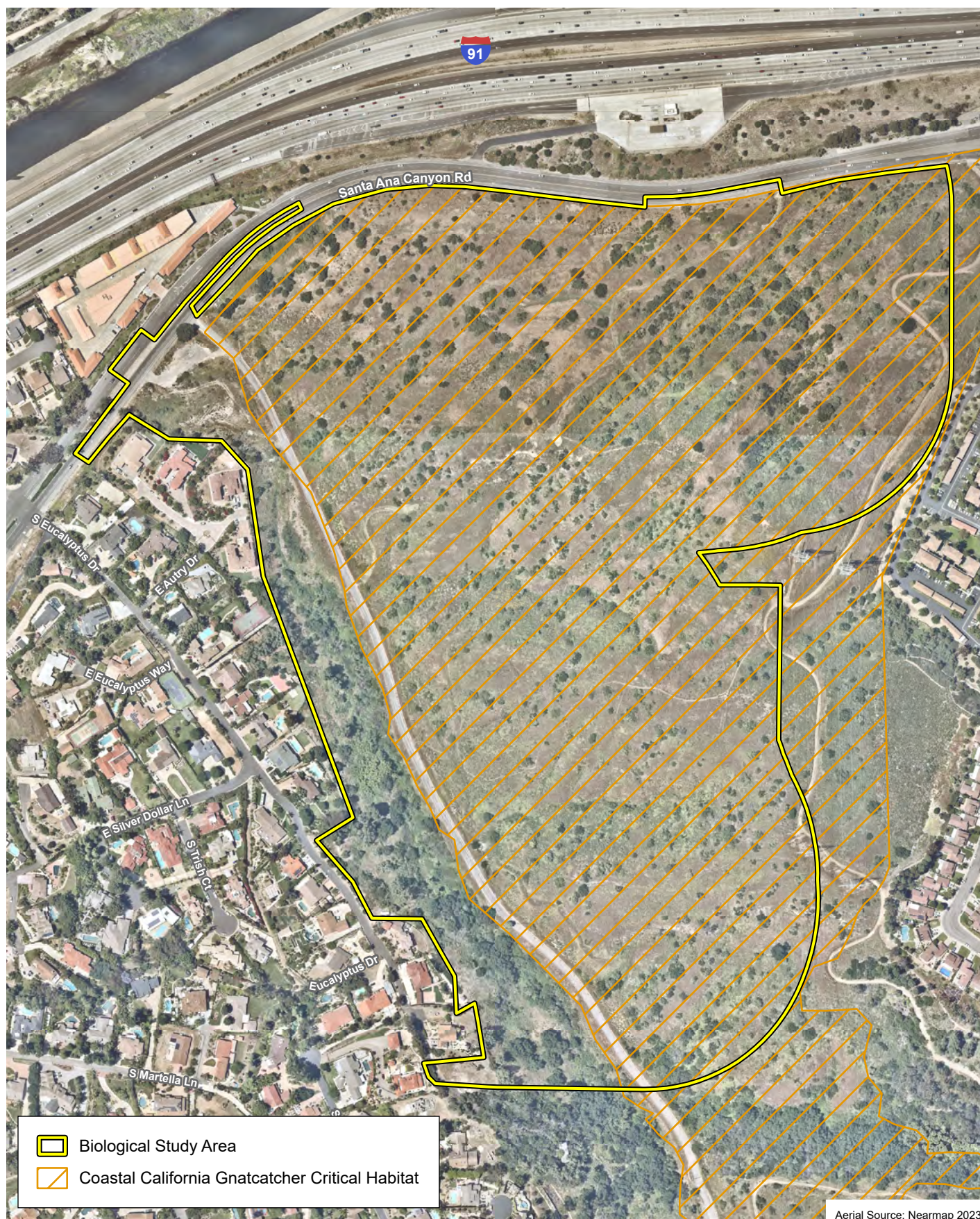
### Hills Preserve Project



1,500 750 0 1,500  
Feet







### Critical Habitat

Hills Preserve Project



Exhibit 4.3-2



(Rev: 6-13-2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Critical Habitat.pdf



conducted in 2002.<sup>2</sup> No coastal cactus wren, least Bell's vireo, or southwestern willow flycatcher were observed during the 2023 focused surveys.

Complete focused survey reports are provided as appendices to the Biological Technical Report, which is provided as Appendix F to this Draft EIR. The general locations of special status species are depicted in Exhibit 4.3-3.

## **Regional Environment**

The Project Site is located in Santa Ana Canyon with the Santa Ana Mountains to the southeast and Chino Hills to the north. Also, the Santa Ana River is approximately 525 feet north of the Project Site. There are several designated open space areas near the Project Site including Deer Canyon Park Preserve, Yorba Regional Park, Featherly Regional Park, Chino Hills State Park, Oak Canyon Nature Center, Santiago Oaks Regional Park, Irvine Regional Park, NCCP/HCP Reserve open space including Weir Canyon, Gypsum Canyon, and Fremont Canyon, Prado Basin, and the Cleveland National Forest.

## **Local Environment**

The Project Site consists of hillside areas with a generally north-south trending canyon along that is located along the western portion of the Project Site. USGS identifies one<sup>3</sup> unnamed blueline stream as occurring along the western boundary of the Project Site.

Elevations within the Project Site range from approximately 600 feet above mean sea level in the southeast area of the Project Site to approximately 330 feet above mean sea level at the northwest boundary of the Project Site along Santa Ana Canyon Road.

Soils mapped in the Project Site include Anaheim loam, 30 to 50 percent slopes; Anaheim clay loam, 30 to 50 percent slopes; Balcom clay loam, 9 to 15 percent slopes; Calleguas clay loam, 50 to 75 percent slopes, eroded; Cieneba sandy loam, 30 to 75 percent slopes, eroded; Metz loamy sand; Myford sandy loam, 2 to 9 percent slopes; Soper loam, 15 to 30 percent slopes; Xeralfic arents, loamy, 2 to 9 percent slopes; Yorba gravelly sandy loam, 2 to 9 percent slopes; Yorba cobbly sandy loam, 9 to 30 percent slopes, eroded; and Yorba cobbly sandy loam, 30 to 50 percent slopes.

## **Vegetation Types and Other Areas**

As fully detailed in the Biological Technical Report, a variety of vegetation types occur in the Project Site, including sagebrush – black sage scrub, sagebrush – black sage scrub/ruderal,

---

<sup>2</sup> A portion of the Project Site considered in the Biological Technical Report was previously proposed as a developmental project referred to as the Deer Canyon Estates Project (Tentative Tract 16440). A Biological Technical Report, Jurisdictional Delineation, and focused surveys were completed for that project (BonTerra Consulting 2005). Results of those surveys have been incorporated into the Biological Technical Report and this Section 4.3, as appropriate based on accepted industry standards and protocols.

<sup>3</sup> A second blueline stream is shown in the northwestern corner of the Project Site on the USGS quadrangle (i.e., the Santa Ana Valley Canal), but has been developed and is now underground.



- Biological Study Area

Special Status Species Locations

Coastal California Gnatcatcher Pair

Intermediate Mariposa Lily

Southern California Black Walnut
- 
- Special Status Species Locations

Hills Preserve Project
- Exhibit 4.3-3
- 
- 
- (Rev: 06/13/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\lex\_Special\_Status\_Species.pdf



coyote brush scrub, toyon–sumac chaparral, toyon–sumac chaparral/ruderal, ruderal, disturbed ruderal, coastal freshwater marsh, poison oak scrub, southern willow scrub, mulefat scrub, southern coast live oak riparian forest, coast live oak woodland, Mexican elderberry woodland, and non-native woodland. Other landcover that occur within the Project Site include xeric cliff face, developed, and disturbed areas. The locations of vegetation communities within the Project Site are provided in Exhibit 4.3-4.

## **Wildlife Populations and Movement Patterns**

Vegetation in the Project Site provides habitat for many wildlife species. Common wildlife species observed or expected to occur in the Project Site are discussed below.

### ***Fish***

Most creeks and waterways in southern California are ephemeral, which means that they are typically subject to periods of high-water flow in winter and spring and little to no flow in late summer and fall. Under existing conditions, drainages in the Project Site convey water only during storm events. The drainage is isolated from other more substantial drainages in the Project vicinity, such as the Santa Ana River (which is located approximately 550 feet north of the Project Site). The drainages within the Project Site are not expected to support any fish due to their ephemeral nature.

### ***Amphibians***

Amphibian species expected to occur in the Project Site include garden slender salamander (*Batrachoseps major major*), black-bellied slender salamander (*Batrachoseps nigriventris*), western toad (*Anaxyrus boreas*), and Baja California treefrog (*Pseudacris hypochondriaca*).

### ***Reptiles***

Common reptile species observed or expected to occur in the Project Site include common side-blotched lizard (*Uta stansburiana*), western fence lizard (*Sceloporus occidentalis*), southern alligator lizard (*Elgaria multicarinata*), western skink (*Plestiodon skiltonianus*), red racer (*Coluber flagellum piceus*), California striped racer (*Coluber lateralis lateralis*), California kingsnake (*Lampropeltis californiae*), gopher snake (*Pituophis catenifer*), and southern Pacific rattlesnake (*Crotalus oreganus helleri*).

### ***Birds***

A variety of bird species are expected to be residents in the Project Site, using the habitats throughout the year. Other species are present in the Project Site only during certain seasons. For example, the white-crowned sparrow (*Zonotrichia leucophrys*) is expected to occur in the Project Site during the winter and migrate to the north for breeding in the spring.

Bird species were observed or expected to occur in the Project Site include mallard (*Anas platyrhynchos*), California quail (*Callipepla californica*), rock pigeon (*Columba livia*), band-tailed pigeon (*Patagioenas fasciata*), Eurasian collared-dove (*Streptopelia decaocto*),



Biological Study Area

Vegetation Types and Other Areas

(Gray and Bramlet Vegetation Codes)

Sagebrush - Black Sage Scrub (2.3.8)

Sagebrush - Black Sage Scrub / Ruderal (2.3.8/4.6)

Coyote Brush Scrub (2.3.9)

Toyon-Sumac Chaparral (3.12)

Toyon-Sumac Chaparral / Ruderal (3.12/4.6)

Ruderal (4.6)

Disturbed Ruderal (4.6)

Coastal Freshwater Marsh (6.4)

Southern Willow Scrub (7.2)

Mulefat Scrub (7.3)

Southern Coast Live Oak Riparian Forest (7.5)

Poison Oak Scrub (7.11)

Coast Live Oak Woodland (8.1)

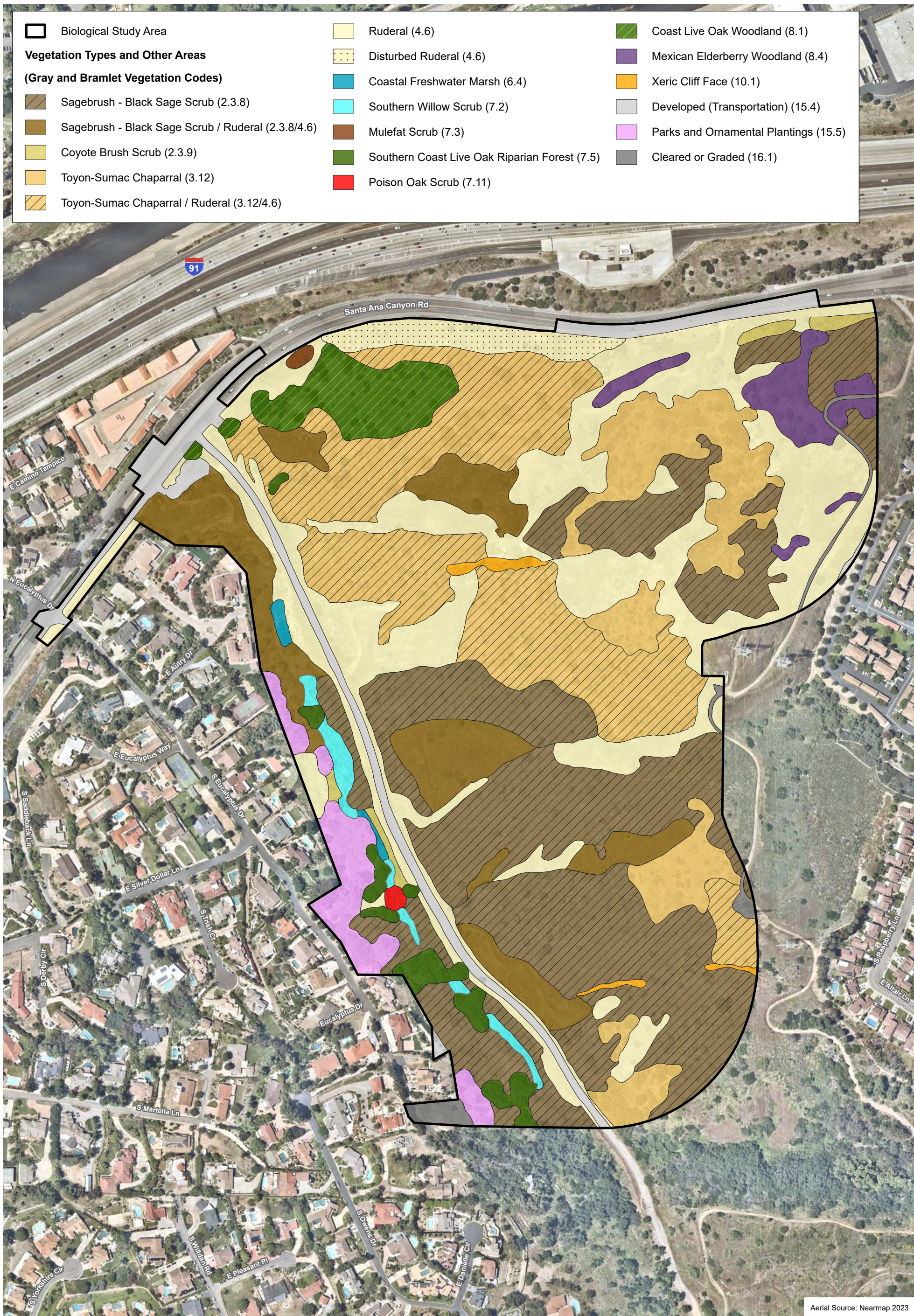
Mexican Elderberry Woodland (8.4)

Xeric Cliff Face (10.1)

Developed (Transportation) (15.4)

Parks and Ornamental Plantings (15.5)

Cleared or Graded (16.1)



Aerial Source: Nearmap 2023

Biological Resources

Hills Preserve Project

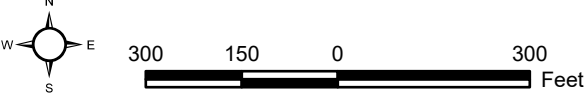


Exhibit 4.3-4





mourning dove (*Zenaida macroura*), greater roadrunner (*Geococcyx californianus*), white-throated swift (*Aeronautes saxatalis*), Anna's hummingbird (*Calypte anna*), rufous hummingbird (*Selasphorus rufus*), Allen's hummingbird (*Selasphorus sasin*), acorn woodpecker (*Melanerpes formicivorus*), Nuttall's woodpecker (*Picoides nuttalli*), downy woodpecker (*Picoides pubescens*), red-crowned parrot (*Amazona viridigenalis*), black phoebe (*Sayornis nigricans*), Say's phoebe (*Sayornis saya*), Cassin's kingbird (*Tyrannus vociferans*), Hutton's vireo (*Vireo huttoni*), California scrub jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), oak titmouse (*Baeolophus inornatus*), northern rough-winged swallow (*Stelgidopteryx serripennis*), bushtit (*Psaltiriparus minimus*), Bewick's wren (*Thryomanes bewickii*), blue-gray gnatcatcher (*Poliophtila caerulea*), coastal California gnatcatcher, wrentit (*Chamaea fasciata*), western bluebird (*Sialia mexicana*), American robin (*Turdus migratorius*), California thrasher (*Toxostoma redivivum*), northern mockingbird (*Mimus polyglottos*), house finch (*Haemorhous mexicanus*), lesser goldfinch (*Spinus psaltria*), song sparrow (*Melospiza melodia*), California towhee (*Melospiza crissalis*), spotted towhee (*Pipilo maculatus*), orange-crowned warbler (*Leiothlypis celata*), and common yellowthroat (*Geothlypis trichas*).

Migratory species observed or expected to occur in the Project Site that are present during the nesting season include lesser nighthawk (*Chordeiles acutipennis*), barn swallow (*Hirundo rustica*), cliff swallow (*Petrochelidon pyrrhonota*), Wilson's warbler (*Cardellina pusilla*), and black-headed grosbeak (*Pheucticus melanocephalus*). Other migratory species observed or expected to occur in the Project Site during the spring/summer include black-chinned hummingbird (*Archilochus alexandri*), Costa's hummingbird (*Calypte costae*), Pacific-slope flycatcher (*Empidonax difficilis*), ash-throated flycatcher (*Myiarchus cinerascens*), phainopepla (*Phainopepla nitens*), hooded oriole (*Icterus cucullatus*), Bullock's oriole (*Icterus bullockii*), Nashville warbler (*Leiothlypis ruficapilla*), and blue grosbeak (*Passerina caerulea*).

Wintering species observed or expected to occur in the Project Site include northern flicker (*Colaptes auratus*), ruby-crowned kinglet (*Regulus calendula*), hermit thrush (*Catharus guttatus*), cedar waxwing (*Bombycilla cedrorum*), yellow-rumped warbler (*Setophaga coronata*), Townsend's warbler (*Setophaga townsendi*), Lawrence's goldfinch (*Spinus lawrencei*), golden-crowned sparrow (*Zonotrichia atricapilla*), white-crowned sparrow, and Lincoln's sparrow (*Melospiza lincolnii*).

Raptors (birds of prey) observed or expected to occur in the Project Site include bald eagle, Cooper's hawk (*Accipiter cooperii*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), great-horned owl (*Bubo virginianus*), barn owl (*Tyto alba*), western screech owl (*Megascops kennicottii*), American kestrel (*Falco sparverius*), and merlin (*Falco columbarius*). The turkey vulture (*Cathartes aura*), a scavenger, was also observed.

## **Mammals**

Small mammals observed or expected to occur in the Project Site include eastern fox squirrel (*Sciurus niger*), California ground squirrel (*Otospermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*), mouse (*Peromyscus sp.*), and desert cottontail (*Sylvilagus audubonii*). Medium to large-sized mammals, or their sign, observed or expected to occur include bobcat

(*Lynx rufus*), coyote (*Canis latrans*), northern raccoon (*Procyon lotor*), and southern mule deer (*Odocoileus hemionus*).

Bats occur throughout most of Southern California and may use any portion of the Project Site as foraging habitat. Most of the bats that could potentially occur in the Project Site are inactive during the winter and either hibernate or migrate, depending on the species. Bats may roost in cliffs or rocky outcroppings, crevices of structures, or trees in the Project Site. Bat species that may occur in the Project Site for foraging and roosting include greater bonneted bat [western mastiff bat] (*Eumops perotis californicus*), Brazilian free-tailed bat (*Tadarida brasiliensis*), big brown bat (*Eptesicus fuscus*), canyon bat (*Parastrellus hesperus*), pallid bat (*Antrozous pallidus*), California myotis (*Myotis californicus*), and Yuma bat (*Myotis yumanensis*).

### **Wildlife Corridors**

As discussed in more detail in the Biological Technical Report, wildlife corridors link together areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated “islands” of wildlife habitat. In the absence of habitat linkages that allow movement to adjoining open space areas, various studies have concluded that some wildlife species, especially the larger and more mobile mammals, will not likely persist over time in fragmented or isolated habitat areas because they prohibit the infusion of new individuals and genetic information (MacArthur and Wilson 1967; Soule 1987; Harris and Gallagher 1989; Bennett 1990). Corridors mitigate the effects of this fragmentation by (1) allowing animals to move between remaining habitats, thereby permitting depleted populations to be replenished and promoting genetic exchange; (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fire or disease) will result in population or local species extinction; and (3) serving as travel routes for individual animals as they move in their home ranges in search of food, water, mates, and other necessary resources (Noss 1983; Farhig and Merriam 1985; Simberloff and Cox 1987; Harris and Gallagher 1989).

The Santa Ana River is considered a regional wildlife corridor and is located approximately 550 feet north of the Project Site. However, Santa Ana Canyon Road and SR-91 provide substantial barriers to wildlife movement, although more mobile species such as birds and coyotes may be able to cross these barriers to reach the river.

The Project Site consists of open space areas vegetated primarily with native habitat area; however, the open space is generally constrained by SR-91 to the north, residential development to the west, and commercial development to the east. Deer Canyon Park Preserve is located immediately south of the Project Site and undeveloped open space with native habitats continues approximately two miles in the southerly direction (north of Canyon Rim Road) to connect with open space in Weir Canyon within the NCCP/HCP Reserve; wildlife would only need to cross two roads (The Highlands and Serrano Avenue) to reach the open space in Weir Canyon. The open space from the Project Site to Weir Canyon would be considered a wildlife linkage and provides movement opportunities for all wildlife along this corridor. The linkage is even more valuable for birds and more mobile species that

could use it to move from the NCCP/HCP Reserve in Weir Canyon to reach the Santa Ana River to the north. The entirety of the open space along this wildlife linkage has been designated by the NCCP/HCP as “Existing Use”, which indicates that jurisdictions should make their best efforts to obtain conservation easements<sup>4</sup> over privately-owned lands to assure that natural vegetation along these linkages is retained.

The Project Site itself supports native habitats. Natural drainages and ridgelines create favorable travel routes for local wildlife movement. Local wildlife movement could occur across all habitat types but is expected to be concentrated in native habitat types (i.e., coastal sage scrub, chaparral, riparian, and woodland).

## **Jurisdictional Resources**

Jurisdictional resources were evaluated within the Project Site including wetland and non-wetland WOTUS regulated by the USACE; waters of the State regulated by the RWQCB; and waters, including the bed, bank, and channel of all lakes, rivers, and/or streams (and associated wetland and riparian vegetation), regulated by CDFW. The Jurisdictional Delineation Report is included as an appendix to the Biological Technical Report.

Nine potential jurisdictional features were mapped in the Project Site: there is one<sup>5</sup> unnamed blueline stream along the western edge of the Project Site (Drainage 1) and eight smaller drainages (referred to as Drainage 2, Drainage 3, et seq.).

Under the September 8, 2023, Amended 2023 Rule definition of WOTUS, only relatively permanent, standing, or continuously flowing tributaries are considered WOTUS. Because all of the waters in the Project Site are ephemeral, they would not be considered WOTUS under the Amended 2023 Rule definition of WOTUS. Therefore, there is no USACE jurisdiction in the Project Site.

Based on an assessment of jurisdictional waters, a total of approximately 1.241 acres of waters of the State under the regulatory authority of the RWQCB occur in the Project Site.

As detailed in Table 4.3-1, a total of approximately 4.852 acres of waters under the regulatory authority of CDFW occurs in the Project Site. The locations of drainages within the Project Site are depicted in Exhibits 4.3-5 and 4.3-6.

---

<sup>4</sup> The NCCP/HCP text specifically states that “the failure or inability to obtain a conservation easements over private lands located within Existing Use areas shall not be deemed a breach of the NCCP/HCP...”.

<sup>5</sup> A second blueline stream is shown in the northwestern corner of the Project Site on the USGS quadrangle (i.e., the Santa Ana Valley Canal), but has been developed and is now underground.



Project Site

Biological Study Area

Permanent Impacts

Sampling Points

**Jurisdictional Waters**

Ordinary High Water Mark Extent

**Non-Jurisdictional Waters**

Swale

This aerial map illustrates the project site and its surrounding environment. The project site is outlined in yellow, and the biological study area is outlined in black. Permanent impacts are indicated by red hatched areas. Sampling points are marked with blue circles and numbered 1 through 3. Jurisdictional waters are shown in blue, and non-jurisdictional waters are shown in purple. The map also shows the Santa Ana River, Santa Ana Canyon Rd, and various residential streets. Drainage areas are labeled from 1 to 9, including sub-drainages like 5A, 5B, 5C, 7A, and 9A. A scale bar and north arrow are located in the bottom left corner.

Aerial Source: Nearmap 2023

# Project Impacts – RWQCB

Hills Preserve Project

A north arrow pointing upwards and a scale bar showing distances of 300, 150, 0, and 300 feet.

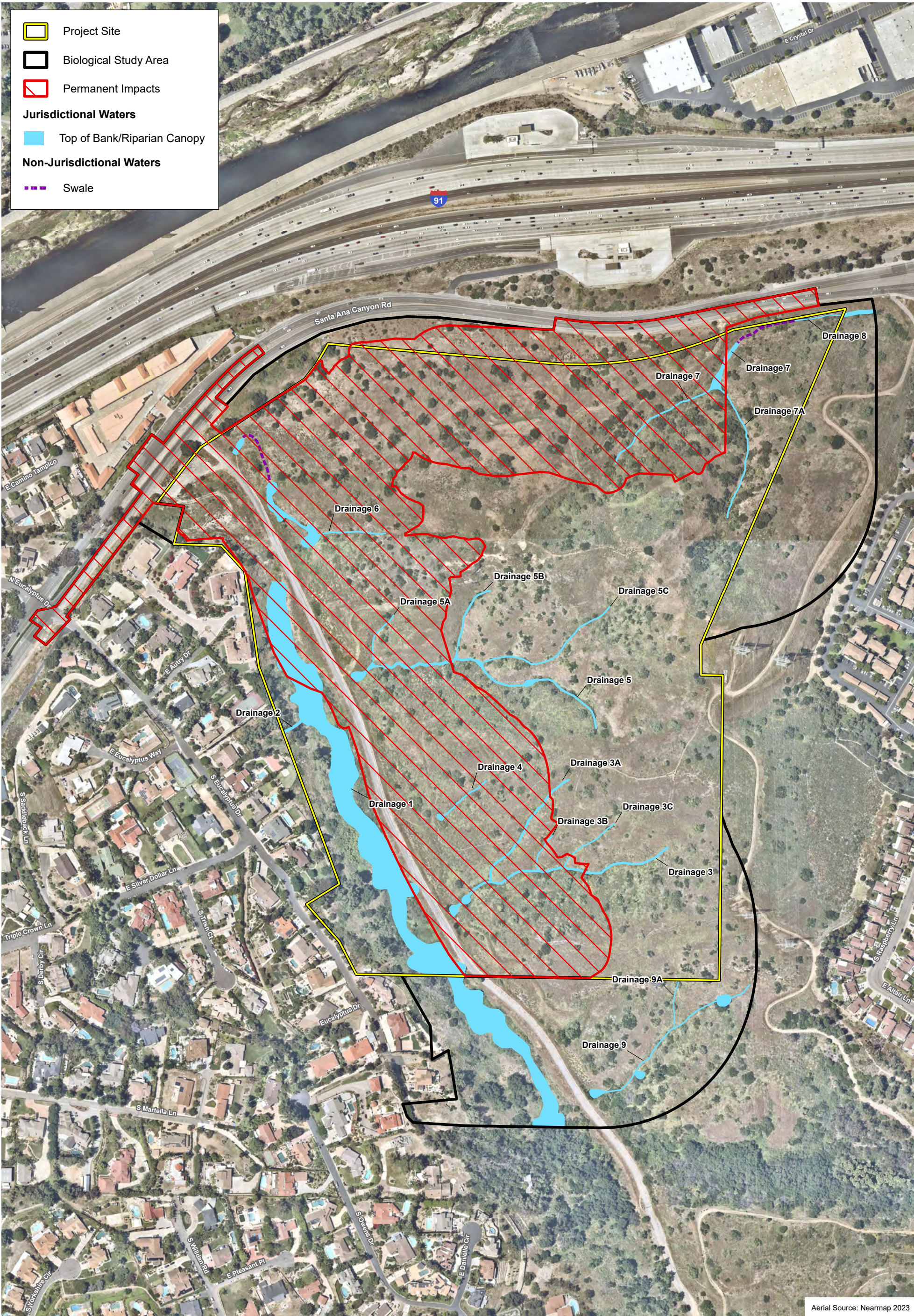
Exhibit 4.3–5

The logo for PSOMAS, consisting of the letters 'PSOMAS' in white on a blue rectangular background.

(Rev: 06/13/2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_JD\_RWQCB\_Impacts.pdf



D:\Projects\3ANA\_BaseFiles\TheHills\PRO\TheHills\_Project\aprx\ex\_JD\_CDFW\_Impacts



Project Impacts – CDFW

Hills Preserve Project

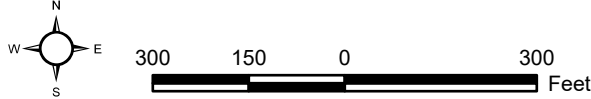


Exhibit 4.3–6





**TABLE 4.3-1  
JURISDICTIONAL RESOURCES IN THE PROJECT SITE**

<b>Feature</b>	<b>USACE WOTUS (approximate acres)</b>	<b>RWQCB Waters of the State (approximate acres)</b>	<b>CDFW Jurisdictional Resources (approximate acres)</b>
Drainage 1	0.000	0.645	3.487
Drainage 2	0.000	0.015	0.017
Drainage 3	0.000	0.111	0.301
Drainage 4	0.000	0.008	0.037
Drainage 5	0.000	0.174	0.360
Drainage 6	0.000	0.057	0.238
Drainage 7	0.000	0.152	0.197
Drainage 8	0.000	0.019	0.051
Drainage 9	0.000	0.060	0.164
Total	0.000	1.241	4.852
USACE: U.S. Army Corps of Engineers; WOTUS: waters of the United States; RWQCB: Regional Water Quality Control Board; CDFW: California Department of Fish and Wildlife.			

### **Special Status Biological Resources**

Special status biological resources include plant and wildlife species that have been afforded special status and/or recognition by federal and State resource agencies, as well as private conservation organizations.

#### ***Special Status Plants***

As discussed in more detail in the Biological Technical Report, focused surveys were conducted in spring/summer 2023 for all special status plant species with potential to occur in the Project Site based on the presence of suitable habitat. See Table 6 of the Biological Technical Report for more information related to this. Two special status plant species, intermediate mariposa-lily (*Calochortus weedii* var. *intermedius*), and Southern California black walnut (*Juglans californica*) were observed during the 2023 focused surveys.

#### **Intermediate Mariposa-lily**

Intermediate mariposa-lily has a CRPR of 1B.2. It is a Conditionally Covered species<sup>6</sup> in the Central-Coastal NCCP/HCP (i.e., impacts to populations less than 20 individuals are fully authorized). It typically blooms between May and July. This perennial bulbiferous herb occurs on dry, rocky, open slopes in chaparral and coastal sage scrub at elevations between sea level and approximately 2,231 feet above mean sea level. It is sometimes locally common following fire. This species is known from the South Coast and northern Peninsular Ranges.

<sup>6</sup> The NCCP/HCP refers to this species by its former common name – foothill mariposa lily.

Seven individual intermediate mariposa-lilies were observed in a single population in the 2023 focused survey area. The population occurs on an east – west running ridgeline in ruderal vegetation at the edge of sagebrush – black sage scrub. The species associated with the intermediate mariposa-lilies observed in the Project Site include grayish shortpod mustard (*Hirschfeldia incana*), oat, deerweed (*Acmispon glaber*), fascicled tarplant (*Deinandra fasciculata*), Lindley's silverpuffs (*Uropappus lindleyi*), and California sagebrush.

#### Southern California Black Walnut

Southern California black walnut has a CRPR of 4.2. It is not a Covered species in the Central Coastal NCCP/HCP. It is a tree that is observable year-round. This species is the dominant species in walnut woodlands, which are naturally limited in distribution. It can also occur in chaparral, cismontane woodland, coastal scrub, and riparian woodland from 165 to 2,955 feet above mean sea level. Walnut woodlands are threatened by urbanization, grazing, non-native plants, and possibly by lack of natural reproduction. Southern California black walnut is also threatened by hybridization with horticultural varieties of walnut. One individual tree was observed in the 2023 focused survey area. The tree occurs in the drainage on the western edge of the Project Site.

#### ***Special Status Wildlife***

As shown in Table 4.3-2, 41 wildlife species have potential to occur in the Project Site based on the presence of suitable habitat and the results of focused surveys. See Section 3.4.5 of the Biological Technical Report for more information related to this topic.



*This page intentionally left blank*

TABLE 4.3-2  
SPECIAL STATUS WILDLIFE SPECIES REPORTED FROM THE PROJECT VICINITY

Species	Common Name	Federal Status	State Status	NCCP/HCP Covered Species	Habitat*	Potential to Occur
Invertebrates						
Branchinecta sandiegonensis	San Diego fairy shrimp	FE	—	Conditionally Covered	Inhabits vernal pools and ephemeral depressions.	Not expected to occur; no suitable habitat.
Streptocephalus woottoni	Riverside fairy shrimp	FE	—	Conditionally Covered	Inhabits vernal pools and ephemeral depressions.	Not expected to occur; no suitable habitat.
Danaus plexippus	monarch butterfly	Candidate (overwintering)	—	No	Overwintering sites consist of forested areas that provide protection from the elements and moderate temperatures, as well as nectar and clean water sources located nearby. Overwintering sites are within 1.5 miles of the Pacific Ocean at elevations of 200–300 feet above msl. Reproduction is dependent on the presence of milkweed ( <i>Asclepias</i> sp.).	Not expected for overwintering because the Project Site is too far inland and is outside the known elevational range for overwintering.
Euphydryas editha quino	quino checkerspot butterfly	FE	—	Conditionally Covered	Inhabits openings in chaparral and sage scrub and grasslands; erect plantain is one of the specific host plants where females lay eggs.	Not expected to occur; outside of known range for this species.
Bombus crotchii	Crotch’s bumble bee	—	CE	No	Inhabits areas with appropriate food sources (e.g., Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum [CDFW 2023a]).	May occur; suitable habitat.
Fish						
Oncorhynchus mykiss irideus pop. 10	steelhead – southern California Distinct Population Segment (DPS)	FE	SE	No	Inhabits streams; can tolerate warmer water and more variable conditions.	Not expected to occur; no suitable habitat.
Rhinichthys osculus ssp. 8	Santa Ana speckled dace	—	SSC	No	Inhabits permanently flowing streams, usually in shallow cobble and gravel riffles.	Not expected to occur; no suitable habitat.
Catostomus santaanae	Santa Ana sucker	FT	—	No	Inhabits coastal streams; prefer sand-rubble-boulder bottoms; cool, clear water; and algae.	Not expected to occur; no suitable habitat.
Amphibians						
Taricha torosa	Coast Range newt	—	SSC	No	Breeds in ponds, reservoirs, and slow-moving streams and lives in terrestrial habitats.	May occur for foraging; suitable terrestrial habitat but no suitable breeding habitat.
Spea hammondi	western spadefoot	—	SSC	Covered	Breeds in vernal pools in grassland habitats, but also hardwood woodlands.	May occur for foraging; suitable terrestrial habitat but no suitable breeding habitat.
Anaxyrus californicus	arroyo toad	FE	SSC	Conditionally Covered	Inhabits rivers with sandy banks, washes, and intermittent streams.	Not expected to occur; no suitable habitat
Reptiles						
Emys marmorata	western pond turtle	FPT	SSC	No	Inhabits marshes, rivers, streams, and irrigation ditches, usually with aquatic vegetation and basking sites and suitable upland habitat.	Not expected to occur; no suitable habitat.
Phrynosoma blainvillii	coast horned lizard	—	SSC	Covered	Inhabits a wide variety of habitats with open areas for sunning, bushes for cover, and patches of loose soil for burial.	May occur; suitable habitat.
Aspidoscelis hyperythra	orange-throated whiptail	—	WL	Covered	Inhabits coastal scrub, chaparral, and hardwood woodlands; prefers washes and other sandy areas with patches of brush and rocks.	Expected to occur; observed during previous surveys (BonTerra Consulting 2005); suitable habitat.

TABLE 4.3-2  
SPECIAL STATUS WILDLIFE SPECIES REPORTED FROM THE PROJECT VICINITY

Species	Common Name	Federal Status	State Status	NCCP/HCP Covered Species	Habitat*	Potential to Occur
Aspidoscelis tigris stejnegeri	coastal whiptail	—	SSC	Covered	Inhabits deserts and semi-arid areas with sparse vegetation and open areas, woodland, and riparian areas.	Expected to occur; suitable habitat.
Anniella stebbinsi	southern California legless lizard	—	SSC	No	Inhabits a variety of habitats, generally in moist, loose soil.	May occur; suitable habitat.
Arizona elegans occidentalis	California glossy snake	—	SSC	No	Inhabits a range of scrub and grassland habitats, often with loose or sandy soils.	May occur; suitable habitat.
Salvadora hexalepis virgultea	coast patch-nosed snake	—	SSC	No	Inhabits brushy or shrubby vegetation with small mammal burrows for refuge and overwintering sites.	May occur; suitable habitat.
Thamnophis hammondi	two-striped gartersnake	—	SSC	No	Found in or near permanent fresh water, often along streams with rocky beds and riparian growth.	Not expected to occur; no suitable habitat.
Crotalus ruber	red-diamond rattlesnake	—	SSC	Covered	Inhabits rocky areas with dense vegetation in chaparral, woodland, grassland, and deserts.	May occur; suitable habitat.
Birds						
Accipiter cooperii	Cooper’s hawk	—	WL (nesting)	No	Forages in woodland. Nests in riparian growths of deciduous trees, such as canyon bottoms on river floodplains and in live oaks ( <i>Quercus</i> spp.).	Observed during 2023 surveys; observed during previous surveys (BonTerra Consulting 2005); suitable foraging and nesting habitat.
Accipiter striatus	sharp-shinned hawk	—	WL (nesting)	Covered	Winters in woodlands, forests, forest edges, and suburban areas. Breeds in dense forests with closed canopy cover; does not breed in southern California. .	May occur for foraging in winter; not expected to occur for nesting; observed during previous surveys (BonTerra Consulting 2005); suitable foraging habitat; nests outside the Project region.
Aquila chrysaetos	golden eagle	—	WL, FP & (nesting & wintering)	Conditionally Covered	Inhabits a variety of open habitats (e.g., desert, grassland, shrubland, chaparral, forests); avoids developed areas; nests on cliffs and steep escarpments.	May occur for foraging; not expected to occur for nesting; suitable foraging habitat; no suitable nesting habitat.
Buteo regalis	ferruginous hawk	—	WL (wintering)	No	Inhabits open grasslands, sagebrush flats, desert scrub, low foothills, and fringes of pinyon-juniper woodland; nests on cliffs, rocky outcrops, and tree groves	Limited potential to occur for foraging in winter; marginally suitable foraging habitat (winter); does not nest in the Project region.
Circus hudsonius	northern harrier	—	SSC (nesting)	Covered	Wetlands and grasslands with low, thick vegetation. Nests in freshwater and brackish marshes, meadows, tundra, prairies, and marshlands. Winters in grasslands, pasturelands, croplands, estuaries, floodplains, and marshes,	May occur for foraging; not expected to occur for nesting; observed during previous surveys (BonTerra Consulting 2005); suitable foraging habitat; limited marginally suitable nesting habitat.
Elanus leucurus	white-tailed kite	—	FP (nesting)	No	Inhabits open grasslands, meadows, or marshes close to isolated, dense-topped trees for nesting and perching.	May occur; observed during previous surveys (BonTerra Consulting 2005); suitable foraging and nesting habitat.
Haliaeetus leucocephalus	bald eagle	Delisted	SE, FP & (nesting & wintering)	No	Nests in large, old-growth trees with open branches near water. Forages along ocean shore, lake margins, and rivers.	May occur as a flyover; limited potential to occur for foraging; not expected to occur for nesting; marginal suitable foraging habitat; no suitable nesting habitat.
Falco columbarius	merlin	—	WL (wintering)	No	Open and semi-open areas such as grasslands, open forests, and coastal areas. Nests in conifers or deciduous trees in semi-open areas. Does not nest in southern California.	May occur for foraging in winter; not expected to occur for nesting; observed during previous surveys (BonTerra Consulting 2005); suitable foraging habitat; nests outside the Project region.

TABLE 4.3-2  
SPECIAL STATUS WILDLIFE SPECIES REPORTED FROM THE PROJECT VICINITY

Species	Common Name	Federal Status	State Status	NCCP/HCP Covered Species	Habitat*	Potential to Occur
Falco mexicanus	prairie falcon	—	WL (nesting)	Conditionally Covered	Variety of open habitats (desert, grassland, shrubland, agriculture, streams) especially near bluffs and cliffs that are used for nesting.	May occur; limited potential to occur for nesting; suitable foraging habitat; limited suitable nesting habitat.
Falco peregrinus anatum	American peregrine falcon	Delisted	Delisted, FP (nesting)	Covered	Nests in a scrape, depression, or ledge in an open site on cliffs, banks, dunes, and mounds near wetlands, lakes, rivers, or other water.	Limited potential to occur for foraging and nesting; marginal suitable foraging and nesting habitat.
Coturnicops noveboracensis	yellow rail	—	SSC	No	Inhabits freshwater marshlands.	Not expected to occur; no suitable habitat.
Laterallus jamaicensis coturniculus	California black rail	—	ST, FP	No	Inhabits freshwater marshes, wet meadows, and shallow margins of saltwater marshes bordering larger bays.	Not expected to occur; no suitable habitat.
Sternula antillarum browni	California least tern	FE (nesting colony)	SE, FP (nesting colony)	No	Colonial breeder on bare or sparsely vegetated, flat substrates such as sand beaches, alkali flats, landfills, or paved areas along the coast.	Not expected to occur; no suitable habitat.
Coccyzus americanus occidentalis	western yellow-billed cuckoo	FT (nesting)	SE (nesting)	No	Nests in extensive riparian forests along broad, lower flood-bottoms of larger river systems with willows ( <i>Salix</i> spp.), often mixed with cottonwoods ( <i>Populus</i> spp.), with understory of blackberry ( <i>Rubus</i> sp.), nettles ( <i>Urtica</i> sp.), or wild grape.	Not expected to occur; no suitable habitat.
Asio otus	long-eared owl	—	SSC (nesting)	No	Inhabits riparian bottomlands with tall willows and cottonwoods, also belts of live oak along stream courses.	Limited potential to occur for foraging and nesting; marginal suitable foraging and nesting habitat.
Athene cunicularia	burrowing owl	—	SSC (burrow sites)	No	Inhabits open, dry annual or perennial grasslands, deserts, and scrublands with low-growing vegetation; uses California ground squirrel burrows and similar openings for breeding.	Limited potential to occur; marginally suitable foraging and nesting habitat.
Empidonax traillii extimus	southwestern willow flycatcher	FE (nesting)	SE (nesting)	Conditionally Covered	Inhabits riparian habitat along rivers, stream, and other wetlands with dense growths of willows, mule fat, etc., often with a scattered overstory of cottonwood.	Not expected to occur; not observed during 2023 focused surveys; not observed during previous focused surveys (BonTerra Consulting 2005); limited amount of suitable habitat.
Lanius ludovicianus	loggerhead shrike	—	SSC	No	Inhabits grasslands and other dry, open habitats.	May occur; suitable habitat.
Vireo bellii pusillus	least Bell’s vireo	FE (nesting)	SE (nesting)	Conditionally Covered	Inhabits riparian forest, riparian scrub, and riparian woodland, usually nesting in willows, mule fat, or mesquite.	Not expected to occur; not observed during 2023 focused surveys; not observed during previous focused surveys (BonTerra Consulting 2005); limited amount of suitable habitat.
Eremophila alpestris actia	California horned lark	—	WL	No	Inhabits short-grass prairie, “bald” hills, mountain meadows, open coastal plains, fallow agricultural fields, and alkali flats.	Limited potential to occur; marginally suitable habitat.
Campylorhynchus brunneicapillus sandiegensis	coastal cactus wren	—	SSC	Covered	Inhabits coastal sage scrub with tall prickly-pear cactus for nesting and roosting.	Not expected to occur; not observed during 2023 focused surveys; incidentally observed during previous surveys (BonTerra Consulting 2005); limited marginally suitable habitat.
Polioptila californica californica	coastal California gnatcatcher	FT	SSC	Covered	Inhabits coastal sage scrub in arid washes, on mesas, and slopes.	Observed during 2023 focused surveys; observed during previous surveys (BonTerra Consulting 2005); suitable habitat.

TABLE 4.3-2  
SPECIAL STATUS WILDLIFE SPECIES REPORTED FROM THE PROJECT VICINITY

Species	Common Name	Federal Status	State Status	NCCP/HCP Covered Species	Habitat*	Potential to Occur
Aimophila ruficeps canescens	southern California rufous-crowned sparrow	—	WL	Covered	Inhabits coastal sage scrub and sparse mixed chaparral, frequently on relative steep, rocky hillsides with grass and forb patches.	May occur; observed during previous surveys (BonTerra Consulting 2005); suitable habitat.
Ammodramus savannarum	grasshopper sparrow	—	SSC (nesting)	No	Inhabits dense grasslands on rolling hills, lowland plains, and valleys and on hillsides on lower mountain slopes.	Limited potential to occur; marginally suitable habitat.
Artemisiospiza belli belli	Bell’s sparrow	—	WL	No	Sage scrub, chaparral (open cover), and other open scrubby habitats; also occurs in desert scrub.	May occur; potentially suitable habitat.
Icteria virens	yellow-breasted chat	—	SSC (nesting)	No	Inhabits riparian thickets of willow and other brushy tangles near watercourses; nests in low, dense riparian vegetation consisting of willows, blackberry, and wild grape.	May occur; suitable habitat.
Agelaius tricolor	tricolored blackbird	—	ST, SSC (nesting colony)	No	Inhabits freshwater marsh, swamps, and wetlands with open water and protected nesting substrate.	Not expected to occur; no suitable habitat.
Setophaga petechia	yellow warbler	—	SSC (nesting)	No	Inhabits riparian forest, riparian scrub, and riparian woodland, foraging and nesting in willow shrubs and thickets, cottonwoods, sycamores ( <i>Platanus</i> sp.), ash ( <i>Fraxinus</i> sp.), and alders ( <i>Alnus</i> sp.).	May occur; observed during previous surveys (BonTerra Consulting); suitable habitat.
Mammals						
Choeronycteris mexicana	Mexican long-tongued bat	—	SSC	No	Inhabits riparian scrub, pinyon and juniper woodland, and Sonoran thorn woodland; forages on night-blooming succulents; roosts in caves and in and around buildings.	Not expected to occur for foraging or roosting; no suitable foraging or roosting habitat; outside of current known range.
Antrozous pallidus	pallid bat	—	SSC	No	Inhabits deserts, grasslands, shrublands, woodlands, and forest, most commonly in open, dry habitats with rocky areas for roosting.	May occur for foraging and roosting; suitable foraging and roosting habitat.
Corynorhinus townsendii	Townsend’s big-eared bat	—	SSC	No	Variety of habitats throughout the State except alpine and subalpine; mesic sites; forages along habitat edges; roosts in mines, caves, and buildings.	May occur for foraging; not expected to occur for roosting; suitable foraging habitat; no suitable roosting habitat.
Nyctinomops femorosaccus	pocketed free-tailed bat	—	SSC	No	Inhabits pinyon-juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oasis. Roosts in crevices of cliffs and rocky outcroppings.	May occur for foraging; limited potential to occur for roosting; suitable foraging habitat; limited amount of suitable roosting habitat.
Nyctinomops macrotis	big free-tailed bat	—	SSC	No	Rugged and rocky terrain; roosts in buildings, caves, rock crevices in cliffs, and rocky outcroppings.	May occur for foraging; limited potential to occur for roosting; suitable foraging habitat; limited marginally suitable roosting habitat.
Lasiurus frantzii	western red bat	—	SSC	No	Riparian habitat near water. Roosts exclusively in trees, particularly sycamore, cottonwood, ash, and elderberry ( <i>Sambucus</i> sp.).	May occur for foraging and roosting; suitable foraging and roosting habitat.
Lasiurus xanthinus	western yellow bat	—	SSC	No	Inhabits valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees.	May occur for foraging and roosting; suitable foraging and roosting habitat.

TABLE 4.3-2  
SPECIAL STATUS WILDLIFE SPECIES REPORTED FROM THE PROJECT VICINITY

Species	Common Name	Federal Status	State Status	NCCP/HCP Covered Species	Habitat*	Potential to Occur
Eumops perotis californicus	western mastiff bat	—	SSC	No	Inhabits many open, semi-arid to arid habitats including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Roosts in crevices in cliff faces, high buildings, trees, and tunnels.	May occur for foraging and roosting; suitable foraging and roosting habitat.
Chaetodipus fallax fallax	northwestern San Diego pocket mouse	—	SSC	No	Inhabits coastal scrub, chaparral, grasslands, and sagebrush, usually in association with rocks or coarse gravel.	May occur; suitable habitat.
Neotoma bryanti [lepida] intermedia	Bryant’s [San Diego desert] woodrat	—	SSC	Covered	Inhabits coastal scrub with moderate to dense canopies, rock outcrops, rocky cliffs, and slopes.	May occur; suitable habitat.
Onychomys torridus ramona	southern grasshopper mouse	—	SSC	No	Inhabits desert areas, especially scrub habitats with friable soils for digging with low to moderate shrub cover.	Not expected to occur; no recent records in Orange County.
Taxidea taxus	American badger	—	SSC	No	Dry, open stages of shrub, forest, and herbaceous habitats with friable soils.	May occur; suitable habitat.
Puma concolor	mountain lion–Southern California/Central Coast Evolutionary Significant Unit (ESU)	—	CE	No	Inhabits various habitats within foothill and mountain areas typically where deer can be found.	May occur; suitable habitat.
<div>NCCP/HCP: Natural Community Conservation Plan/Habitat Conservation Plan; msl: mean sea level</div> <div><div><div>LEGEND:</div><div><div>Federal (USFWS)</div><div>FE     Endangered</div><div>FT     Threatened</div><div>FPT    Proposed Threatened</div></div><div><div>State (CDFW)</div><div>SE     Endangered</div><div>ST     Threatened</div><div>FP     Fully Protected</div><div>CE     Candidate Endangered</div><div>SSC    Species of Special Concern</div><div>WL     Watch List</div></div></div></div> <div>* Sources include CDFW 2023a.</div>						



*This page intentionally left blank*

## **4.3.2 REGULATORY SETTING**

### **Federal**

#### **National Environmental Policy Act**

The National Environmental Policy Act (NEPA) establishes a broad national framework for protecting the environment. NEPA's basic policy is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment (42 United States Code [USC] 4321–4347). NEPA established the U.S. Environmental Protection Agency (USEPA) with the following roles and functions: (1) to establish and enforce environmental protection standards consistent with national environmental goals; (2) to conduct research on the adverse effects of pollution and on methods and equipment for controlling it; the gathering of information on pollution; and the use of this information in strengthening environmental protection programs and recommending policy changes; (3) to assist, through grants, technical assistance, and other means, in arresting pollution of the environment; and (4) to assist the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.

#### **Federal Endangered Species Act**

The Federal Endangered Species Act (FESA) protects plants and animals that the USFWS has listed as “Endangered” or “Threatened.” A federally listed species is protected from unauthorized “take,” which is defined in the FESA as acts to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct” (16 USC Sections 1532[19] and 1538[a]). In this definition, “harm” includes “any act which actually kills or injures fish or wildlife and emphasizes that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife” (50 Code of Federal Regulations [CFR], Title 50, Section 17.3). Unless performed for scientific or conservation purposes with the permission of the USFWS, take of listed species is only permissible if the USFWS issues an Incidental Take Permit (ITP). When issuing an ITP, all federal agencies, including the USFWS, must ensure that their activities are “not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species” (16 USC 1536[a]). Enforcement of the FESA is administered by the USFWS.

The FESA also provides for designation of Critical Habitat: specific areas within the geographical range occupied by a species where physical or biological features “essential to the conservation of the species” are found and “which may require special management considerations or protection” (16 USC 1538[5][A]). Critical Habitat may also include areas outside the current geographical area occupied by the species that are nonetheless essential for the conservation of the species.

## **Fish and Wildlife Coordination Act**

The Fish and Wildlife Coordination Act requires consultation with the USFWS and the fish and wildlife agencies of States where the “waters of any stream or other body of water are proposed or authorized, permitted, or licensed to be impounded, diverted or otherwise controlled or modified” by any agency under a federal permit or license. Consultation is to be undertaken for the purpose of “preventing loss of and damage to wildlife resources.”

## **Sections 404 and 401 of the Clean Water Act of 1972**

Section 404 of the Clean Water Act (CWA) (33 USC 1251 et seq.) regulates the discharge of dredged or fill material into waters of the United States (WOTUS), including wetlands. The U.S. Army Corps of Engineers (USACE) is the designated regulatory agency responsible for administering the 404 permit program and for making jurisdictional determinations. This permitting authority applies to all WOTUS where the material has the effect of (1) replacing any portion of WOTUS with dry land or (2) changing the bottom elevation of any portion of WOTUS. These fill materials would include sand, rock, clay, construction debris, wood chips, and materials used to create any structure or infrastructure in WOTUS. Dredge and fill activities are typically associated with development projects; water resource-related projects; infrastructure development; and wetland conversion to farming, forestry, or urban development. Authorizations are conducted through the issuance of Nationwide (or General) Permits, through Individual (or Standard) Permits, or through Letters of Permission. Wetlands and other waters that do not meet the definition of WOTUS are not covered by the CWA; however, they are regulated by the State of California through the Porter-Cologne Water Quality Control Act and State Water Resources Control Board (SWRCB) Resolution No. 2019-0015 for California (SWRCB 2019).

The definition of WOTUS has been the subject of shifting regulations. Past federal revisions to regulations addressing the extent of USACE jurisdiction and the definition of WOTUS have been issued by the Obama Administration in 2015 and the Trump Administration in 2020. On January 18, 2023, the United States Environmental Protection Agency (USEPA) published a final Water Rule in the Federal Register that went into effect on March 20, 2023 (“the 2023 Rule”) (USACE and USEPA 2023a).

The definition of WOTUS changed again in response to the United States Supreme Court decision in the case of *Sackett v. USEPA*. On September 8, 2023, the USEPA and the USACE amended the Code of Federal Regulations to conform the definition of WOTUS to the Supreme Court decision (USACE and USEPA 2023b). This conforming rule amends the provisions of the agencies’ definition of WOTUS that were held invalid under the United States Supreme Court’s interpretation of the CWA under *Sackett*. Based on these changes, tributaries must have at least relatively permanent flow to be considered WOTUS under the federal definition. This would exclude ephemeral drainages from being WOTUS. This represents a substantial change to areas under federal jurisdiction in the arid west. This report provides interpretations of WOTUS under the Amended 2023 Rule.

Under Section 401 of the CWA, an activity requiring a USACE Section 404 permit must obtain a State Water Quality Certification (or waiver thereof) to ensure that the activity will not violate established federal or State water quality standards. The SWRCB, in conjunction with the nine California Regional Water Quality Control Boards (RWQCBs), is responsible for administering the Section 401 water quality certification program.

Under Section 401 of the federal CWA, an activity involving discharge into a water body must obtain a federal permit and a State Water Quality Certification to ensure that the activity will not violate established water quality standards. The SWRCB's and RWQCB's jurisdiction also extend to all "waters of the State" when no WOTUS are present, including wetlands and non-wetland waters of the State (isolated and non-isolated). The USEPA is the federal regulatory agency responsible for implementing the CWA. However, it is the SWRCB, in conjunction with the nine RWQCBs, who has been delegated the responsibility of administering the water quality certification (Section 401) program.

### **Migratory Bird Treaty Act of 1918**

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703–711), as amended in 1972, makes it unlawful at any time, by any means or in any manner, unless permitted by regulations, to "pursue; hunt; take; capture; kill; attempt to take, capture, or kill; possess; offer for sale; sell; offer to barter; barter; offer to purchase; purchase; deliver for shipment; ship; export; import; cause to be shipped, exported or imported; deliver for transportation; transport or cause to be transported; carry or cause to be carried; or receive for shipment, transportation, carriage, or export, any migratory bird; any part, nest, or eggs of any such bird; or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof. . . ." (16 USC 703).

The MBTA covers the taking of any nests or eggs of migratory birds, except as allowed by permit pursuant to 50 CFR, Part 21. This regulation seeks to protect migratory birds and active nests. The MBTA protects over 800 species, including geese, ducks, shorebirds, raptors, songbirds, and many relatively common species. Bird species protected under the provisions of the MBTA are identified by the List of Migratory Birds (50 CFR 10.13), as updated by the 1983 American Ornithologists' Union (AOU) Checklist and published supplements by the USFWS.

In 1972, the MBTA was amended to include protection for migratory birds of prey (e.g., raptors). Six families of raptors occurring in North America were included in the amendment: *Accipitridae* (kites, hawks, and eagles); *Cathartidae* (New World vultures); *Falconidae* (falcons and caracaras); *Pandionidae* (ospreys); *Strigidae* (typical owls); and *Tytonidae* (barn owls). The provisions of the 1972 amendment to the MBTA protect all species and subspecies of these families.

### **Bald and Golden Eagle Protection Act**

The Bald and Golden Eagle Protection Act (16 USC 668) provides for the protection of the bald eagle (*Haliaeetus leucocephalus*) and the golden eagle (*Aquila chrysaetos*) by prohibiting, except under certain specified conditions, the taking, possession, and commerce

of such birds. The 1972 amendments increased penalties for violating provisions of the Act and strengthened other enforcement measures. A 1978 amendment authorized the Secretary of the Interior to permit the taking of golden eagle nests that interfere with resource development or recovery operations.

A 1994 Memorandum from President William Clinton to the heads of Executive Agencies and Departments established the policy concerning collection and distribution of eagle feathers for Native American religious purposes.

## **State**

### ***California Environmental Quality Act***

CEQA (13 Public Resources Code Sections 21000 et seq.) is a statute that requires State and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. The State CEQA Guidelines (14 California Code of Regulations [CCR] Chapter 3) are the regulations that explain and interpret the law for both public agencies and private development required to administer CEQA.

With regards to plants and animals, Section 15380 of the State CEQA Guidelines independently defines “Endangered” and “Rare” species separately from the definitions of the California Endangered Species Act (CESA). Under CEQA, Endangered species of plants or animals are defined as those whose survival and reproduction in the wild are in immediate jeopardy, while Rare species are defined as those that (1) have such low numbers that they could become Endangered if their environment worsens or (2) are likely to become endangered within the foreseeable future (i.e., “threatened” as used in the FESA). In addition, a Lead Agency can consider a non-listed species (e.g., species with a California Rare Plant Rank [CRPR], California Species of Special Concern, or species of Local Concern) to be treated as if it were Endangered, Rare, or Threatened for the purposes of CEQA if the species can be shown to meet the criteria in the definition of “Rare” or “Endangered” in the Project region.

The State CEQA Guidelines designate certain “trustee agencies” that have jurisdiction by law over natural resources affected by a project which are held in trust for the people of California. CDFW is the trustee agency responsible for conservation, protection, and management of wildlife, native plants, and habitat necessary to maintain biologically sustainable populations. Trustee agencies are generally required to be notified of CEQA documents relevant to their jurisdiction, whether or not these agencies have actual permitting authority or approval power over aspects of the underlying project. CDFW shall provide the requisite biological expertise to review and comment upon environmental documents and impacts arising from project activities and shall make recommendations regarding those resources held in trust for the people of California (California Fish and Game Code §1802).

## ***California Endangered Species Act***

The State of California implements the CESA, which is enforced by the CDFW. While the provisions of the CESA are similar to the FESA, CDFW maintains a list of California Threatened and Endangered species, independent of the FESA Threatened and Endangered species list. It also lists species that are considered Rare and Candidates for listing, which also receive protection. The California list of Endangered and Threatened species is contained in Title 14, Sections 670.2 (plants) and 670.5 (animals) of the California Code of Regulations.

State-listed Threatened and Endangered species are protected under provisions of CESA. Activities that may result in take of individuals (defined in CESA as acts to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) are regulated by CDFW. While habitat degradation or modification is not included in the definition of “take” under CESA, the CDFW has interpreted “take” to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

If it is determined that the “take” would not jeopardize the continued existence of the species, an ITP can be issued by CDFW per Section 2081 of the California Code of Regulations. If a State-listed species is also federally listed, and the USFWS has issued an ITP that satisfies CDFW’s requirements, CDFW may issue a consistency finding in accordance with Section 2080.1 of the California Fish and Game Code.

## ***California Fish and Game Code***

CDFW administers the California Fish and Game Code. Particular sections of the Code are applicable to natural resource management.

### Native Plant Protection

Sections 1900–1913 of the California Fish and Game Code were developed to preserve, protect, and enhance Endangered and Rare plants in the State of California. The act requires all State agencies to use their authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use that would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

### Unlawful Take or Destruction of Nests or Eggs

These sections duplicate federal protection under the MBTA. Section 3503 of the California Fish and Game Code makes it unlawful to take, possess, or destroy any bird’s nest or any bird’s eggs. Further, any birds in the orders Falconiformes or Strigiformes (i.e., birds of prey, such as hawks, eagles, and owls) and their nests and eggs are protected under Section 3503.5 of the California Fish and Game Code. Section 3513 of the California Fish and Game Code prohibits the take and possession of any migratory nongame bird, as designated in the MBTA.



### California Fully Protected Species

The State of California created the “Fully Protected” classification in an effort to identify and provide additional protection to those animals that are rare or that face possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA; however, some have not been formally listed.

Various sections of the California Fish and Game Code provide lists of Fully Protected reptile and amphibian (§ 5050), bird (§ 3511), and mammal (§ 4700) species that may not be taken or possessed at any time, except as provided in Sections 2081.7, 2081.9, or 2835. CDFW is unable to authorize the issuance of permits or licenses to take these species, except for necessary scientific research.

### Natural Communities Conservation Planning Act

The Natural Community Conservation Planning Act, codified in Sections 2800–2835 of the California Fish and Game Code and signed into law in October 1991, authorizes the preparation of Natural Community Conservation Plans (NCCPs). The Act is a State of California effort to protect critical vegetative communities and their dependent wildlife species. The purpose of an NCCP is to sustain and restore those species and their habitat identified by CDFW that are necessary to maintain the continued viability of those biological communities impacted by human changes to the landscape. The NCCP process provides an alternative to protecting species on a “single species basis” as in the federal and State environmentally sensitive areas (ESAs). Under the Act, CDFW is responsible for creating process planning and conservation guidelines for NCCP programs. Local governments and landowners may then prepare the NCCPs so that they comply with the CESA.

### California Fish and Game Code (Sections 1600 through 1616)

California Fish and Game Code Sections 1600 et seq. establish a process to ensure that projects conducted in and around lakes, rivers, or streams do not adversely impact fish and wildlife resources or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided.

California Fish and Game Code Section 1602 requires any person, State, or local governmental agency or public utility to notify CDFW before beginning any activity that will do one or more of the following:

- substantially obstruct or divert the natural flow of a river, stream, or lake;
- substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or
- deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

Section 1602 of the California Fish and Game Code applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State. CDFW's regulatory authority extends to include riparian habitat (including wetlands) supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. Generally, CDFW takes jurisdiction to the top bank of the stream or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. A Section 1602 Lake or Streambed Alteration Agreement would be required if impacts to identified CDFW jurisdictional areas occur.

### **California Porter-Cologne Water Quality Control Act**

Pursuant to the California Porter-Cologne Water Quality Control Act, the SWRCB and the nine RWQCBs may require permits (known as "Waste Discharge Requirements" or WDRs) for the fill or alteration of the waters of the State. The term "waters of the State" is defined as "any surface water or groundwater, including saline waters, within the boundaries of the state" (California Water Code, Section 13050[e]). The SWRCB and RWQCB have interpreted their authority to require WDRs to extend to any proposal to fill or alter waters of the State, even if those same waters are not under USACE jurisdiction. Pursuant to this authority, the State and Regional Boards may require the submission of a "report of waste discharge" under Section 13260, which is treated as an application for WDRs.

The Porter-Cologne Water Quality Control Act charges the SWRCB and the nine RWQCBs statewide with protecting water quality throughout California. Typically, the SWRCB and RWQCB act in concert with the USACE under Section 401 of the CWA in relation to permitting fill of federally jurisdictional waters. SWRCB and the RWQCBs may require permits (i.e., WDRs) for the fill or alteration of the waters of the State.

### **Local**

#### ***City of Anaheim General Plan – Green Element***

The City of Anaheim General Plan's Green Element comprehensively addresses topics concerning conservation of vital natural resources such as plant and animal species and areas of significant habitat. Applicable goals and policies from the Green Element that are related to biological resources and applicable to the Project are provided in Table 4.10-1 in Section 4.10, Land Use and Planning, with a Project consistency analysis.

#### ***Anaheim Municipal Code***

The entire Project Site is within the City's Scenic Corridor Overlay Zone. The purpose of the Scenic Corridor Overlay Zone is to provide for and promote orderly growth in certain areas of the City designated as being of distinctive, scenic importance, while implementing

local governmental agency actions for the protection, preservation, and enhancement of the unique and natural scenic assets of these areas as a valuable resource to the community. The City's Scenic Corridor Overlay Zone has been designated as an area of distinctive natural and rural beauty, characterized and exemplified by the interrelationship between such primary natural features as the rolling terrain, winding river, Specimen Trees, and the profusion of natural vegetation. Chapter 18.18 of the AMC provides regulations for parcels that are located within the City's Scenic Corridor Overlay Zone.

Tree preservation procedures for the City's Scenic Corridor Overlay Zone are provided in AMC Section 18.18.040 with the purpose of preserving the natural beauty of the Santa Ana Canyon environment, to increase the visual identity and quality of the area, and to protect the remaining natural amenities from premature removal or destruction. Also, Section 18.18.040 of the AMC includes provisions for issuance of tree removal permits and replacement tree planting.

The AMC defines specimen trees as "any tree of the *Quercus* varieties (Oak) with a trunk measuring twenty-five (25) inches or greater in circumference; or any tree of the *Schinus* varieties (Pepper) and *Platanus* varieties (Sycamore), with trunks measuring fifty (50) inches or greater in circumference; measurements of circumference shall be taken at a point four (4) feet above ground level."

As required by AMC Section 18.18.040, impacted specimen trees would require the issuance of a Specimen Tree Removal Permit by the City. As part of the permit process, the City requires that replacement trees be planted on the same parcel or in the public right-of-way located in the immediate vicinity, as directed by the City. Any replacement trees in the public right-of-way must be approved by the Department of Public Works. The replacement trees shall comply with the following provisions:

- The replacement trees shall be a minimum thirty-six (36) inch box size at time of planting, or larger if appropriate to the tree unless the City Arborist approves a twenty-four (24) inch box size based on feasibility and site characteristics.
- The number of replacement trees shall be as identified in Table 18-A of AMC Section 18.18.040. For impacted specimen trees that are under 38" in circumference<sup>7</sup>, one replacement tree is required per impacted specimen tree. For impacted specimen trees that are 38"-64" in circumference, two replacement trees are required per impacted specimen tree. For impact specimen trees that are over 64", three replacement trees are required per impacted specimen tree.
- Any replacement trees that are planted within the Project Site, which are subsequently removed, damaged, diseased and/or dies, shall be replaced in a timely manner in accordance with the provisions of the AMC.

---

<sup>7</sup> The circumference of trees is measured at four feet above ground level.

## ***Central-Coastal Natural Community Conservation Plan/Habitat Conservation Plan***

On August 30, 1991, the State Fish and Game Commission considered a petition in support of listing the coastal California gnatcatcher (*Polioptila californica californica*). The Commission decided not to list the coastal California gnatcatcher as an Endangered species in favor of pursuing preparation of a NCCP program as proposed by Assembly Bill (AB) 2172 (AB 2172/Natural Community Conservation Planning Act). AB 2172 authorized CDFW<sup>8</sup> to enter into agreements with any person for the purpose of preparing and implementing NCCPs and to prepare guidelines for development and implementation of NCCPs. AB 2172 also permits NCCPs to be prepared by local, State, or federal agencies independently or in cooperation with other persons and requires CDFW to be compensated for costs incurred in preparing and implementing NCCPs.

The purpose of the NCCP program is to provide regional or area wide protection and perpetuation of natural wildlife diversity while allowing compatible and appropriate development and growth. AB 2172 was designed in recognition of the fact that individual species protection under the CESA and the FESA is costly and historically ineffective as a mechanism for protection or prevention of extinction of plant and wildlife species, and that a habitat-based, multispecies or ecosystem-driven preservation approach has greater potential for long-term success. The focus of the NCCP program represents a dramatic shift from “individual species” to “habitat”.

On March 25, 1993, the U.S. Department of the Interior listed the coastal California gnatcatcher as a “Threatened” species and adopted a special rule in accordance with Section 4(d) of the FESA that authorized landowners and local jurisdictions to voluntarily participate in the State of California NCCP Act of 1992.

The County of Orange, in conjunction with the State and federal resource agencies, local jurisdictions (including the City of Anaheim), utility companies, the Transportation Corridor Agencies, and major private landowners, prepared the NCCP/HCP for the Central-Coastal NCCP Subregion (NCCP/HCP approved on April 16, 1996, and Implementation Agreement executed on July 17, 1996). The plan is intended to ensure the long-term survival of the coastal California gnatcatcher and other special status coastal sage scrub-dependent plant and wildlife species while allowing for reasonable economic growth in accordance with State-sanctioned NCCP program guidelines. The Site Project occurs within the NCCP Central-Coastal Subregion.

The habitat Reserve includes core coastal sage scrub (CSS) habitat along the frontal slopes of the Lomas de Santiago and provides high densities of NCCP target species (i.e., CSS Species), including coastal California gnatcatcher, coastal cactus wren (*Campylorhynchus brunneicapillus couesi*), and orange-throated whiptail (*Aspidoscelis hyperythra*). In addition, the Habitat Reserve provides linkages with other core habitat areas via a long strip of natural habitat between Portola Parkway and the Foothill Transportation Corridor, and other large

---

<sup>8</sup> The California Department of Fish and Wildlife (CDFW) was formerly known as the California Department of Fish and Game (CDFG).

blocks of core habitat in the open space near Irvine Regional Park and the foothills of Santiago Canyon. The Habitat Reserve supports the largest subpopulation of coastal California gnatcatchers in the Central Subarea of the NCCP Central/Coastal Subregion Reserve System Design for Orange County (County of Orange 1996a).

The County of Orange has been issued a 10(a) permit as part of the approval of the NCCP/HCP which authorizes the “take” of coastal sage scrub and other specified habitats (e.g., oak woodland, cliff and rock, Tecate cypress) and provides regulatory coverage for a number of “Covered Species”. Potential direct and indirect impacts are fully mitigated for participating landowners through their participation and contribution in the NCCP/HCP Mitigation Program. Their participation not only provides mitigation for coastal sage scrub and the coastal California gnatcatcher, but also other special status species designated as Identified Species (including both fully Covered Species and Conditionally Covered Species) by the NCCP/HCP. Mitigation measures outlined in the NCCP/HCP Mitigation Program are summarized below:

1. Creation of a Habitat Reserve System that will include coastal sage scrub and representative habitat of virtually all of the major habitat types currently existing within the Central–Coastal Subregion;
2. Creation and funding of an NCCP Non-Profit Corporation to coordinate management of the Reserve System;
3. Designation of Special Linkage Areas and Existing Use Areas to enhance biological connectivity within the Reserve System and Central–Coastal Subregion;
4. Implementation of the Adaptive Management Program, including specific management plans, defined by the NCCP/HCP, within the Reserve System, including provisions for restoration and enhancement funded both by Participating Landowners and Non-Participating Landowners as provided herein.

The Central-Coastal NCCP/HCP also includes 13 cities that will be affected by the NCCP/HCP; each City that signed the Implementation Agreement is responsible for conducting some of the following actions, depending on which portions of their jurisdiction are included within the Reserve System, or take of Identified Species will occur within their jurisdiction, or both. Signatory Cities are expected to address the following responsibilities with regard to actions of the Signatory Cities and landowners subject to the jurisdiction of those cities:

1. Consideration of amendments to the general plan, zoning, or other implementing ordinances to comply with state planning and zoning requirements;
2. Adopting fuel modification ordinances/standards consistent with the NCCP/HCP fuel modification policies that will be applicable to areas bordering the Reserve System, and within Special Linkage and Existing Use areas;
3. In cooperation with the individual Reserve owner/manager, reviewing project proposals within the Reserve system on lands managed by the particular Local Government to assure consistency with the NCCP/HCP;

4. Assuring that non-participating landowners provide evidence of payment of the mitigation fee to the NCCP Non-Profit Corporation where the landowner elects to use the mitigation fee option for the take of listed CSS species<sup>9</sup>;
5. Recording/compiling Identified Species, CSS, and Covered Habitat impacts within its jurisdiction annually and reporting losses/mitigation to the County Environmental Management Agency (EMA) to enable the County, as the Lead Agency, to compile subregional data for transmittal to the CDFW and USFWS;
6. Ensuring the NCCP/HCP construction-related minimization measures set forth in the NCCP/HCP Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) are enforced;
7. Making best efforts to acquire conservation easements over privately owned Existing Use areas owned by non-participating landowners;
8. For those local governments owning land within the Reserve System, formally committing such lands to the Reserve System and managing such lands in accordance with the NCCP/HCP and its Implementation Agreement;
9. Accepting and using the NCCP/HCP EIR/EIS as the CEQA Program EIR, defining the mitigation program and covering all take allowed for CSS, Identified Species, and Covered Habitat impacts of Planned Activities;
10. Recognizing the mitigating values of preservation of non-CSS resources in the Reserve System in acting on specific Planned Activities; and
11. Committing to the CSS, Identified Species, and Covered Habitat mitigation assurances.

The City of Anaheim is a Signatory City to the NCCP/HCP Implementation Agreement. As such, the City will not approve activities resulting in a take other than as authorized pursuant to the NCCP/HCP Implementation Agreement unless otherwise authorized by the USFWS and CDFW.

### **4.3.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim's Environmental Checklist, the Project would result in significant impacts related to biological resources if it would:

- 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 Game 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, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

---

<sup>9</sup> coastal California gnatcatcher



- 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 native 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.

For a more detailed description of the methodologies used to conduct this analysis, see Section 2 of the Biological Technical Report, which summarizes survey methods used to conduct a literature review; to perform general biological surveys; and to assess the potential for the Project Site to support special status species. As noted above and therein, the Project Site discussed in this analysis consists of the approximately 76.01-acre Project Site (i.e., property owned by the Property Owner/Developer of the proposed Project) and adjacent open space areas within 500 feet of the proposed impact boundaries, which is collectively referred to in the Biological Technical Report as the Biological Survey Area (BSA). The Project's BSA also allows for an assessment of indirect impacts of construction activities on surrounding habitat.

See also Section 4.2 of the Biological Technical Report, which further delineates the application of the above-referenced thresholds in this analysis.

#### 4.3.4 IMPACT ANALYSIS

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

**Less Than Significant With Mitigation Incorporated.** Implementation of the Project would result in direct and indirect impacts to special status plant and wildlife species that occur within or adjacent to the Project Site. The Project's impacts to special status species were evaluated in detail within the Project's Biological Technical Report and are described here in summary.

##### **Project Impact Footprint**

The Project's direct impacts were determined based on the outermost Project construction activity in relationship to biological resources that occur within the Project Site. All the Project's direct impacts are considered permanent impacts. Construction access and staging for the Project would occur entirely within the permanent impact boundary shown or within

existing roadways such as Santa Ana Canyon Road. Fuel modification areas have been included in the permanent impact footprint for the Project.

Both direct and indirect impacts on biological resources have been evaluated. Direct impacts are those that involve the initial loss of habitats due to grading, construction, and construction-related activities. Indirect impacts are those that would occur in adjacent areas related to temporary disturbance from construction activities (e.g., noise, dust) and the long-term operation of the Project.

### **Impacts to Vegetation Communities**

The Project's permanent direct impacts to vegetation communities are identified in Table 4.3-3 and are depicted in Exhibit 4.3-4.

**TABLE 4.3-3  
PROJECT IMPACTS TO VEGETATION COMMUNITIES**

<b>Vegetation Types and Other Areas</b>	<b>Gray and Bramlet Vegetation Code</b>	<b>Existing in the Biological Survey Area<sup>a</sup> (approximate acres)</b>	<b>Permanent Impact (approximate acres)</b>		<b>CDFW Sensitive Natural Community</b>
<b>Coastal Sage Scrub (2.0)</b>					
Sagebrush – Black Sage Scrub	2.3.8	28.87	8.91		No <sup>b</sup>
Sagebrush – Black Sage Scrub/Ruderal	2.3.8/4.6	8.76	5.23		No <sup>b</sup>
Coyote Bush Scrub	2.3.9	0.59	0.00		No <sup>b</sup>
<i>Subtotal Coastal Sage Scrub</i>		<i>38.22</i>	<i>14.14</i>		
<b>Chaparral (3.0)</b>					
Toyon – Sumac Chaparral	3.12	7.91	2.17		Yes
Toyon – Sumac Chaparral/Ruderal	3.12/4.6	17.19	10.31		Yes (degraded)
<i>Subtotal Chaparral</i>		<i>25.10</i>	<i>12.48</i>		
<b>Grassland (4.0)</b>					
Ruderal	4.6	21.25	8.96		No
Disturbed Ruderal	4.6	1.88	1.22		No
<i>Subtotal Grassland</i>		<i>23.13</i>	<i>10.18</i>		
<b>Marsh (6.0)</b>					
Coastal Freshwater Marsh	6.4	0.22	0.14		Yes
<i>Subtotal Marsh</i>		<i>0.22</i>	<i>0.14</i>		
<b>Riparian (7.0)</b>					
Southern Willow Scrub	7.2	0.87	0.05		Yes
Mulefat Scrub	7.3	0.10	0.00		No

**TABLE 4.3-3  
PROJECT IMPACTS TO VEGETATION COMMUNITIES**

<b>Vegetation Types and Other Areas</b>	<b>Gray and Bramlet Vegetation Code</b>	<b>Existing in the Biological Survey Area<sup>a</sup> (approximate acres)</b>	<b>Permanent Impact (approximate acres)</b>		<b>CDFW Sensitive Natural Community</b>
Southern Coast Live Oak Riparian Forest	7.5	1.63	0.10		No
Poison Oak Scrub	7.11	0.11	0.00		No
<i>Subtotal Riparian</i>		<i>2.71</i>	<i>0.15</i>		
<b>Woodland (8.0)</b>					
Coast Live Oak Woodland	8.1	3.09	2.78		
Mexican Elderberry Woodland	8.4	2.20	0.35		No
<i>Subtotal Woodland</i>		<i>5.29</i>	<i>3.13</i>		
<b>Cliff</b>					
Xeric Cliff Face	10.1	0.40	0.06		No
<i>Subtotal Cliff and Rock</i>		<i>0.40</i>	<i>0.06</i>		
<b>Developed Areas (15.0)</b>					
Developed (Transportation)	15.4	4.33	3.81		No
Parks and Ornamental Plantings	15.5	2.51	0.00		No
<i>Subtotal Developed Areas</i>		<i>6.84</i>	<i>3.81</i>		
<b>Disturbed Areas</b>					
Cleared or Graded	16.1	0.79	0.00		No
<i>Subtotal Disturbed Areas</i>		<i>0.79</i>	<i>0.00</i>		
<b>Total</b>		<b>102.70</b>	<b>44.09</b>		
<sup>a</sup> The Biological Survey Area includes the Project Site plus adjacent open space within 500 feet of the Project impact boundary; the limits of the Biological Survey Area go outside the limits of the Project Site. <sup>b</sup> CDFW does not consider these communities special status throughout the state; however, these vegetation types are considered of local concern because of their status in the NCCP/HCP area (i.e., potential to support NCCP/HCP Covered Species). Source: Psomas 2024c.					

### ***Coastal Sage Scrub***

A total of approximately 14.14 acres of coastal sage scrub vegetation (approximately 8.91 acres of sagebrush–black sage scrub and approximately 5.23 acres of sagebrush–black sage scrub/ruderal) would be permanently impacted to construct the Project. While sagebrush scrub–black sage scrub is not considered a sensitive natural community by CDFW, coastal sage scrub is considered a special status vegetation type in the Central–Coastal Subregion of the NCCP/HCP because it provides habitat for Covered Species such as the coastal California gnatcatcher.

Most of the Project Site has been designated as “Existing Use” by the Central-Coastal NCCP/HCP. Existing Use areas are not considered part of the NCCP/HCP Reserve; however, the designation indicates that local jurisdictions (i.e., the City of Anaheim) should make their best efforts to obtain conservation easements<sup>10</sup> over privately-owned lands to assure that natural vegetation along these linkages is retained. For development resulting in take of listed species (including their habitat, i.e., coastal sage scrub), non-participating landowners must provide acceptable mitigation through separate permits under FESA and/or CESA. The NCCP/HCP mitigation fee option for non-participating landowners is not available for take in Existing Use areas unless: (1) the Project is located within a signatory Local Government jurisdiction<sup>11</sup>; and (2) it is specifically authorized by the USFWS and CDFW. Nothing in the Implementation Agreement prohibits non-participating landowners from independently pursuing take authorization under FESA and CESA.

The loss of approximately 14.14 acres of coastal sage scrub vegetation that is occupied by the coastal California gnatcatcher would be considered a significant impact. Additionally, the Project is within an Existing Use area; any impact on coastal sage scrub within this area requires approval from the USFWS and CDFW. Implementation of **MM BIO-1** would ensure that appropriate authorization is obtained from the resource agencies, compensatory mitigation is provided, and that the standard NCCP/HCP avoidance and minimization measures would be implemented.

### ***Chaparral***

A total of approximately 12.48 acres of chaparral vegetation (approximately 2.17 acres toyon–sumac chaparral and approximately 10.31 acres toyon–sumac chaparral/ruderal) would be permanently impacted to construct the Project. Toyon–sumac chaparral in the Project Site is consistent with the *Rhus integrifolia* Association, which is considered a sensitive natural community by CDFW. The loss of toyon–sumac chaparral and toyon–sumac chaparral/ruderal would be considered potentially significant because of its special status. Implementation of **MM BIO-2** would ensure that compensatory mitigation is provided.

### ***Grassland***

A total of approximately 10.18 acres of ruderal vegetation (approximately 8.96 acres ruderal and approximately 1.22 acres disturbed ruderal) would be permanently impacted to construct the Project. These vegetation types are considered of low biological value because they are comprised of weedy non-native species. Impacts on ruderal vegetation would be considered less than significant; therefore, no mitigation would be required.

### ***Marsh/Riparian***

A total of approximately 0.14 acre of coastal freshwater marsh and approximately 0.15 acre of riparian vegetation types (approximately 0.05-acre southern willow scrub and

---

<sup>10</sup> The NCCP/HCP text specifically states that “the failure or inability to obtain a conservation easements over private lands located within Existing Use areas shall not be deemed a breach of the NCCP/HCP...”.

<sup>11</sup> The City of Anaheim is a signatory Local Government jurisdiction.

approximately 0.10-acre southern coast live oak riparian forest) would be permanently impacted to construct the Project. Of these, coastal freshwater marsh and southern willow scrub are both considered sensitive natural communities by CDFW. Additionally, these areas are under the jurisdiction of CDFW and RWQCB. Impacts on riparian vegetation types are considered significant due to their high biological value. Implementation of **MM BIO-3** would ensure that applicable jurisdictional permits are obtained, and that compensatory mitigation is provided.

### ***Woodland***

A total of approximately 3.13 acres of woodland (approximately 2.78 acres of coast live oak woodland and approximately 0.35 acre of Mexican elderberry woodland) vegetation would be permanently impacted to construct the Project. Coast live oak woodland and Mexican elderberry woodland are not considered sensitive natural communities by CDFW. The loss of coast live oak and Mexican elderberry woodland would be considered adverse; however, the loss would be limited in relation to the total amount of coast live oak woodland and Mexican elderberry woodland available in the Project region. Impacts on woodland would be considered less than significant; therefore, no mitigation would be required.

### ***Cliff***

A total of approximately 0.06 acre of xeric cliff face would be permanently impacted to construct the Project. The loss of xeric cliff face relative to the availability of this mapping unit in the Project region would be limited in relation to the total amount of cliff available in the Project region. Impacts on xeric cliff face would be considered less than significant; therefore, no mitigation would be required.

### ***Developed/Disturbed Areas***

A total of approximately 3.81 acres of developed areas would be permanently impacted to construct the Project. Developed areas are considered of low biological value. Impacts on developed areas would be considered less than significant; therefore, no mitigation would be required.

The Project would not impact parks and ornamental plantings or cleared or graded areas.

### **Special Status Plant Species**

Focused plant surveys were conducted in spring/summer 2023. Two special status plant species were observed: intermediate mariposa-lily and southern California black walnut (Psomas 2024c).

Seven individual intermediate mariposa-lilies (CRPR 1B.2) were observed in the Project Site in a single population. The location is outside of the Project's impact area; therefore, there would be no direct impact on this species, and no mitigation would be required.

One southern California black walnut (CRPR 4.2) was observed on the Project Site. This individual is located outside of the Project's impact area; therefore, there would be no impact, and no mitigation would be required.

## **Special Status Wildlife Species**

### ***Invertebrates***

The Crotch's bumble bee has potential to occur in the Project Site. A total of approximately 40.34 acres of suitable foraging and nesting habitat (i.e., all vegetation types except developed) for this species would be permanently impacted to construct the Project. This species is a Candidate for State listing; therefore, if present in the impact area, any impact on this species would be significant. Therefore, the Project would implement **MM BIO-4**, which requires that pre-construction focused surveys for Crotch's bumble bee be conducted and that avoidance of active nest burrows occur during construction, as well as consultation with CDFW. Therefore, with implementation of **MM BIO-4**, the Project would have a less than significant impact related to Crotch's bumble bee.

### ***Amphibians***

Coast Range newt and western spadefoot have potential to occur in the Project Site. The Project would not impact breeding habitat for these species (i.e., stream habitat with sufficient water and vernal pools, respectively); however, the Project would impact upland habitats that could be used for foraging and aestivation. A total of approximately 40.28 acres of suitable upland habitat for these species (i.e., coastal sage scrub, chaparral, ruderal, marsh, riparian, and woodland) would be permanently impacted to construct the Project. The western spadefoot is a Covered Species under the NCCP/HCP; upland habitats have been conserved in the Reserve System. Although not formally covered, Coast Range newt also benefits from habitats conserved in the Reserve System. Due to the limited amount of habitat loss relative to the availability of habitat for Coast Range newt and western spadefoot in the region, impacts on these species would be considered less than significant and no mitigation would be required.

### ***Reptiles***

Orange-throated whiptail was previously observed in the Project Site and is expected to occur. Additionally, coast horned lizard, coastal whiptail, southern California legless lizard, California glossy snake, coast patch-nosed snake, and red diamond rattlesnake have potential to occur in habitats throughout the Project Site. A total of approximately 40.34 acres of suitable habitat for these species (i.e., coastal sage scrub, chaparral, ruderal, marsh, riparian, woodland, and cliff) would be permanently impacted to construct the Project. Of these species, coast horned lizard, orange-throated whiptail, coastal whiptail, and red diamond rattlesnake are Covered Species in the NCCP/HCP; upland habitats have been conserved in the Reserve System. Although not formally covered, southern California legless lizard, California glossy snake, and coast patch-nosed snake also benefit from habitats conserved in the Reserve System. Due to the limited amount of habitat loss relative to the



availability of habitat for these species in the region, impacts on these species would be considered less than significant and no mitigation would be required.

## ***Birds***

The Project Site contains federally-designated critical habitat for the federally Threatened coastal California gnatcatcher, which has been previously observed in coastal sage scrub habitats within the Project Site. One pair of gnatcatchers was observed during the most recent focused surveys. A total of approximately 14.14 acres of suitable habitat for this species (i.e., coastal sage scrub) would be permanently impacted by the Project. Also, a total of approximately 44.09 acres of Critical Habitat for coastal California gnatcatcher would be permanently impacted by the Project. Any impact on this species would be considered significant prior to the implementation of mitigation. This species is a Covered Species under the NCCP/HCP; however, take of coastal California gnatcatcher is not covered in Existing Use areas. Implementation of **MM BIO-1** would ensure that appropriate authorization is obtained from the resource agencies and that the standard NCCP/HCP avoidance and minimization measures would be implemented to minimize Project impacts related to coastal California gnatcatcher to a less than significant level.

Focused surveys were conducted in the riparian habitats of the Project Site for least Bell's vireo and southwestern willow flycatcher in 2002, 2003, and 2023. No least Bell's vireo or southwestern willow flycatcher were observed in the Project Site during any of these surveys. Similarly, no coastal cactus wrens were observed during the most recent focused surveys in 2023. Therefore, these species are not expected to occur. There would be no impact on these species, and no mitigation would be required.

Loggerhead shrike, southern California rufous-crowned sparrow, and Bell's sparrow have potential to occur in the upland habitats of Project Site. A total of approximately 26.62 acres of suitable upland shrub habitat for these species (i.e., coastal sage scrub and chaparral) would be permanently impacted to construct the Project. Of these species, the Southern California rufous-crowned sparrow is Covered Species in the NCCP/HCP; upland shrub habitats have been conserved in the Reserve System. Due to the limited amount of habitat loss relative to the availability of habitat for these species in the region, impacts on these species would be considered less than significant and no mitigation would be required.

California horned lark and grasshopper sparrow have a limited potential to occur in the Project Site. A total of approximately 10.18 acres of ruderal habitat that could be used by these species would be permanently impacted to construct the Project. Due to the limited amount of habitat loss relative to the availability of habitat for these species in the region, impacts on these species would be less than significant and no mitigation would be required.

Burrowing owl has a limited potential to occur in the Project Site. A total of approximately 10.18 acres of ruderal habitat that could be used by this species would be permanently impacted to construct the Project. Due to the limited amount of habitat loss relative to the availability of habitat for this species in the region, the loss of habitat would be considered less than significant. However, active burrow sites of this species are protected at all times

of the year and direct impacts to an active burrow would be considered a significant impact. Therefore, the Project would be required to implement **MM BIO-5**, which requires that pre-construction burrow surveys be conducted and that avoidance and minimization measures be implemented if burrowing owl are encountered.

Yellow-breasted chat and yellow warbler have potential to occur in the riparian habitats of Project Site. A total of approximately 0.15 acre of riparian vegetation types (0.05-acre southern willow scrub and 0.10 acre southern coast live oak riparian forest) would be permanently impacted to construct the Project. Due to the limited amount of habitat loss relative to the availability of habitat for these species in the region, impacts on these species would be less than significant and no mitigation would be required.

Several special status raptor species were observed or have potential to forage in the Project Site: Cooper's hawk, sharp-shinned hawk, golden eagle, ferruginous hawk, northern harrier, white-tailed kite, bald eagle, merlin, prairie falcon, American peregrine falcon, and long-eared owl. A total of approximately 40.34 acres of suitable foraging habitat for these species would be permanently impacted to construct the Project. The loss of foraging habitat for these raptors would cumulatively contribute to the ongoing regional loss of foraging habitat for these species. Of these species, sharp-shinned hawk, northern harrier, and American peregrine falcon are Covered Species, while golden eagle and prairie falcon are Conditionally Covered, by the NCCP/HCP; upland habitats have been conserved in the Reserve System. Due to the limited amount of habitat loss relative to the availability of foraging habitat for these species in the region, impacts on raptor foraging habitat would be less than significant and no mitigation would be required.

The Cooper's hawk, white-tailed kite, prairie falcon, American peregrine falcon, and long-eared owl also have potential or limited potential to nest within or adjacent to the Project Site. Impacts on any active raptor nest (common or special status species) would be considered a violation of the MBTA and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code. Additionally, these species could be disturbed by noise adjacent to construction areas. Impacts on the nest of special status raptor species would be considered significant. Implementation of **MM BIO-6** requires pre-construction surveys to ensure that construction would not violate the provisions of the MBTA or California Fish and Game Code.

## ***Mammals***

Mountain lions are known to occur throughout the vicinity of the Project Site. Mountain lions could move through and utilize the Project Site. A total of approximately 40.34 acres of suitable habitat for this species (i.e., coastal sage scrub, chaparral, ruderal, marsh, riparian, woodland, and cliff) would be permanently impacted to construct the Project. The mountain lion is proposed for State listing due to fragmentation of habitat that isolates populations. The Project would not substantially disrupt movement along an existing wildlife corridor. However, the Project would reduce the amount of open space habitat available for use in the northernmost portion of an existing wildlife corridor.

There are no wildlife crossings suitable for mountain lions within or near the Project Site. The nearest crossing to allow mountain lions to reach the Santa Ana River and/or other open

spaces to the north, such as Chino Hills State Park, is 3.93 miles to the east of the Project Site at SR-91 and Gypsum Canyon. Therefore, the Project would not be expected to substantially interfere with movement of mountain lions, although the Project would incrementally reduce the amount of habitat for mountain lion by approximately 40.34 acres. As such, impacts on mountain lion would be less than significant and no mitigation would be required.

Five special status bat species have potential to forage in the Project Site: Mexican long-tongued bat, pallid bat, Townsend's big-eared bat, big free-tailed bat, and western mastiff bat. A total of approximately 40.34 acres of suitable foraging habitat for these species would be permanently impacted to construct the Project. The loss of foraging habitat for these bats would cumulatively contribute to the ongoing regional loss of foraging habitat for these species. Due to the limited amount of habitat loss relative to the availability of foraging habitat for these species in the region, impacts on bat foraging habitat would be considered less than significant and no mitigation would be required.

Pallid bat, big free-tailed bat, and western mastiff bat also have potential to roost in the Project Site. Bats may roost in large oak, non-native trees, or in crevices in the xeric cliff face in the Project Site. A total of approximately 2.94 acres of potential roosting habitat (0.10-acre southern coast live oak riparian forest, approximately 2.78 acres coast live oak woodland, and 0.06 acre of xeric cliff face) would be permanently impacted to construct the Project. Construction activities could directly impact roosting individuals which would present a significant impact. Therefore, to minimize impacts to roosting bats, the Project would implement **MM BIO-7**, which requires that a pre-construction survey for bats be conducted and that bat exclusion be implemented if needed.

## **Indirect Impacts**

### ***Noise/Human Activity***

Project noise impacts are discussed in detail in Section 4.11 of this Draft EIR. Noise and human activity levels in areas adjacent to the Project impact area would increase substantially over present levels during construction of the Project. During construction, temporary noise impacts have the potential to disrupt foraging, nesting, roosting, and denning activities for a variety of wildlife species. Construction activities would occur during the day; thus, construction noise would not affect nocturnal species (i.e., those active at night) or wildlife movement that occurs at night. Diurnal species (i.e., species active during the day) would be deterred from the area by construction activities. It should be noted that there is currently ambient noise due to the existing adjacent development uses, such as traffic along Santa Ana Canyon and SR-91, residential noise to the west, commercial noise to the east, and recreational use<sup>12</sup> through the Project Site (e.g., walking, hiking, bike riding); therefore, wildlife species in the Project Site and vicinity are expected to be somewhat urban-tolerant. The additional impact of construction noise on most wildlife species occupying

---

<sup>12</sup> There are currently no formal trails through the Project Site; people generally walk, hike, and ride bikes along the main road through the Project Site from Santa Ana Canyon Road to Deer Canyon Park Preserve.

areas adjacent to the Project would be considered less than significant for most wildlife species.

However, noise from construction activities may cause birds adjacent to the work area to abandon their territory or may discourage individuals from selecting habitat adjacent to the work area due to construction noise and human activity. Construction activities could interfere with communication between a pair that could affect their nest success. Noise impacts would be considered significant for the coastal California gnatcatcher and nesting birds/raptors. With the implementation of NCCP/HCP avoidance and minimization measures included in **MM BIO-1**, indirect noise impacts on the coastal California gnatcatcher would be considered less than significant. **MM BIO-4** would be implemented by the Project, which requires that pre-construction focused surveys for Crotch's bumble bee be conducted and that avoidance of active nest burrows occur during construction, as well as consultation with CDFW. Implementation of **MM BIO-6** requires pre-construction surveys to ensure that construction would not violate the provisions of the MBTA or California Fish and Game Code. With implementation of **MM BIO-4** and **MM BIO-6**, indirect impacts on nesting birds and raptors (including burrowing owl) would be reduced to less than significant.

Noise and human activity would also increase during operation of the Project. This would increase the ambient noise in the immediate vicinity and would incrementally increase disturbance of habitat remaining undeveloped adjacent to the Project. If undeterred, residents may encroach into these undeveloped areas adjacent to the development, increasing disturbance by creating additional hiking, biking, and horse trails and bringing unleashed dogs into the habitat. Human disturbance could disrupt the normal foraging and breeding behavior of wildlife that would be avoided adjacent to the Project's buildings and other development, which would diminish the value of these avoided habitat areas. Wildlife stressed by noise and human activity from the development and additional encroachment may be extirpated from the undeveloped areas adjacent to the development, which would leave only wildlife that are tolerant of human activity. This impact would be potentially significant because it would contribute to an additional incremental loss of habitat. Therefore, the Project would be required to implement **MM BIO-8**, which requires the development and implementation of a fencing plan to deter public access in unauthorized areas. With implementation of **MM BIO-8**, the Project would have a less than significant impact related to the biological effects of the Project's operational noise levels.

### ***Increased Dust and Urban Pollutants***

Grading activities would disturb soils and result in the accumulation of dust on the surface of the leaves of trees, shrubs, and herbs. The respiratory function of the plants in the area would be impaired if the dust accumulation were to be excessive. The Project would be required to implement a Storm Water Pollution Prevention Plan (SWPPP) and construction would be required to comply with fugitive dust regulations promulgated by the South Coast Air Quality Management District (SCAQMD). This indirect effect of construction of the Project on the native vegetation in the immediate vicinity of the Project Site is considered less than significant because it would not substantially reduce plant populations in the region.

During construction, there is potential that excess silt, petroleum, and/or chemicals on the soil surface within the Project Site could be washed into drainages during storms and may affect areas downstream of the Project, such as the Santa Ana River. Adverse effects on water quality could indirectly impact species that use riparian areas within the watershed by affecting the food web interactions (e.g., abundance of insects or other prey) or through biomagnification (i.e., the buildup of pesticides to toxic levels in higher trophic levels). These impacts would be reduced to less than significant with the implementation of **MM BIO-3**, which requires the Project to obtain a water quality certification from the RWQCB. Furthermore, the Project would be required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) during construction, which would minimize the amount of dust and other pollutants that could leave the Project Site in storm water and/or as fugitive dust.

Polluted storm water could runoff of the Project Site that could impair water quality downstream of the Project during operation. Chemicals, fertilizers, and pesticides used in landscaping may runoff into downstream waters and could adversely affect water quality, habitat, plant and/or wildlife species (including insects). Adverse effects on water quality could impact populations of wildlife species that use riparian areas by affecting the food web interactions affecting their prey (e.g., insects), or through biomagnification (i.e., the buildup of pesticides to toxic levels in higher trophic levels). As noted above, these impacts would be reduced to less than significant with the implementation of **MM BIO-3**, which requires the Project to obtain a water quality certification from the RWQCB. Furthermore, the Project would be required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) during construction, which would minimize the amount of dust and other pollutants that could leave the Project Site in storm water and/or as fugitive dust.

During operation, the Project's residents may use rodenticides to control pest species in outdoor areas of the Project Site. The anticoagulant effects of rodenticides have been found to affect non-target species (i.e., predators of rodents), such as raptors, coyotes, bobcats, and mountain lions. This effect could be substantial because the Project is adjacent to undeveloped areas with habitat. Therefore, the Project would implement **MM BIO-9**, which requires that use of anticoagulant rodenticides be prohibited from being used throughout the Project's exteriors and landscaping. With implementation of **MM BIO-9**, the Project's effects to wildlife related to rodenticide would be reduced to a less than significant level. More information on the topics of hydrology and water quality is provided in Section 4.9 of this Draft EIR.

### ***Invasive Exotic Plant Species***

Project construction activities create disturbance, which in turn provides a place for non-native weedy species to spread. Additionally, construction equipment can introduce non-native weed seeds to the area if equipment is not properly cleaned. Weeds from the construction may then spread to habitat in adjacent undeveloped areas (including adjacent Reserve areas), which would degrade habitat quality for native species. In addition to the negative effects on habitat quality, non-native weeds can also increase the potential for large fires to spread. This impact would be considered potentially significant.

The Project would include landscaping throughout the developed portions of the Project Site. The landscaping could include planting of ornamental species that are known to be particularly invasive (e.g., Japanese honeysuckle [*Lonicera japonica*], fan palm [*Washingtonia* spp.], etc.). Seeds from invasive species may escape to natural areas and degrade the native vegetation in undeveloped areas, particularly along downstream riparian areas. Since the Project is adjacent to undeveloped areas, this impact is considered potentially significant.

Therefore, the Project would implement **MM BIO-10**, which includes best practices to avoid the introduction of weed seeds during grading. **MM BIO-10** also includes requirements that the Project's landscaping not include any invasive, exotic plant species. With implementation of **MM BIO-10**, the Project would have a less than significant impact related to the introduction and spread of invasive exotic plant species.

### ***Night Lighting***

The Project's proposed night lighting could result in an indirect impact on the behavioral patterns of nocturnal and crepuscular (i.e., active at dawn and dusk) wildlife adjacent to the lighted areas. Of greatest concern is the effect on small, ground-dwelling animals that use the darkness to hide from predators, and on owls, which are specialized night foragers. Because the Project is directly adjacent to undeveloped areas, indirect impacts due to night lighting are of particular concern. This increased lighting would be considered significant because it would contribute to an additional incremental loss of habitat for wildlife using areas adjacent to the Project Site. Therefore, the Project would implement **MM BIO-11**, which requires that a lighting plan be developed showing the type and location of all exterior lighting. The lighting plan will include photometric analyses to ensure that lighting level increases would be minimal when compared to the pre-Project conditions. With implementation of **MM BIO-11**, the Project would have a less than significant impact related to the proposed night light's effects on wildlife.

### ***Bird Strikes***

A potential long-term operational impact associated with the Project pertains to bird strike mortality and injury. Ornithologists estimate that collisions with clear and reflective sheet glass and plastic cause up to a billion bird fatalities or injuries annually. Birds often cannot differentiate between the glass' reflective surface and the natural landscape, leading to these incidents. The presence of multistory buildings with multiple windows situated adjacent to habitat in undeveloped areas increases the likelihood of bird mortality, affecting both common and special status species. Also, the Project would include perimeter fencing with transparent materials that could also present a bird strike hazard. The potential loss of federally or State-listed species due to bird strikes could be significant. Therefore, the Project would implement **MM BIO-12**, which requires that building glass be designed to minimize bird strikes to the extent feasible. With implementation of **MM BIO-12**, the Project's would have a less than significant impact related to bird strikes.



## ***Increased Wildfire Risk***

Fires are a natural part of the landscape in California; however, with the changing weather patterns brought by climate change, during many years the fire season is coming earlier and ending later than in the past. In the last five years (October 2019 - October 2023), there have been approximately 6,884 wildfires that have burned approximately 1,570,571 acres in California. Drought or extended periods of low rainfall can dry out fuel, increasing its risk of burning. Periods of high rainfall decrease fire risk because there is more moisture in the vegetation; however, years of high rainfall increase the fuel load with growth of vegetation and weeds. In the Project region, Santa Ana wind conditions also increase the risk of fire with dry, gusty winds. According to the National Park Service, approximately 85 percent of wildfires are caused by humans. Human-caused wildfires are due to campfires left unattended, the burning of debris, equipment use and malfunctions, negligently discarded cigarettes, and intentional acts of arson. The location of the Project is an important factor in understanding the extent of wildfire risk and how much potential for damage there is if a fire starts. Risk is higher when there are hot temperatures, low humidity, and high winds (i.e., “red flag warning” weather conditions). Risk is also higher near dry, ignitable vegetation (e.g., coastal sage scrub, chaparral, grassland, and ruderal), and hills or mountainous topography. The Project would increase residents and visitors within the Project Site, which will continue to be adjacent to undeveloped areas containing a mix of native and non-native vegetation that may burn if exposed to an ignition source. However, the Project Site and its surroundings are already subject to human-sparked wildfire risk given the existence of residential and commercial development to the east and west of the Project Site, and due to the presence of Santa Ana Canyon Road and SR-91 to the north. Furthermore, as described in the project description in Section 3.0 as well as the wildfire discussion in Section 4.18 of this Draft EIR, the Project would minimize wildfire impacts by:

- Removing existing flammable vegetation within the Project Site this is near existing residential and commercial uses.
- Implementing a Fire Master Plan.
- Improving access for Anaheim Fire and Rescue to the Project Site through the provision of new driveways and fire lanes to access the Project Site.
- Providing water and fire hydrants to the Project Site. There are no fire hydrants within the Project Site in existing conditions; and
- Maintaining fuel modification zones around the proposed structures.

With implementation of these provisions, the Project would result in a less than significant impact related to impacts on biological resources that could result from a wildfire ignited within the Project Site during operation of the Project.

During Project construction, construction equipment or personal vehicles have potential to accidentally ignite vegetation, starting a wildfire. Additionally, construction personnel may dispose of cigarettes inappropriately on the construction site and could ignite dry vegetation. If not contained quickly, the fire could spread through adjacent habitat areas resulting in

damage to the NCCP/HCP Existing Use area. The loss of habitat may affect listed species (e.g., coastal California gnatcatcher) and could be substantial; therefore, this impact would be considered potentially significant. Therefore, the Project would implement **MM BIO-13**, which requires that a qualified Biologist conduct a Worker Environmental Awareness Program (WEAP) training for construction staff. The WEAP training will include specific guidance on methods to avoid the ignition of wildfires. Furthermore, **MM BIO-13** includes provisions for biological monitoring during vegetation removal, which would further minimize potential wildfire ignition and its effects on plants and wildlife given that the qualified Biologist that is monitoring construction activities would have the ability to halt or divert work, as needed, to minimize biological impacts.

## **Conclusion**

In conclusion, with implementation of **MM BIO-1** through **MM BIO-13**, the Project would have a less than significant impact related to candidate, sensitive, and special status plant and wildlife species.

***b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?***

**Less Than Significant With Mitigation Incorporated.** The Project Site contains the following vegetation communities that are considered sensitive natural communities by CDFW: toyon – sumac chaparral, toyon – sumac chaparral/ruderal, southern willow scrub, and coastal freshwater marsh.

Additionally, although not considered sensitive communities State-wide, coastal sage scrub is considered special status in the Project region because of its potential to support NCCP/HCP Covered Species, including the coastal California gnatcatcher. Coastal sage scrub vegetation in the Project Site includes sagebrush – black sage scrub, sagebrush – black sage scrub/ruderal, and coyote brush scrub.

Riparian vegetation types are also often considered special status because they are under the regulatory authority of the resource agencies (i.e., USACE, CDFW, and/or RWQCB); jurisdictional resources are discussed in the next section. Riparian vegetation types in the Project Site include coastal freshwater marsh, southern willow scrub, mulefat scrub, and southern coast live oak riparian forest. As mentioned above, southern willow scrub, and coastal freshwater marsh are considered sensitive natural communities by CDFW.

The Project's direct impacts to vegetation communities, including sensitive natural communities, are described above in Table 4.3-3.

**MM BIO-1** requires that the Property Owner/Developer mitigate for impacts to coastal sage scrub and coastal California gnatcatcher through one or a combination of options as approved by the USFWS and CDFW.

The Project would implement **MM BIO-2** to mitigate for direct impacts to vegetation communities that are considered sensitive natural communities by CDFW, including: toyon – sumac chaparral and toyon – sumac chaparral/ruderal. **MM BIO-2** requires that the Property Owner/Developer mitigate for impacts to chaparral vegetation (i.e., toyon-sumac chaparral and toyon-sumac chaparral/ruderal) through one or a combination of options, as approved by the City of Anaheim.

To minimize effects related to sensitive riparian vegetation communities, including southern willow scrub and coastal freshwater marsh, **MM BIO-3** would be implemented by the Project, which requires that applicable regulatory permits are obtained and that compensatory mitigation for impacts to riparian vegetation communities is provided.

With implementation of **MM BIO-1, MM BIO-2 and MM BIO-3**, the Project would have a less than significant impact related to sensitive natural communities.

***c) Would the Project 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?***

**Less Than Significant With Mitigation Incorporated.** A jurisdictional delineation was conducted during the preparation of the Project's Biological Technical Report. The purpose of the jurisdictional delineation was to identify drainage features within the Project Site that require permitting pursuant to state and federal regulations. As described in Table 4.3-4, the Project would have permanent impacts to approximately 0.458 acres of Regional Water Quality Control Board Waters of the State and approximately 1.391 acres of California Department of Fish and Wildlife jurisdictional resources. No Waters of the United States (WOTUS) under the jurisdiction of the United States Army Corps of Engineers are present in the Project Site. The locations of impacted drainages within the Project Site are depicted in Exhibits 4.3-5 and 4.3-6.

**TABLE 4.3-4  
PROJECT DRAINAGE IMPACTS**

<b>Feature</b>	<b>RWQCB Waters of the State (approximate acres)</b>	<b>CDFW Jurisdictional Resources (approximate acres)</b>
Drainage 1	0.154	0.672
Drainage 2	—	—
Drainage 3	0.075	0.204
Drainage 4	0.008	0.037
Drainage 5	0.071	0.127
Drainage 6	0.057	0.238
Drainage 7	0.093	0.113
Drainage 8	—	—
Drainage 9	—	—
<b>Total</b>	<b>0.458</b>	<b>1.391</b>
RWQCB: Regional Water Quality Control Board; CDFW: California Department of Fish and Wildlife; WOTUS: waters of the United States.		
<sup>a</sup> Under revisions to the 2023 Rule, no WOTUS are present in the Project Site and, therefore, there would be no Project impacts.		

Implementation of **MM BIO-3** would ensure that applicable jurisdictional permits are obtained to impact jurisdictional waters, and that compensatory mitigation for impacts to jurisdictional waters would be provided in coordination with CDFW and RWQCB. With implementation of **MM BIO-3**, the Project would have a less than significant impact related to this threshold.

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

**Less Than Significant With Mitigation Incorporated.** The Santa Ana River is a regional wildlife corridor and is located approximately 525 feet north of the Project Site. However, Santa Ana Canyon Road and SR-91 provide substantial existing barriers to wildlife movement between the Project Site and the Santa Ana River to the north. Therefore, only the more mobile species such as birds and coyotes are able cross these barriers in existing conditions.

There is residential development to the west of the Project Site and commercial development to the east that constrains wildlife movement in these directions.

The Project Site is primarily undeveloped, and it contains a mix of vegetation communities that wildlife could use for movement and/or to live in.

The primary area where wildlife movement could occur is from the Project Site through undeveloped areas to the south of the Project Site. There are three undeveloped parcels immediately south of the Project Site between the Project Site and Deer Canyon Park Preserve. Deer Canyon Park Preserve is located approximately 825 feet south of the Project Site. Deer Canyon Park Preserve extends approximately 1.54 miles in the southerly direction to where it ends north of Canyon Rim Road. By crossing two roads, The Highlands and Serrano Avenue, wildlife could move from the Project Site south through undeveloped areas and Deer Canyon Park Preserve, and ultimately to existing open space areas in Weir Canyon and beyond. Given this connectivity, the undeveloped areas in the Project Site and to the south towards Weir Canyon would be considered a wildlife linkage. This linkage has greatest value for birds, coyotes, and other more mobile species that could use it to move from Weir Canyon to reach the Santa Ana River to the north.

Also, the Project Site, parcels to the south, as well as Deer Canyon Park Preserve are designated by the NCCP/HCP as “Existing Use”, which indicates that jurisdictions should make their best efforts to obtain conservation easements<sup>13</sup> over privately-owned lands to assure that natural vegetation along these linkages is retained.

The Project would result in permanent impacts to approximately 40.34 acres of native and non-native habitats on the Project Site, which would be graded, landscaped, and used for residential and commercial uses. This would result in an overall reduction in the acreage of habitat available for wildlife species. The Project would also result in a reduction in the acreage of areas available for wildlife species to move through, although as mentioned above Santa Ana Canyon Road and SR-91 act as substantial barriers north of the Project Site for all but birds, coyotes, and other more mobile wildlife species.

Several common bird species have the potential to nest in the vegetation and/or on the ground in the Project Site. Therefore, the Project’s removal of vegetation and ground-disturbance during construction would have the potential to impact nesting birds if it were to occur during the avian nesting season. The loss of an active migratory bird nest, including nests of common species, would be considered a violation of the MBTA and Sections 3503, 3503.5, and 3513 of California Fish and Game Code. The MBTA and California Fish and Game Code prohibit the taking of migratory birds, nests, and eggs. The potential loss of an active nest would be considered significant. Implementation of **MM BIO-6** would require pre-construction surveys to ensure that construction would not violate the provisions of the MBTA or California Fish and Game Code.

With implementation of **MM BIO-6**, the Project would result in a less than significant impact related to this threshold.

---

<sup>13</sup> The NCCP/HCP text specifically states that “the failure or inability to obtain a conservation easements over private lands located within Existing Use areas shall not be deemed a breach of the NCCP/HCP...”.

***e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

**Less Than Significant Impact.** The entire Project Site is within the City's Scenic Corridor Overlay Zone. The purpose of the Scenic Corridor Overlay Zone is to provide for and promote orderly growth in certain areas of the City designated as being of distinctive, scenic importance, while implementing local governmental agency actions for the protection, preservation, and enhancement of the unique and natural scenic assets of these areas as a valuable resource to the community. The City's Scenic Corridor Overlay Zone has been designated as an area of distinctive natural and rural beauty, characterized and exemplified by the interrelationship between such primary natural features as the rolling terrain, winding river, specimen trees, and the profusion of natural vegetation. Chapter 18.18 of the AMC provides regulations for parcels that are located within the City's Scenic Corridor Overlay Zone.

Tree preservation procedures for the City's Scenic Corridor Overlay Zone are provided in AMC Section 18.18.040 with the purpose of preserving the natural beauty of the Santa Ana Canyon environment, to increase the visual identity and quality of the area, and to protect the remaining natural amenities from premature removal or destruction. Also, Section 18.18.040 of the AMC includes provisions for issuance of tree removal permits and replacement tree planting.

The AMC defines specimen trees as "any tree of the *Quercus* varieties (Oak) with a trunk measuring twenty-five (25) inches or greater in circumference; or any tree of the *Schinus* varieties (Pepper) and *Platanus* varieties (Sycamore), with trunks measuring fifty (50) inches or greater in circumference; measurements of circumference shall be taken at a point four (4) feet above ground level."

The Project would require the removal of approximately 73 specimen trees pursuant to the AMC, consisting entirely of coast live oak (*Quercus agrifolia*). The Project would also remove approximately 0.05 acre of area containing a dense patch of approximately 20 Goodding's black willow (*Salix gooddingii*) saplings, which are not specimen trees pursuant to the AMC. The Project would require issuance of a Specimen Tree Removal Permit by the City, which would require replacement tree planting at a minimum ratio of 1:1, with larger trees requiring 2:1 or 3:1 replacement ratios for impacted trees as shown in Table 4.1-2 in the Aesthetics section of this Draft EIR. Overall, the Project would result in the planting of a minimum of 175 replacement trees that would minimize impacts related to the proposed tree removals on biological resources

Any replacement trees that are planted within the Project Site, which are subsequently removed, damaged, diseased and/or dies, shall be replaced in a timely manner in accordance with the provisions of the AMC.

Through compliance with the AMC, which requires the issuance of a Specimen Tree Removal Permit and replacement tree plantings, the Project would have a less than significant impact related to this threshold and no mitigation is required.



***f) Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

**Less Than Significant With Mitigation Incorporated.** The Project's consistency with primary aspects of the NCCP/HCP are provided below.

**Consistency With Non-Reserve Open Space Policies:** The Project Site is located in a NCCP/HCP Existing Use area as defined by the NCCP/HCP Implementation Agreement. Existing Use areas are not considered part of the NCCP/HCP Reserve; however, the designation indicates that local jurisdictions such as the City of Anaheim should make their best efforts to obtain conservation easements<sup>14</sup> over privately-owned lands to assure that natural vegetation along these linkages is retained.

For development in an Existing Use area resulting in take of listed species, non-participating landowners must provide acceptable mitigation through separate permits under FESA and/or CESA. The NCCP/HCP mitigation fee option for non-participating landowners is not available for take in Existing Use areas unless: (1) the Project is located within a signatory Local Government jurisdiction<sup>15</sup>; and (2) it is specifically authorized by the USFWS and CDFW. Nothing in the Implementation Agreement prohibits non-participating landowners from independently pursuing take authorization under FESA and CESA (County of Orange 1996b).

The Project would permanently impact approximately 14.14 acres of coastal sage scrub vegetation that is occupied by the coastal California gnatcatcher. Any impact on coastal sage scrub within this area requires approval from the USFWS and CDFW.

With implementation of **MM BIO-1**, which requires that appropriate authorization is obtained from the resource agencies and that the standard NCCP/HCP avoidance and minimization measures be implemented, the Project would comply with this aspect of the NCCP/HCP.

### **4.3.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects within the City of Anaheim. These cumulative projects include new industrial, commercial, and residential land uses on a mix of previously developed and undeveloped project sites. These cumulative projects are described in more detail in Table 4-1, which is provided in Section 4.0. The cumulative projects listed in Table 4-1 would generally not result in substantial impacts related to biological resources. Of the eight cumulative projects, three are discussed in more detail below in this Section 4.3.5 due to their proximity to open space areas with potential biological resources.

---

<sup>14</sup> The NCCP/HCP text specifically states that "the failure or inability to obtain a conservation easements over private lands located within Existing Use areas shall not be deemed a breach of the NCCP/HCP..."

<sup>15</sup> The City of Anaheim is a signatory Local Government jurisdiction.

Cumulative impacts are related to site-specific impacts to biological resources and thus would be mitigated, as necessary, on a project-by-project basis. For example, as noted below, each cumulative project would be required to complete a site-specific, biological technical report and incorporate all recommendations set forth therein and otherwise ensure compliance with all applicable laws and regulations governing biological resources. Given the site-specific nature of these issues, combined with a comprehensive regulatory framework with which each cumulative development would be required to comply, this would ensure there would be a less than significant cumulative impact given the site-specific nature of these issues. As with the Project, all of the other cumulative projects would be required to obtain regulatory permits if they propose work within drainages that are subject to the regulatory approval of CDFW and RWQCB. Similarly, all cumulative projects that result in removal of vegetation would be required to comply with the provisions of the MBTA and other regulations, which would minimize potential impacts from these projects on migratory birds. Also, any cumulative projects that are located along the City of Anaheim's scenic corridor and that would impact specimen trees would be required to comply with provisions in the AMC for tree replacement.

A proposed cemetery would be located on a site that has been previously used for sand and gravel extraction; therefore, much of the native habitat within the proposed cemetery site has already been cleared. However, there is potential that the cemetery site could contain native plants, special status species, and sensitive natural communities. Approval of the proposed cemetery would be required to comply with CEQA, which would ensure that any biological resource impacts of the cemetery project are evaluated and mitigated if needed. Also, there may be drainages within the cemetery site that may require regulatory permits from CDFW and RWQCB if they were to be impacted. Similar to the Project, the cemetery project would be required to obtain regulatory permits and compensate for impacts to jurisdictional drainages in coordination with CDFW and RWQCB. The cemetery project has potential to encroach on wildlife movement from undeveloped and open space areas to the south of that site, such as Weir Canyon, Blind Canyon, and Fremont Canyon north to the Santa Ana River. These potential impacts would be evaluated as part of the CEQA process for that project and wildlife movement impacts would be mitigated, if required.

The Project would provide improved access and infrastructure to three parcels that are located south of the Project Site, which are between the Project Site and Deer Canyon Park Preserve. Therefore, the Project would make it less challenging to develop these parcels which in turn would increase the likelihood of these parcels ultimately being developed. These parcels are covered by zoning and land use designations that allow for residential development. If these parcels were to be developed with residential development, it is likely that any such project or projects within these parcels would have similar biological resource impacts as the Project given the similarity and proximity of these parcels to the Project Site. Potential biological resource impacts of any future development of the three parcels south of the Project Site would be evaluated as part of the CEQA process for any such project and any related biological resource impacts would be mitigated.

As noted above, the Project as well as a cemetery and the future development of three parcels immediately south of the Project Site are the primary actions in the Project Site vicinity that

have the potential to impact biological resources. All three projects would be required to fully mitigate their impacts pursuant to the CEQA process as well as the regulatory processes discussed above in this section.

With respect to the Project, it would not make a cumulatively considerable contribution to the already less than significant cumulative impacts related to biological resources. Similar to the other cumulative developments, pursuant to a comprehensive technical evaluation of the Project Site and vicinity, the Project would be required to implement numerous mitigation measures as well as comply with any and all permitting requirements to the extent applicable under a robust regulatory framework, and otherwise ensure compliance with all applicable laws and regulations governing biological resources.

Therefore, cumulative impacts of the Project related to biological resources would be less than significant.

### **4.3.6 MITIGATION PROGRAM**

**MM BIO-1:** The Property Owner/Developer shall mitigate for impacts to coastal sage scrub and coastal California gnatcatcher prior to the issuance of a grading permit through one or a combination of the following options, as elected by the Project Owner/Developer and approved by the USFWS and CDFW: (1) payment of the NCCP/HCP mitigation fee (only if allowed by the USFWS and CDFW because the Project is within an Existing Use area); (2) long-term preservation of existing coastal sage scrub habitat occupied by coastal California gnatcatchers at an on-site or off-site location; and/or (3) restoration of coastal sage scrub habitat at an on-site or off-site location. Coastal sage scrub shall be replaced at a minimum 1:1 ratio, or as otherwise determined by the USFWS and CDFW.

Prior to the issuance of a grading permit, the Property Owner/Developer shall obtain a Biological Opinion from the USFWS describing the mitigation requirements. If the mitigation fee option is allowed, the Property Owner/Developer shall pay the mitigation fee (calculated based on the above-referenced ratio) to the NCCP Non-profit Corporation for the replacement of impacted coastal sage scrub resources prior to the issuance of a grading permit. If the preservation option is selected, a Long Term Protection and Management Plan (LTPMP) shall be prepared by a qualified Restoration Ecologist and shall be reviewed and approved by the USFWS and CDFW prior to the issuance of a grading permit. If the option of restoration of coastal sage scrub habitat is selected, a Habitat Mitigation and Monitoring Program (HMMP) shall be prepared by a qualified Restoration Ecologist and reviewed and approved by the USFWS and CDFW prior to the issuance of a grading permit. If either options #2 or #3 are selected, the Property Owner/Developer shall be responsible for implementing either the LTPMP and/or HMMP and ensuring that the mitigation program achieves the approved performance criteria. If either options #2 or #3 are selected, the Property Owner/Developer

shall implement the LTPMP or HMMP per its specified requirements, materials, methods, and performance criteria.

If option #3 is selected, the HMMP shall include the following items:

- **Responsibilities and Qualifications.** The responsibilities and qualifications of the Property Owner/Developer, ecological specialists, and restoration (landscape) contracting personnel who shall implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of Southern California native habitat mitigation/restoration programs. A successful program shall be defined as one that has been signed off on by the resource agencies.
- **Performance Criteria.** Mitigation performance criteria to be specified in the HMMP shall conform to the resource agency permit conditions. The HMMP shall state that the use of the mitigation site(s) by special status wildlife species (e.g., coastal California gnatcatcher), though not a requirement for site success, would be regarded by the resource agencies as a significant factor in considering eligibility for program sign-off.
- **Site Selection.** The mitigation site(s) shall be determined in coordination with the Property Owner/Developer and the resource agencies. To maximize the value of the habitat provided, the site(s) shall be contiguous to other permanently preserved parcels. The soils and other physical characteristics of the potential mitigation site(s) shall be analyzed to ensure that proper conditions exist for the establishment of coastal sage scrub habitat.
- **Seed Materials Procurement.** At least one year prior to mitigation implementation, the Property Owner/Developer or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin (i.e., collected within 20 miles, and within the same watershed, as the selected restoration/enhancement site), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized per habitat area, in the following order: (a) Project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.
- **Wildlife Surveys and Protection.** The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., coastal California gnatcatcher]) and biological monitoring that are required to avoid significant adverse impacts to wildlife species during the performance of mitigation site preparation,

installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these tasks due to special status wildlife conditions on the mitigation site(s) (e.g., suspension of these tasks during the nesting bird season).

- **Site Preparation and Plant Materials Installation.** Mitigation site preparation shall include all of the following: (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not “photo-degradable” plastic mesh] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application.
- **Schedule.** An implementation schedule shall be developed that includes planting and seeding to occur in the fall and winter (i.e., between November 1 and January 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below) for five years or until the mitigation program achieves the approved performance criteria and has been released from maintenance requirements by the resource agencies.
- **Maintenance Program.** The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) upon Project completion. The mitigation site(s) shall be maintained for a period of five years to ensure successful coastal sage scrub habitat establishment within the restored/enhanced sites; however, the Property Owner/Developer may request to be released from maintenance requirements by the resource agencies prior to five years if the mitigation program has achieved all performance criteria.

- **Monitoring Program.** The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the Property Owner/Developer and the resource agencies for five years following implementation of site preparation and plant materials installation activities; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species' use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address noncompliance (if any) with any performance criteria. The site(s) shall be monitored for five years following completion of site preparation and plant materials installation activities or until the Property Owner/Developer has been released from maintenance requirements by the resource agencies.
- **Long-term preservation.** Long-term preservation of the mitigation site(s) shall be outlined in the HMMP to ensure that the mitigation site(s) are not impacted by future development.

The NCCP/HCP requires the following construction-related measures by implemented during construction:

- To the maximum extent practicable, no grading of coastal sage scrub habitat that is occupied by nesting gnatcatchers shall occur during the breeding season (i.e., February 15 through July 15). It is expressly understood that this provision and the remaining provisions of these "construction-related minimization measures," are subject to public health and safety considerations. These considerations include unexpected slope stabilization, erosion control measures, and emergency facility repairs. In the event of such public health and safety circumstances, the Property Owner/Developer shall provide USFWS/CDFW with the maximum practicable notice (or such notice as is specified in the NCCP/HCP) to allow for capture of gnatcatchers, cactus wrens, and any other coastal sage scrub Covered Species that are not otherwise flushed and shall carry out the following measures only to the extent as practicable in the context of the public health and safety considerations.
- Prior to the commencement of grading operations or other activities involving significant soil disturbance, all areas of coastal sage scrub habitat to be avoided under the provisions of the NCCP/HCP, shall be identified with temporary fencing or other markers clearly visible to construction personnel. Additionally, prior to the commencement of grading operations or other activities involving disturbance of coastal



sage scrub, a survey shall be conducted to locate gnatcatchers and cactus wrens within 100 feet of the outer extent of projected soil disturbance activities and the locations of any such species shall be clearly marked and identified on the construction/grading plans.

- A monitoring biologist, acceptable to USFWS/CDFW shall be onsite during any clearing of coastal sage scrub. The Property Owner/Developer shall advise USFWS/CDFW at least 7 calendar days prior to the clearing of any habitat occupied by Covered Species to allow USFWS/CDFW to work with the monitoring biologist in connection with bird flushing capture activities. The monitoring biologist shall flush Covered Species (avian or other mobile Covered Species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If birds cannot be flushed, they shall be captured in mist nets, if feasible, and relocated to areas of the site(s) to be protected or to the NCCP/HCP Reserve System. It shall be the responsibility of the monitoring biologist to assure that Covered Bird Species shall not be directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities on a timely basis.
- Following the completion of initial grading/earth movement activities, all areas of coastal sage scrub habitat to be avoided by construction equipment and personnel shall be marked with temporary fencing or other appropriate markers clearly visible to construction personnel. No construction access, parking, or storage of equipment shall be permitted within such marked areas.
- In areas bordering the NCCP Reserve System containing significant coastal sage scrub identified in the NCCP/HCP for protection, vehicle transportation routes between cut-and-fill locations shall be restricted to a minimum number during construction consistent with Project construction requirements. Waste dirt or rubble shall not be deposited on adjacent coastal sage scrub identified in the NCCP/HCP for protection. Pre-construction meetings involving the monitoring biologist, construction supervisors, and equipment operators shall be conducted and documented to ensure maximum practicable adherence to these measures.
- Coastal sage scrub identified in the NCCP/HCP for protection and located within the likely dust drift radius of construction areas shall be periodically sprayed with water to reduce accumulated dust on the leaves as recommended by the monitoring biologist.

**MM BIO-2:** The Property Owner/Developer shall mitigate for impacts to chaparral vegetation (i.e., toyon-sumac chaparral and toyon-sumac chaparral/ruderal) prior to issuance of a grading permit through one or a combination of the following options, as elected by the Project Owner/Developer and as approved

by the City of Anaheim: (1) payment of the adopted applicable in-lieu mitigation fee to an approved mitigation bank; (2) long-term preservation of existing chaparral habitat at an on-site or off-site location; and/or (3) restoration of chaparral habitat at an on-site or off-site location. Toyon-sumac chaparral shall be replaced at a minimum 1:1 ratio and toyon-sumac chaparral/ruderal shall be replaced at a minimum 0.5:1 ratio. The option selected by the Project Owner/Developer shall be approved by the City of Anaheim prior to issuance of a grading permit.

If the in-lieu mitigation fee option is selected, the Property Owner/Developer shall pay the mitigation fee (calculated based on the above-referenced ratio) to the mitigation bank for the replacement of impacted chaparral resources prior to the issuance of a grading permit. If the preservation option is selected, a LTPMP shall be prepared by a qualified Restoration Ecologist for review and approval by the City of Anaheim prior to issuance of a grading permit. If appropriate, the LTPMP may be combined with the coastal sage scrub LTPMP (described under **MM BIO-1**). If the option of restoration of chaparral habitat is selected, a HMMP shall be prepared by a qualified Restoration Ecologist for review and approval by the City of Anaheim prior to the issuance of a grading permit. If appropriate, the HMMP may be combined with the coastal sage scrub HMMP (described under **MM BIO-1**). If either options #2 or #3 are selected, the Property Owner/Developer shall be responsible for implementing either the LTPMP or HMMP and ensuring that the mitigation program achieves the approved performance criteria. The Property Owner/Developer shall implement the LTPMP or HMMP per its specified requirements, materials, methods, and performance criteria.

If selected, the HMMP shall include the following items:

- **Responsibilities and Qualifications.** The responsibilities and qualifications of the Property Owner/Developer, ecological specialists, and restoration (landscape) contracting personnel who shall implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of Southern California native habitat mitigation/restoration programs. A successful program shall be defined as one that has been signed off on by the City of Anaheim.
- **Performance Criteria.** Mitigation performance criteria to be specified in the HMMP shall conform to the mitigation requirements. The HMMP shall state that the use of the mitigation site(s) by special status wildlife species, though not a requirement for site success, would be regarded by the City of Anaheim as a significant factor in considering eligibility for program sign-off.

- **Site Selection.** The mitigation site(s) shall be determined in coordination with the Property Owner/Developer and the City. To maximize the value of the habitat provided, the site(s) shall be contiguous to other permanently preserved parcels. The soils and other physical characteristics of the potential mitigation site(s) shall be analyzed to ensure that proper conditions exist for the establishment of chaparral habitat.
- **Seed Materials Procurement.** At least one year prior to mitigation implementation, the Property Owner/Developer or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin (i.e., collected within 20 miles, and within the same watershed, as the selected restoration/enhancement site), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized per habitat area, in the following order: (a) Project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.
- **Wildlife Surveys and Protection.** The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species) and biological monitoring that are required to avoid significant adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these tasks due to special status wildlife conditions on the mitigation site(s) (e.g., suspension of these tasks during the nesting bird season).
- **Site Preparation and Plant Materials Installation.** Mitigation site preparation shall include all of the following: (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not “photo-degradable” plastic mesh] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application.
- **Schedule.** An implementation schedule shall be developed that includes planting and seeding to occur in the fall and winter (i.e., between November 1 and January 31) and the frequency of long-term

maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below) for five years or until the mitigation program achieves the approved performance criteria and has been released from maintenance requirements by the resource agencies.

- **Maintenance Program.** The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) following implementation of site preparation and plant materials installation activities. The mitigation site(s) shall be maintained for a period of five years to ensure successful coastal sage scrub habitat establishment within the restored/enhanced site(s); however, the Property Owner/Developer may request to be released from maintenance requirements by the resource agencies prior to five years if the mitigation program has achieved all performance criteria.
- **Monitoring Program.** The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the Property Owner/Developer and the resource agencies for five years following implementation of site preparation and plant materials installation activities; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species' use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address noncompliance (if any) with any performance criteria. The site(s) shall be monitored for five years following completion of site preparation and plant materials installation activities or until the Property Owner/Developer has been released from maintenance requirements by the resource agencies.
- **Long-term preservation.** Long-term preservation of the mitigation site(s) shall be outlined in the HMMP to ensure that the mitigation site(s) are not impacted by future development.

**MM BIO-3:** Prior to initiation of relevant Project construction activities, the Property Owner/Developer shall obtain all necessary permits that are required under

applicable laws and regulations for impacts to CDFW and RWQCB jurisdictional areas. Potential mitigation options shall include one or both of the following, as approved by CDFW and RWQCB: (1) payment of an in-lieu mitigation fee to an approved mitigation bank; (2) long-term preservation of existing riparian habitat at an on-site or off-site location; or (3) restoration of riparian habitat at an on-site or off-site location. Riparian habitat/jurisdictional areas shall be replaced at a minimum 1:1 ratio, or as otherwise determined by the resource agencies.

If the in-lieu mitigation fee option is selected by the Property Owner/Developer, the Property Owner/Developer shall pay the applicable mitigation fee (calculated based on the above-referenced ratio) to the mitigation bank for the replacement of impacted riparian resources prior to the initiation of the relevant Project construction activities. If the preservation option is selected, a LTPMP shall be prepared by a qualified Restoration Ecologist for review and approval by the CDFW and RWQCB; if appropriate, the LTPMP may be combined with the coastal sage scrub LTPMP (described under MM BIO-1). If restoration of riparian habitat is selected, a HMMP shall be prepared by a qualified Restoration Ecologist for review and approval by the CDFW and RWQCB; if appropriate, the HMMP may be combined with the coastal sage scrub HMMP (described under MM BIO-1). If options #2 or 3 are selected, the Property Owner/Developer shall be responsible for implementing either the LTPMP or HMMP and ensuring that the mitigation program achieves the approved performance criteria. If options #2 or 3 are selected, the Property Owner/Developer shall implement the LTPMP or HMMP per its specified requirements, materials, methods, and performance criteria.

The HMMP shall include the following items:

- **Responsibilities and Qualifications.** The responsibilities and qualifications of the Property Owner/Developer, ecological specialists, and restoration (landscape) contracting personnel who shall implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of Southern California native habitat mitigation/restoration programs, implemented under USACE, CDFW, and RWQCB permit conditions. A successful program shall be defined as one that has been signed off on by the resource agencies.
- **Performance Criteria.** Mitigation performance criteria to be specified in the HMMP shall conform to the resource agency permit conditions. The HMMP shall state that the use of the mitigation site(s) by special status wildlife species (e.g., least Bell's vireo), though not a requirement for site success, would be regarded by the resource agencies as a significant factor in considering eligibility for program sign-off.

- **Site Selection.** The mitigation site(s) shall be determined in coordination with the Property Owner/Developer and the resource agencies. To maximize the value of the habitat provided, the site(s) shall be contiguous to other permanently preserved parcels. The soils, hydrology/hydraulics, and other physical characteristics of the potential mitigation site(s) shall be analyzed to ensure that proper conditions exist for the establishment of riparian habitat.
- **Seed Materials Procurement.** At least one year prior to mitigation implementation, the Property Owner/Developer or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin; i.e., collected within 20 miles, and within the same watershed, as the selected restoration/enhancement site(s), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized per habitat area, in the following order: (a) project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.
- **Wildlife Surveys and Protection.** The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., least Bell's vireo]) and biological monitoring that are required to avoid significant adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these tasks due to special status wildlife conditions on the mitigation site(s) (e.g., suspension of these tasks during the nesting bird season, as defined in project permits).
- **Site Preparation and Plant Materials Installation.** Mitigation site preparation shall include all of the following: (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not "photo-degradable" plastic mesh] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application.
- **Schedule.** An implementation schedule shall be developed that includes planting and seeding to occur in the fall and winter (i.e.,



between November 1 and January 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below) for five years or until the mitigation program achieves the approved performance criteria and has been released from maintenance requirements by the resource agencies.

- **Maintenance Program.** The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with applicable seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) following implementation of site preparation and plant materials installation activities. The mitigation site(s) shall be maintained for a period of five years to ensure successful riparian habitat establishment within the restored/enhanced sites; however, the Property Owner/Developer may request to be released from maintenance requirements by the resource agencies prior to five years if the mitigation program has achieved all performance criteria.
- **Monitoring Program.** The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the Property Owner/Developer and the resource agencies for five years following implementation of site preparation and plant materials installation activities; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species' use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address noncompliance with any performance criteria. The site(s) shall be monitored for five years or until the Property Owner/Developer has been released from maintenance requirements by the resource agencies.
- **Long-term preservation.** Long-term preservation of the mitigation site(s) shall be outlined in the HMMP to ensure that the mitigation sites are not impacted by future development.

**MM BIO-4:** If CDFW determines that listing of the Crotch's bumble bee is not warranted prior to or during implementation of the Project's construction, this measure shall not be required and no further mitigation shall be necessary.

Until CDFW makes a determination, or if CDFW determines that listing of the Crotch's bumble bee is warranted, the following measure shall be required.

Prior to issuance of a grading permit, the Property Owner/Developer shall retain a qualified Biologist to conduct pre-construction focused surveys for Crotch's bumble bee within 500 feet of the relevant Project construction work area. The survey(s) shall be performed during the appropriate window for this species (i.e., March to July). Three visual surveys shall be conducted by a qualified Biologist. Surveys shall be conducted at least two hours after sunrise and three hours before sunset during suitable weather conditions. Sunny days with temperatures greater than 60 degrees Fahrenheit and wind speeds less than 8 mph are optimal, but partially cloudy days or overcast conditions are permissible if a person's shadow is visible. Surveys shall not be conducted during wet, foggy, or rainy conditions. Meandering transects shall be walked slowly within the Project focused survey area to obtain a 100% survey cover. Transect spacing shall depend on the habitat. The Biologist shall search for Crotch's bumble bee activity and the presence of ground nests. Cavities such as mammal burrows shall be inspected with binoculars for evidence of bumble bee use. If multiple exiting/entering bumble bees are observed at a cavity, further observation shall occur until nesting is confirmed (e.g., multiple individuals entering the cavity).

If no Crotch's bumble bee are observed, no further action shall be required within the year that the focused surveys is conducted, and no further mitigation shall be necessary. Because Crotch's bumble bee moves ground nests annually, the pre-construction focused surveys shall be repeated if construction does not begin before the spring (i.e., March 1) following the previous focused survey(s).

If Crotch bumble bee is present as determined by the focused survey(s), the Property Owner/Developer shall notify the City immediately and then shall consult with CDFW to determine if a permit (2081 or 2080.1) will be needed under applicable laws and regulations. If a permit is required under applicable laws and regulations, then the Property Owner/Developer shall obtain said permit prior to initiation of construction activities within 100 feet of the nest site. If no permit is needed, the Property Owner/Developer shall provide documentation to the City in the form of an email or memorandum from CDFW stating that no permit would be needed. If a ground nest is observed, it shall be protected in place until it is no longer active as determined by the qualified Biologist. An initial protective buffer of at least 100 feet shall be established around the active ground nest until CDFW can be consulted. A qualified Biologist shall determine the protective buffer distance needed depending on

the location with respect to construction activities and the type of construction activities occurring and CDFW shall approve any protective buffer that is proposed that is under 100 feet.

A Letter Report shall be prepared to document the results of the pre-construction surveys and shall be provided to the City and CDFW within 30 days of completion of the survey(s).

**MM BIO-5:** Per the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), the Property Owner/Developer shall retain a qualified Biologist to conduct a pre-construction survey for the burrowing owl no less than 14 days prior to any ground disturbance by the Project's construction activities and no greater than 30 days prior to ground disturbance in each Project work area. The pre-construction survey(s) for each work area shall include the area of proposed disturbance plus a 500-foot buffer (if access is available). If the pre-construction survey does not result in observing an active burrow, then no further mitigation is required.

If an active burrow is observed outside the breeding season (i.e., September 1 to January 31) and it cannot feasibly be avoided, the burrowing owl shall be passively excluded from the burrow following methods described in applicable CDFW guidelines. One-way doors shall be used to exclude owls from the burrows; doors shall be left in place for at least 48 hours. Once the burrow is determined to be unoccupied by the qualified Biologist, the burrow shall be closed by the qualified Biologist who shall excavate the burrow using hand tools. Once the foregoing occurs, then no further mitigation is required.

If an active burrow is observed outside the breeding season (i.e., September 1 to January 31) and it can be feasibly avoided, the Biologist shall determine an appropriate protective buffer for the burrow based on applicable CDFW guidelines. The buffer shall range from 160 feet to 1,640 feet depending on the level of impact and the time of year (Table 10). The designated buffer shall be clearly marked in the field and shall be mapped as an Environmentally Sensitive Area (ESA) on construction plans. The WEAP training shall include information on the protective buffer. The Property Owner/Developer or its designee shall contact CDFW to determine whether a reduced buffer can be accommodated without adversely impacting occupied burrows.

If an active burrow is observed during the breeding season (February 1 to August 31), the active burrow shall be protected until nesting activity has ended (i.e., all young have fledged from the burrow). The Biologist shall determine the appropriate protective buffer for the burrow based on applicable CDFW guidelines. The buffer shall range from 656 to 1,640 feet depending on the level of impact and the time of year (Table 5). The designated buffer shall be clearly marked in the field and be mapped as an ESA on construction plans. The Worker Environmental Awareness Program (WEAP)

training shall include information on the protective buffer. The Property Owner/Developer or its designee shall contact CDFW to determine whether a reduced buffer can be accommodated without adversely impacting occupied burrows. Construction shall be allowed to proceed when the qualified Biologist has determined that all fledglings have left the nest.

**TABLE 4.3-5  
BURROWING OWL PROTECTIVE BUFFER SIZES**

Time of Year	Level of Disturbance		
	Low	Medium	High
April 1 to August 15	656 feet (200 meters)	1,640 feet (500 meters)	1,640 feet (500 meters)
August 16 to October 15	656 feet (200 meters)	656 feet (200 meters)	1,640 feet (500 meters)
October 16 to March 31	164 feet (50 meters)	328 feet (100 meters)	1,640 feet (500 meters)
These buffers will be utilized unless a reduced buffer is authorized by CDFW.			

Upon completion of the pre-construction burrowing owl survey(s), a Letter Report shall be prepared and submitted to CDFW documenting the results of the survey(s) within two weeks of completion of the survey effort. If an active burrow is observed, the Letter Report shall include a description of the protective buffer that has been designated and a summary of any additional correspondence with the CDFW.

If time lapses of greater than 30 days occur during grading in a particular portion of the work area, an additional survey shall be conducted by a qualified Biologist within 24 hours prior to vegetation clearing and/or ground disturbance in that area. If any new burrowing owl burrows are observed, the conditions above shall be applied.

**MM BIO-6:** To the extent feasible, vegetation clearing shall be conducted during the non-breeding season (i.e., September 16 to January 31) to minimize direct impacts on nesting birds. If vegetation clearing would be initiated during the breeding season for nesting birds/raptors (i.e., February 1–September 15), the construction activity shall be conducted in compliance with the applicable conditions set forth in the Migratory Bird Treaty Act.

If vegetation clearing would be conducted during the breeding season (i.e., February 1–September 15), a pre-construction survey shall be conducted by a qualified Biologist (one with experience conducting nesting bird surveys) for nesting birds and/or raptors within three days prior to clearing of any vegetation or any work near existing structures. The nesting bird survey area shall include a buffer of 100 feet around the work area for nesting birds and a buffer of 500 feet around the work area for nesting raptors. If the Biologist

does not find any active nests within or immediately adjacent to the impact area, the vegetation clearing/construction work shall be allowed to proceed and no further mitigation shall be required.

If the Biologist finds an active nest within or immediately adjacent to the construction area and determines that the nest may be impacted or breeding activities substantially disrupted, the Biologist shall delineate an appropriate buffer zone (at a minimum of 25 feet) around the nest depending on the sensitivity of the species and the nature of the construction activity. Any nest found during survey efforts shall be mapped on the construction plans. The active nest shall be protected until nesting activity has ended. To protect any nest site, the following restrictions to construction activities shall be required until nests are no longer active, as determined by a qualified Biologist: (1) clearing limits shall be established within a protective buffer around any occupied nest (the protective buffer shall be 25–100 feet for nesting birds; 300–500 feet for special status bird species or nesting raptors), and (2) access and surveying shall be restricted within the established protective buffer of any occupied nest. Encroachment into the protective buffer around a known nest shall only be allowed if the Biologist determines that the proposed activity would not disturb the nest occupants. Protective buffers may be reduced if noise reduction measures (e.g., temporary noise barriers, sound blankets) are implemented to ensure that the raptor nest is not indirectly affected by construction noise, as determined by the qualified Biologist. Construction shall be allowed to proceed when the qualified Biologist has determined that fledglings have left the nest, or the nest has failed.

**MM BIO-7:** A pre-construction roosting bat survey (including both day and evening efforts) shall be conducted by a qualified Biologist within two weeks prior to the initiation of construction within a specific work area to ensure that no active day-roosts would be significantly impacted. The day survey shall involve inspecting trees and xeric cliff faces within the relevant Project work area for sign of bat roosting. The evening survey shall involve monitoring each potential roost site for evening emergence, conducting exit counts, and acoustic monitoring (from a half an hour before sunset to at least one hour after sunset) near potential roosts. If active bat day-roosts occur within the relevant Project work area, bat exclusion devices shall be installed under the supervision of a qualified Biologist prior to the start of construction within the relevant Project work area.

If active bat day-roosts occur within xeric cliff faces, exclusionary measures, such as barriers with one-way doors or permanent exclusion (e.g., caulking or wire mesh), shall be installed under the supervision of a qualified Biologist.

If active bat day-roosts occur within xeric cliff faces, exclusionary measures, such as barriers with one-way doors or permanent exclusion (e.g., caulking or wire mesh), shall be installed under the supervision of a qualified Biologist.

If active bat day-roosts occur within trees proposed for removal, then the Property Owner/Developer shall elect to either (i) conduct the relevant tree removal between September and November (to avoid the bat maternity and the bat hibernation season), or (ii) proceed with the tree removal without any timing constraints but under the supervision of a qualified Biologist and utilizing phased tree trimming. Phased tree trimming consists of cutting off branches one day, and cutting down the stem(s) of a tree no sooner than 24 hours later. If avoidance of bat hibernation and bat maternity season is not feasible or if the Property Owner/Developer otherwise elects to proceed pursuant to option #2 above, then exclusionary measures, such as netting or phased tree trimming, shall be implemented after the evening roost emergence under the supervision of a qualified Biologist. Once bats have been excluded from the trees to be removed, then tree removal can proceed.

- MM BIO-8:** To limit the amount of human disturbance in habitat areas of the Project Site that would not be developed (i.e., undisturbed areas to the west, south, and east of the Project footprint) during the Project's operation, the Property Owner/Developer shall prepare a fencing plan for review and approval by the City of Anaheim prior to issuance of a grading permit. The Project's permanent fencing shall be designed to deter the Project's residents (including their pets, horses, bicycles, and vehicles) from entering undeveloped portions of the Project Site, except along established roads and/or trails. The fencing plan shall specify the use of split-rail fencing to direct residents to keep out of sensitive habitat in undeveloped areas of the Project Site and shall include interpretive signage displaying the natural resources in the area (e.g., coastal California gnatcatcher, riparian areas, oak woodlands). Fencing shall be installed in accordance with the fencing plan prior to the issuance of an occupancy permit. Fencing shall be maintained in perpetuity by the Property Owner/Developer.

Also, dogs shall be required to be kept on leash at all times while outdoors on the Project Site. The Property Owner/Developer shall post and maintain signage along the perimeter of the Project Site, between the Project's grading footprint and the undeveloped areas of the Project Site, stating that dogs are required to be leashed at all times when outdoors within the Project Site.

- MM BIO-9:** During operation of the Project, anticoagulant rodenticides shall not be used anywhere within the Project Site. Specifications related to landscaping and maintenance of the Project's commercial and multiple-family exterior areas and landscaping shall prohibit the use of anticoagulant rodenticides (e.g., difenacoum, brodifacoum, bromadiolone, difethialone, warfarin, chlorophaninone, and diphacinone).

Prior to final building and zoning inspections, the Project Owner/Developer shall provide CC&Rs, reciprocal easements, or a similar document recorded on the property to the City for approval. To ensure ongoing compliance, the

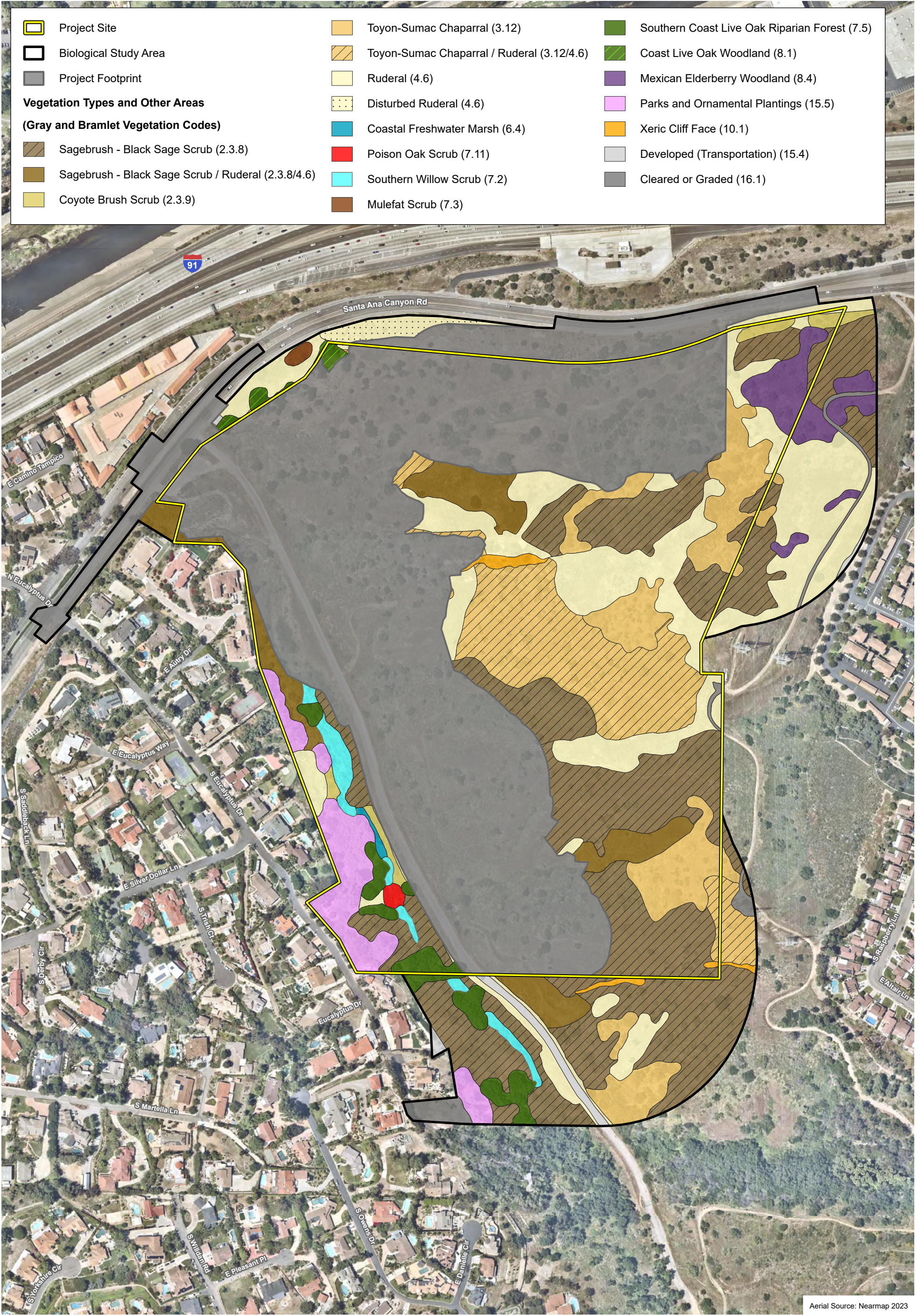


Community Codes and Regulations (CC&Rs) reciprocal easements, or a similar document recorded on the property for the single-family residential, commercial, and multiple-family residential uses shall prohibit the use of rodenticides in exterior and landscaping areas. Modifications to the CC&Rs shall also require City approval.

**MM BIO-10:** To avoid and minimize the introduction and spread of invasive exotic plant species, the following measures shall be implemented.

- **Minimize Introduction of Weed Seeds:** Prior to issuance of a grading permit, the Property Owner/Developer shall demonstrate that Construction Plans include the following notes related to the introduction of weed seeds: (1) Construction vehicles (e.g., excavators, backhoes, dump trucks) shall be washed prior to delivery to the construction site to prevent weed seeds from entering the construction area in mud on the tires or undercarriage. (2) Track-clean or other methods of vehicle cleaning shall be used by the construction contractor to prevent weed seeds from entering/exiting the construction site on vehicles. (3) Wattles used for erosion control shall be biodegradable and certified as weed-free. These procedures shall be implemented throughout construction.
- **Minimize Introduction of Invasives in Landscaping:** Prior to issuance of a building permit, the Property Owner/Developer shall submit the Landscaping Plans to the City of Anaheim for review and approval prior to issuance of a building permit. The City of Anaheim will review the landscaping plans along with a qualified Biologist under contract to the City. The City's Biologist shall make suggestions for suitable substitutes if needed.
  - The review shall ensure that no invasive, exotic plant species are used in proposed landscaping and that suitable substitutes are proposed (i.e., those listed on the California Invasive Plant Council's Invasive Plant Inventory with a Risk Rating of "High" [Cal-IPC 2023]).
  - To the extent practicable, the Project's Landscaping Plans shall include transition zones in areas of the development that are adjacent to undeveloped areas (see Exhibit 4.3-7). The landscaping within these transition zone shall be designed to buffer adjacent natural habitats from human activity using native plantings (e.g., lemonade berry, western sycamore, coast live oak, etc.). Landscaping shall use plants native to the area from the Recommended Acceptable Fire Resistive Plant Species (Anaheim Fire & Rescue 2018).
- **C. Ongoing Compliance With Landscaping:** Prior to final building and zoning inspections, the Project Owner/Developer shall provide CC&Rs,







reciprocal easements, or a similar document recorded on the property to the City for approval. To ensure ongoing compliance, the CC&Rs, reciprocal easements, or a similar document recorded on the property for commercial, multiple-family, and residential lots shall prohibit the use of highly invasive species (i.e., those listed on the California Invasive Plant Council's Invasive Plant Inventory with a Risk Rating of "High" [Cal-IPC 2023]). Modifications to the CC&Rs shall also require City approval.

**MM BIO-11:** The Property Owner/Developer shall submit lighting plan for the Project to the City of Anaheim for review and approval prior to issuance of a grading permit. The lighting plan shall provide the type and location of all proposed exterior lighting. All exterior lighting within the proposed development (i.e., exterior building lights, ground level landscaping lights, and lighting on the rooftop deck) and roadways (i.e., streetlights) shall be directed away from undeveloped portions of the Project Site (i.e., undeveloped areas to the west, south, and east of the Project footprint, see Exhibit 4.3-7). Specifically, exterior lighting that is installed along the western, southern, and eastern edges of the Project development shall be down-cast, diffused, shielded, low intensity, and located so that direct rays are confined to the permanently impacted portions of the Project Site. The lighting plan shall demonstrate that lighting levels will not increase lighting levels more than 0.5-foot-candle over ambient conditions at the Project's edge (i.e., where the buildings, roadways, landscaping, and lighting structures end) adjacent to undeveloped areas to the west, south, and east of the Project.

Prior to final building and zoning inspections, the Project Owner/Developer shall provide CC&Rs, reciprocal easements, or a similar document recorded on the property to the City for approval. To ensure ongoing compliance, this exterior lighting requirement shall be included as a mandatory requirement for future owners and occupants in the CC&Rs, reciprocal easements, or a similar document recorded on the property, for commercial, multiple-family, and single-family residential lots. Modifications to the CC&Rs shall also require City approval.

**MM BIO-12:** Prior to issuance of a building permit, the Property Owner/Developer shall submit the Project's plans for to the City of Anaheim for review and approval that demonstrates that window/glass designs for the multiple-family residential building, commercial buildings, perimeter fencing, and exterior landscaping minimizes bird strikes. This may include minimization measures such as the use of bird-safe glass or through placement or the angling of windows/glass downward so that the windows reflect the ground instead of the surrounding habitat or sky. The American Bird Conservancy has established the "2 X 4 Rule", which describes the distance between elements making up a pattern applied to windows for the purpose of preventing bird strikes. To be effective, the pattern must uniformly cover the entire window

and consist of elements of any shape (e.g., lines, dots, other geometric figures) separated by no more than 2 inches if oriented in horizontal rows, or 4 inches if oriented in vertical columns (i.e., the 2 X 4 Rule). These patterns reduce bird-window collisions when applied to the outer surface of reflective panes. Greater spacing between pattern elements increases the risk of a strike and casualties. Bird-safe glass may include a uniformly dense dot, striped, or grid pattern created as ceramic frit on the external surface of the window or a uniformly dense dot, striped, or grid patterns of clear UV-reflecting and UV-absorbing film applied to the exterior of windows. It should be noted that single decals (e.g., falcon silhouettes or large eye patterns) are ineffective and shall not be used unless the entire glass surface is uniformly covered with the objects or patterns (Klem 1990).

**MM BIO-13** A Worker Environmental Awareness Program Training and biological monitoring will be implemented during the Project's construction as detailed below.

- **Biological Monitoring:** Prior to issuance of a grading permit, the Property Owner/Developer shall hire a qualified Biologist or Biologists to oversee implementation of the mitigation program and regulatory permit conditions during construction. The qualified Biologist(s) shall be approved by the City, CDFW, and USFWS. Prior to the initiation of construction, a qualified Biologist shall ensure that the Project limits are clearly staked. A qualified Biologist shall be present during all vegetation clearing activities. A qualified Biologist shall ensure that construction and personal vehicles will be parked in designated areas and that smoking shall be limited to designated areas with appropriate containers for disposal of cigarette butts.
- **B. Worker Environmental Awareness Program (WEAP) Training:** Prior to the issuance of a grading permit, and for each subsequent phase of construction, a qualified Biologist shall provide a Worker Environmental Awareness Program (WEAP) training for construction personnel to review the mitigation measures and permit requirements applicable to construction. The training shall cover: Threatened, Endangered, and other special status species that occur immediately adjacent to the construction area; the Project's location within a NCCP/HCP Existing Use area; consequences for violating the federal/State Endangered Species Acts and the Migratory Bird Treaty Act; risk of igniting fires adjacent to wildlands; leaving wildlife unharmed; applicable mitigation measures and permit conditions; and contact information for the Designated Biologist and the City of Anaheim. At the completion of each training, the Designated Biologist shall have trained personnel sign the WEAP Log to document that they have been trained and understand the mitigation measures and permit conditions. The WEAP training shall be repeated, as-needed, for new

construction personnel; all construction staff members shall be trained within one week of beginning work on the Project.

#### **4.3.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of mitigation measures **MM BIO-1** through **MM BIO-13**, potentially significant impacts related to biological resources would be reduced to less than significant.

*This page intentionally left blank*



## 4.4 CULTURAL RESOURCES

### 4.4.1 EXISTING CONDITIONS

#### Precontact and Historic Cultural Resources

##### *South Central Coastal Information Center Records Search*

A cultural resources records search and literature review for the Project Site was conducted at the South Central Coastal Information Center (SCCIC) in November 2022. The records search included a one-mile radius<sup>1</sup> around the Project Site and was conducted by Psomas cultural resource staff. The purpose of the search was to identify precontact<sup>2</sup> or historic archaeological sites or historic buildings and structures previously recorded within and around the Project Site. The results revealed that 21 cultural resource studies have been conducted within the one-mile radius of the Project Site. Of the 21 studies, four studies crossed the Project Site as early as 1984 and as recently as 2001. The types of studies identified within the Project Site include archaeological resource surveys and assessments, and literature and background research for the region. These studies support the assumption of the archaeological sensitivity of the region, including the Project Site. The SCCIC records search identified three previously recorded off-site cultural resources within one mile of the Project Site. Table 4.4-1 below provides further details for each of these three cultural resources.

**TABLE 4.4-1  
OFF-SITE CULTURAL RESOURCES WITHIN ONE MILE OF THE PROJECT SITE**

Primary No.	Trinomial No.	Resource Description	Year Recorded/Updated	Recorded by	Type/Age
P-30-000819	CA-ORA-819	Lithic Scatter; habitation debris	1979	Douglas and Nelson	Site/Precontact
P-30-000945	CA-ORA-945	Lithic Scatter	1978	Padon and Whitney	Site/Precontact
P-30-001244	CA-ORA-1244	Lithic Scatter	1990	Brown	Site/Precontact
Source: SCCIC 2022.					

All three off-site cultural resources are precontact in origin and offer a glimpse into the past lifeways of precontact California. A variety of archaeological assemblages (material culture)

<sup>1</sup> This one-mile radius is consistent with typical, industry protocols. The one-mile radius provides a representation of the cultural resource surveys and resources that have been identified in the past within the region containing the Project Site.

<sup>2</sup> Precontact refers to the period before contact of an indigenous people with an outside culture.

were identified at each of the archaeological sites, including ground stone, stone bowl fragments, flaked stone (debitage), tools, hammerstones, and abalone shell.

- P-30-000819 (CA-ORA-819) is a precontact archaeological site recorded in 1979. The site's artifact assemblage consists of a lithic scatter with habitation debris consisting of ground stone (manos, mano fragments, metate fragments), debitage (remnants from the manufacturing and maintenance of stone tools), and abalone shell. Resources were collected in 1979.
- P-30-000945 (CA-ORA-945) is a precontact archaeological site recorded in 1978. The site's artifact assemblages consist of a lithic scatter with debitage, ground stone fragments, flaked stone tool fragments, and hammerstone. It is unknown if the resources were collected.
- P-30-001244 (CA-ORA-1244) is a precontact archaeological site recorded in 1990. The site's artifact assemblages consist of a lithic scatter with debitage, stone bowl fragments, flaked stone scraper tools, and a hammerstone. Resources were collected in 1990.

None of the identified precontact archaeological resources are within the Project Site; therefore, none would be impacted by the Project.

### ***Archaeological Field Survey***

In May 2023, a Psomas senior archaeologist conducted a pedestrian survey for unrecorded existing cultural resources on the Project Site. The Project Site is primarily undeveloped and is currently vacant. There is a private paved maintenance access road ("Deer Canyon Road") that is located within the western portion of the Project Site that connects to Santa Ana Canyon Road in the north. There are also private dirt access roads throughout the Project Site. No buildings are currently located on-site.

Based on the survey, it was determined there were no known existing archaeological or historic resources within the Project Site.

### ***Buried Site Potential***

In addition to the pedestrian survey, the potential for unidentified cultural resources on the Project Site and in the vicinity was reviewed against geologic and topographic geographic information for the general area containing the Project Site. Also, input obtained during tribal consultation was included in this analysis. Given the proximity to the Santa Ana River and due to historic presence of Native American communities near the Project Site, there is potential for buried historic resources to be encountered during Project-related grading and other ground-disturbance activities.

### ***Native American Heritage Commission***

Psomas submitted a request to the Native American Heritage Commission (NAHC) for a Sacred Lands File (SLF) search on November 2, 2022. Results were received on November

29, 2022. The result of the SLF check conducted through the NAHC was negative, meaning there were no known sacred lands within the Project Site. The SLF results summary from the NAHC is presented in Appendix G.

The results of tribal consultation that was conducted for the Project pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18 is presented in Section 4.16, Tribal Cultural Resources.

## **4.4.2 REGULATORY SETTING**

### **Federal**

#### ***National Historic Preservation Act***

The National Historic Preservation Act (NHPA) of 1966, as amended, promotes the preservation, enhancement, and productive use of historic resources. The NHPA established the Advisory Council on Historic Preservation (ACHP) and provided procedures for the ACHP and federal agencies in promoting historic preservation. Properties of traditional religious and cultural importance to Native Americans are protected under Section 101(d)(6)(A) of the NHPA.

The NHPA established the National Register of Historic Places (NRHP), which is discussed further below. The NRHP contains an inventory of the nation's known significant prehistoric and historic properties. Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed below. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

Section 106 of the NHPA requires that federal actions and the use of federal funds consider their potential effects on historic properties or those listed in or eligible for listing in the NRHP. Under Section 106, the significance of any adversely affected cultural resource is assessed and mitigation measures are proposed to reduce the impacts to an acceptable level.

#### ***National Register of Historic Places***

Authorized by the NHPA, the United States (U.S.) Department of the Interior National Park Service's NRHP is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources. The NRHP is the official list of the nation's historic places worthy of preservation. Listing on the NRHP places no obligations on private property owners. It places no restrictions on the use, treatment, transfer, or disposition of private property. Listing on the NRHP does, however, incentivize preservation. Property owners can become eligible to receive federal preservation grants and federal tax credits; and they may utilize alternative methods of preservation in compliance with building code provisions. Under 36 Code of Federal

Regulations Part 60, a resource may qualify for listing on the NRHP if it is at least 50 years old, possess integrity, and meets one of the following criteria:

- A. It is associated with significant events in history, or that have made a significant contribution to the broad patterns of our history; or
- B. It is associated with the lives of persons significant in our past; or
- C. It embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. It has yielded or may be likely to yield information important in prehistory or history.

### **Integrity**

To be eligible for listing in the NRHP, a property must retain sufficient integrity to convey its significance. The NRHP publication *How to Apply the National Register Criteria for Evaluation* (National Register Bulletin 15) establishes how to evaluate the integrity of a property: “Integrity is the ability of a property to convey its significance”. The evaluation of integrity must be grounded in an understanding of a property’s physical features and how they relate to the concept of integrity. Determining which of these aspects are most important to a property requires knowing why, where, and when a property is significant. To retain historic integrity, a property must possess several, and usually most, aspects of integrity:

- 1. **Location** is the place where the historic property was constructed or the place where the historic event occurred.
- 2. **Design** is the combination of elements that create the form, plan, space, structure, and style of a property.
- 3. **Setting** is the physical environment of a historic property and refers to the character of the site and the relationship to surrounding features and open space. Setting often refers to the basic physical conditions under which a property was built and the functions it was intended to serve. These features can be either natural or man-made, including vegetation, paths, fences, and relationships between other features or open space.
- 4. **Materials** are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
- 5. **Workmanship** is the physical evidence of crafts of a particular culture or people during any given period of history or prehistory and can be applied to the property as a whole or to individual components.

6. **Feeling** is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, when taken together, convey the property's historic character.
7. **Association** is the direct link between the important historic event or person and a historic property.

### ***Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation***

The Secretary of the Interior's (SOI's) Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995) (SOI's Standards) were codified in 1995 (36 Code of Federal Regulations [CFR] Part 68) to establish professional standards that apply to all proposed development grant-in-aid projects assisted through the National Historic Preservation Fund and to serve as general guidance for work on any other historic building. The SOI Standards apply to historic properties of all periods, styles, types, materials, and sizes. The ten Standards for Rehabilitation are:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## **State**

### ***California Environmental Quality Act***

The Project is subject to compliance with the California Environmental Quality Act (CEQA), as amended. Compliance with State CEQA statute and guidelines requires both public and private projects with financing or approval from a public agency to assess the project's impact on cultural resources (Public Resources Code (PRC) Sections 21082, 21083.2, 21084 and 21084.1 and State CEQA Guidelines Section 15064.5). Cultural resources are recognized as nonrenewable resources and receive additional protection under the Public Resources Code and CEQA. Archaeological and historical sites are protected pursuant to a wide variety of State policies and regulations, as enumerated in the Public Resources Code.

Cultural resources are buildings, sites, humanly modified landscapes, traditional cultural properties, structures, or objects that may have historical, architectural, cultural, or scientific importance based on established criteria. CEQA states that if a project will have a significant impact on important cultural resources, deemed "historically significant," then project alternatives and feasible mitigation measures must be considered. Additionally, any proposed project that may affect historically significant cultural resources must be submitted to the State Historic Preservation Officer (SHPO) for review and comment prior to project approval by the lead agency and prior to construction.

Impacts to cultural resources are considered significant if a project (1) physically destroys or damages all or part of a resource; (2) changes the character of the use of the resource or physical feature within the setting of the resource that contributes to its significance; and/or (3) introduces visual, atmospheric, or audible elements that diminish the integrity of significant features of the resource.

### ***State CEQA Guidelines Section 15064.5(a)—CEQA Definition of Historical Resources***

CEQA requires a lead agency to determine whether a project may have a significant effect on one or more historical resources. Specifically, under Public Resources Code Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resources is a project that may have a significant effect on the environment." The first step in the CEQA compliance process in terms of historical resources is to identify any that may be impacted by the project.



“Historical resource” is a term with a defined statutory meaning (Public Resources Code Section 21084.1). The determination of significant impacts on historical and archaeological resources is described in State CEQA Guidelines Sections 15064.5(a) and 15064.5(b). Pursuant to Public Resources Code Section 21084.1 and State CEQA Guidelines Section 15064.5(a), historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the [CRHR] (Public Resources Code Section 5024.1).
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the [CRHR] (Public Resources Code Section 5024.1).
4. The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1[k] of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1[g] of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Section 5020.1(j) or 5024.1.

Therefore, under CEQA, even if a resource is not included on any local, State, or federal register, or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination.

***CEQA/Public Resources Code Section 21083.2/State CEQA Guidelines Section 15064.5(c)— Effects on Archaeological Resources.***

If an archaeological site is considered not to be a historical resource but meets the definition of a “unique archaeological resource” as defined below, then it would be treated in accordance with the provisions of that section.

Specifically, the Lead Agency shall concurrently determine whether a project will cause damage to a unique archaeological resource (as defined in PRC § 21083.2[b]) and, if so, must make reasonable efforts to permit the resource(s) to be preserved in place or left undisturbed. To the extent this does not occur, then feasible mitigation measures shall be required (PRC § 21083.2[c]).

Public Resources Code Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the existing body of archaeological knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

***State CEQA Guidelines Section 15064.5(a)(3)—California Register of Historical Resources Criteria***

As defined by State CEQA Guidelines Section 15064.5(a)(3)(A-D), generally, a resource shall be considered historically significant if the resource meets the criteria for listing on the California Register of Historical Resources (CRHR) (described further below). The CRHR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP Standards may still be considered historically significant at a local or State level.

A lead agency must generally consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR.

Impacts to significant cultural resources that affect those characteristics of the resource that qualify it for the CRHR or adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment.

***State CEQA Guidelines Section 15064.5(d)—Effects on Human Remains***

Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (State CEQA Guidelines § 15064.5(d); PRC § 5097.98).

As discussed further herein, CEQA and other State laws and regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community:

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (State CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the Coroner must contact the NAHC within 24 hours. The NAHC must identify the Most Likely Descendant (MLD) to provide the opportunity to make recommendations for the treatment and disposal of human remains and associated burial items.
- If the MLD fails to make recommendations within 24 hours of notification or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance within the project site (PRC § 5097.98).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (State CEQA Guidelines § 15064.5(c)(2)).

### ***California Register of Historical Resources***

Public Resources Code Section 5024.1 requires evaluation of historical resources to determine their eligibility for listing in the CRHR. The purposes of the CRHR are to maintain listings of the State's historical resources and to indicate which properties are to be protected from substantial adverse change. The criteria for listing resources in the CRHR were expressly developed to be in accordance with previously established criteria developed for listing on the NRHP.

Administration of the CRHR is overseen by the NAHC. Section 5024.1 indicates that the register shall include historical resources determined by the NAHC, according to adopted procedures, to be significant and to meet the criteria in subdivision (c). The CRHR established a list of properties that are to be protected from substantial adverse change (PRC § 5024.1). A historical resource may be listed in the CRHR if it exhibits significance under one or more of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. It is associated with the lives of persons important in California's past.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value.
4. It has yielded or is likely to yield information important in prehistory or history.

In addition to exhibiting significance under one or more of the above criteria, a resource must also retain sufficient historical integrity to convey its significance. Historical integrity is the physical aspects of a resource related to its historic character. Integrity is evaluated through seven aspects: location, design, setting, materials, workmanship, feeling, and association.

The CRHR includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks, and eligible Points of Historical Interest. Other resources require nomination for inclusion in the CRHR. These may include:

- resources contributing to the significance of a local historic district,
- individual historical resources,
- historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Office procedures,
- historic resources or districts designated under a local ordinance consistent with Commission procedures, or
- local landmarks or historic properties designated under local ordinance.

### ***California Historical Building Code***

The California State Historical Building Code (CHBC) (California Code of Regulations [CCR], Title 24, Part 8) is intended to save California's architectural heritage by recognizing the unique construction issues inherent in maintaining and adaptively reusing historic buildings. The CHBC's standards and regulations facilitate the rehabilitation or change of occupancy so as to preserve their original or restored elements and features; to encourage energy conservation and a cost-effective approach to preservation; to provide for reasonable safety from fire, seismic forces, or other hazards for occupants and users of such buildings, structures, and properties; and to provide reasonable availability and usability by the physically disabled. The 2019 triennial edition of the CHBC, effective January 1, 2020, is the currently adopted code. The City has adopted the CHBC by reference.

### ***California Health and Safety Code (Sections 7050.5, 7051, and 7054)***

Sections 7050.5, 7051, and 7054 of the California Health and Safety Code collectively address the illegality of interference with human burial remains (except as allowed under applicable sections of the California Public Resources Code [PRC]). These sections also address the disposition of Native American burials in archaeological sites and protect such remains from disturbance, vandalism, or inadvertent destruction. Procedures to be implemented are established for (1) the discovery of Native American skeletal remains during construction of a project; (2) the treatment of the remains prior to, during, and after evaluation; and (3) reburial.

Section 7050.5 of the California Health and Safety Code addresses the treatment of human remains. It specifically provides for the disposition of accidentally discovered human remains. Section 7050.5 states that if human remains are found, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has determined the appropriate treatment and disposition of the human remains. As the Code states, “every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor” (Health and Safety Code § 7050.5) except under circumstances as provided in Public Resources Code Section 5097.99. As noted above, the regulations also provide guidelines for the treatment of human remains found in locations other than a dedicated cemetery, including responsibilities of the Coroner.

### ***California Public Resources Code (Section 5097.98)***

Public Resources Code Section 5097.98 addresses the discovery of human remains and provides protocol related thereto. It states that, if remains are determined by the Coroner to be of Native American origin, the Coroner must notify the NAHC within 24 hours. When the NAHC receives this notification from a Coroner, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land or his or her authorized representative, inspect the site of the remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. This regulation also requires that, upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations and all reasonable options regarding their preferences for treatment. As noted above, this section of the Public Resources Code has been incorporated into Section 15064.5(e) of the State CEQA Guidelines.

## **Local**

### ***Citywide Historic Preservation Plan***

In May 2010, the Anaheim City Council approved the Citywide Historic Preservation Plan, a list of contributors in the local historic districts, and a complete list of citywide historic structures. This plan provides procedures and criteria for designating historical resources. The Preservation Plan provides criteria for selecting special properties that merit historic designation. Official designation does not occur until the Planning and Building Director or the City Council certifies at the end of the application process that a building, structure, object, or district meets the criteria for designation. The City of Anaheim has three levels of recognition: (1) Historic Districts; (2) Historically Significant Structures; and (3) List of

Structures of Historical Interest. “Historic Districts” are usually contiguous groups of buildings that are best evaluated together due to their common history and physical characteristics that contribute to the significance of the district. “Historically Significant Structures” are single properties outside of historic districts that are visually identifiable reminders of the City’s history and the development of its built environment. The City maintains a “List of Structures of Historical Interest” to track properties outside of existing districts that have been identified by City staff or the public. These properties are simply a part of the City’s record for planning purposes. With further research, many of the properties on the list may be considered eventually for the higher designation of Historically Significant Structure.

### ***City Historic Preservation Program***

When the owner of a designated historic property or a potentially historic property (i.e., one included on the Structures of Historical Interest list) applies to the Building Division for a building permit, the property is flagged for consultation with Historic Preservation program staff. All buildings identified as contributors to historic districts, Qualified Historic Structures in districts, Historically Significant Structures, and buildings on the citywide Structures of Historical Interest list that have been surveyed using a California Department of Parks and Recreation Form 523a require review prior to issuance of a demolition permit by the City’s Building Division. This process is not intended to apply to demolitions ordered by the Building Division Official or Fire Chief of the City of Anaheim to remedy conditions determined to be dangerous to life, health, safety, or property.

### **4.4.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim’s Environmental Checklist, the Project would result in significant impacts related to cultural resources if it would:

- Threshold 4.4-a      Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.***
- Threshold 4.4-b      Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.***
- Threshold 4.4-c      Disturb any human remains, including those interred outside of dedicated cemeteries.***

As described more fully herein, Public Resources Code Section 5024.1, State CEQA Guidelines Section 15064.5, and Public Resources Code Sections 21083.2 and 21084.1 were used as the basic guidelines for this analysis.

See also Section 4.16, Tribal Cultural Resources, of this Draft EIR for discussion and analysis of the Project’s potential impacts on Tribal Cultural Resources (TCRs).



#### 4.4.4 IMPACT ANALYSIS

**Threshold 4.4-a**      *Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

*and*

**Threshold 4.4-b**      *Would the Project would cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?*

**Less Than Significant With Mitigation Incorporated.** A significant impact would occur if the Project's grading, excavation, and/or demolition activities were to disturb archaeological and/or historical resources that exist within the Project Site.

As described further above, there are no known historical or archaeological resources within the Project Site. The cultural resources records search and literature review conducted for the Project identified the presence of three archaeological resources within one mile of the Project Site, all of which are outside of the Project Site. A pedestrian survey was conducted by an archaeologist at the Project Site in 2023, during which no potential historical resources were observed. The SLF search did not identify any known resources or sacred lands within the Project Site. Finally, as described in more detail within Section 4.16, Tribal Cultural Resources, of this Draft EIR, there are no known TCRs or other historical resources that were identified by the consulting tribes during the AB 52 and SB 18 tribal consultations that were conducted for this Project, although during tribal consultation the Gabrieleno Band of Mission Indians-Kizh Nation identified the Project Site as being located within their Ancestral Tribal Territory.

As such, the Project would not cause a substantial adverse change in the significance of a known archaeological or historical resource.

Nevertheless, given that precontact archaeological sites have been recorded within one mile of the Project Site and because the Project would require excavation of previously undisturbed soils, there is a potential that the grading, excavation and/or demolition for the Project could impact unknown archaeological and/or historical resources since subsurface construction activities always have the potential to damage or destroy previously undiscovered cultural resources such as wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramic, and other refuse, if encountered. This would represent a potentially significant impact related to historic and/or archaeological resources. Therefore, the Project would be required to implement **MM CUL-1**, which includes requirements for archaeological monitoring. Also, **MM CUL-1** requires that any archaeological or historical materials that are uncovered or encountered during Project construction be appropriately evaluated by a qualified archaeologist. Furthermore, to the extent the resource is determined significant, then impacts thereto would need to be feasibly mitigated pursuant to recommendations of the qualified archaeologist. With implementation of **MM CUL-1**, the Project would have a less than significant impact related to these thresholds.

**Threshold 4.4-c**      ***Would the Project disturb any human remains, including those interred outside of formal cemeteries?***

**Less Than Significant Impact With Mitigation Incorporated.** The cultural records searches, pedestrian survey, and tribal consultations conducted for the Project have provided no information that indicates that there are any known human burials present within the Project Site. Nevertheless, given that precontact archaeological sites have been recorded within one mile of the Project Site and because the Project would require excavation of previously undisturbed soils, there is a potential that the grading, excavation and/or demolition for the Project could uncover and impact unknown resources in this regard. Therefore, to ensure this impact is less than significant, in the unlikely event that human remains were to be inadvertently discovered during Project construction activities, the standard procedures specified in **MM CUL-2** would be implemented to minimize impacts related to human remains. **MM CUL-2** requires that if human remains are encountered during construction activities that work shall be stopped in the nearby vicinity and the Coroner shall be contacted. Also, all other steps shall be taken pursuant to applicable laws and regulations with respect to discovery and treatment of human remains. In addition, in the event of the accidental discovery or recognition of any human remains, State CEQA Guidelines Section 15064.5(d), Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. Therefore, with implementation of **MM CUL-2**, the Project would have a less than significant impact related to this threshold.

#### **4.4.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects within the City of Anaheim. These cumulative projects include new industrial, commercial, and residential land uses on a mix of previously developed and undeveloped project sites. These cumulative projects are described in more detail in Table 4-1, which is provided in Section 4.0. The cumulative projects listed in Table 4-1 would generally not result in substantial impacts related to biological resources. The Project, combined with other cumulative projects, would involve demolition, grading, excavation and other types of ground disturbance within previously undisturbed soils, which could impact both known and unknown cultural resources. Under applicable laws and regulations, potential impacts in this regard would need to be evaluated and mitigated, as necessary, on a project-by-project basis. In addition, the Project, as well as other cumulative projects, would be required to comply with applicable federal, State, and local laws and regulations, including, among others, the provisions of SB 18 and AB 52, State CEQA Guidelines Section 15064.5, and Public Resources Code Sections 5024.1 and 5097. The foregoing would ensure that cumulative impacts from the Project and other cumulative projects related to cultural resources would be less than significant.

With respect to the Project's contribution to this already less than significant cumulative impact, as described above, there are no known historical or archaeological resources on-site. However, given the general archaeological sensitivity of the Project Site and vicinity, there is always the possibility that undiscovered archaeological and/or historical deposits may be present within the Project Site and could be disturbed during Project construction.

As such, the Project would be required to adhere to **MM CUL-1**, which requires a City-approved archaeologist to observe grading activities within native sediments, evaluate any resource finds, and if determined significant, then implement an appropriate mitigation plan that could include, among other things, the salvage and catalogue archaeological or historical resources that may be uncovered during excavation activities. Also, although no known cemeteries exist within or near the Project Site, there is the possibility that human remains could be uncovered during construction. Therefore, **MM CUL-2** has been incorporated as part of the Project, which requires that if suspected human remains are uncovered, that all activities near the remains be ceased and that the Corner be notified until the remains can be assessed and all other steps required by applicable laws and regulations are implemented.

The Project would be required to implement the mitigation measures set forth herein and adhere to all other applicable laws and regulations as well as applicable local plans, programs, and provisions in the General Plan and Municipal Code governing cultural resources. Therefore, the Project's contribution would not be cumulatively considerable, and there would be less than significant cumulative impacts in this regard.

#### **4.4.6 MITIGATION PROGRAM**

##### **Mitigation Measure**

**MM CUL-1** Prior to the issuance of the first grading permit for each Project phase (i.e., the multiple-family, commercial and single-family components, respectively), the Property Owner/Developer shall provide written evidence to the City that the Property Owner/Developer has retained a qualified archaeologist who meets the Secretary of the Interior's Professional Qualification standards for archaeology to observe grading activities within previously undisturbed soils, and to evaluate any previously unknown archaeological resources (if any), as necessary, which are discovered during Project construction. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance within previously undisturbed soils, and shall establish, in cooperation with the Property Owner/Developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts, as appropriate pursuant to applicable laws and regulations. If soils cannot be shown in geotechnical reports or by other means to have been previously disturbed, archaeological monitoring shall be conducted. If archaeological resources are inadvertently unearthed during excavation or other ground-disturbing activities, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery and the archaeologist and City shall be notified immediately. If the City, in consultation with the archaeologist, determines the archaeological resources to be significant, then the qualified archaeologist shall make recommendations to the City on the feasible measures that shall be implemented to protect the discovered resource(s), including, but not limited to, exploration, excavation, and/or salvage in accordance with State CEQA Guidelines Section 15064.5.

Any previously undiscovered resource(s) found during construction within the Project Site shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms.

If the relevant resource(s) (if any) are determined to be historical resources as defined under CEQA Guideline Section 15064.5 or a unique archaeological resource in Public Resources Code Section 21083.2, feasible mitigation measures and an archaeological treatment plan shall be developed by the qualified Archaeologist and recommended to the Property Owner/Developer and the City. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the find(s) as detailed in the archaeological treatment plan. After the find has been appropriately and feasibly avoided or mitigated, work in the area shall be permitted to resume.

**MM CUL-2** If any human remains are accidentally found or recognized during ground-disturbing activities, then the following steps shall be taken:

1. No further excavation or disturbance of the area where the remains were found or any nearby area that is reasonably suspected to overlie adjacent remains shall occur, in accordance with Section 7050.5 of the California Health and Safety Code, until the County Coroner is notified of the discovery, which shall happen immediately and the following steps are taken. If the Coroner determines that the remains are or believed to be Native American, s/he shall notify the NAHC in West Sacramento within 24 hours of the discovery. In accordance with Section 5097.98 of the California Public Resources Code, the NAHC shall identify and must immediately notify those persons it believes to be the most likely descended (MLD) from the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours of being notified by the NAHC, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98; OR,
2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the Project Site in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
  - The MLD identified fails to make a recommendation.

- The landowner or his or her authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

#### **4.4.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of mitigation measures **MM CUL-1** and **MM CUL-2**, the Project would result in a less than significant impact related to cultural resources.

*This page intentionally left blank*



---

## 4.5 **ENERGY**

### 4.5.1 **EXISTING CONDITIONS**

#### **Project Site and Vicinity**

Following is information about the existing environmental setting as of the date the NOP for this Draft EIR was published. For additional information regarding the existing conditions related to energy, this can be found in Section 4.3, Air Quality, Section 4.4, Greenhouse Gas Emissions and Section 4.11, Utilities and Service Systems of this Draft EIR.

The Project Site is primarily undeveloped and currently vacant and thus has no energy consumption. The City of Anaheim Public Utilities Department (APU) would be the provider of electrical services to the Project Site. The Southern California Gas Company provides natural gas service to the areas surrounding the Project Site.

#### **Energy Basics**

Energy use, especially through fossil fuel consumption and combustion, relates directly to environmental quality since it can have the potential to adversely affect air quality and generate greenhouse gas (GHG) emissions that may contribute to climate change. Energy is generally transmitted either in the form of electricity, measured in kilowatts (kW)<sup>1</sup> or megawatts (MW),<sup>2</sup> or natural gas, which is measured in British thermal units (BTU), or cubic feet.<sup>3</sup> Fuel, such as gasoline or diesel, is measured in gallons or liters. Electrical power is generated through a variety of sources, including fossil fuel combustion, hydropower, wind, solar, biofuels, and others. Natural gas is widely used to heat buildings, prepare food in restaurants and residences, and fuel vehicles, among other uses. Fuel use for transportation is related to the fuel efficiency of cars, trucks, and public transportation, choice of different travel modes such as automobile, carpool, and public transit, and miles traveled by these modes, and generally based on petroleum-based fuels such as diesel and gasoline. Electric vehicles (EVs) may not have any direct emissions but do have indirect emissions via the source of electricity generated to power the vehicle. Construction and routine operation and maintenance of infrastructure also consume energy.

#### ***Electricity***

Electricity is used primarily for lighting, appliances, vehicle charging, and other uses. Trends over the past several decades have resulted in an increase in the use of electric power,

---

<sup>1</sup> 1 kW = 1,000 watts; A watt is a derived unit of power that measure rate of energy conversion. 1 watt is equivalent to work being done at a rate of 1 joule of energy per second. In electrical terms, 1 watt is the power dissipated by a current of 1 ampere flowing across a resistance of 1 volt.

<sup>2</sup> 1 MW = 1 million watts

<sup>3</sup> A unit for quantity of heat that equals 100,000 British thermal units. A British thermal unit is the quantity of heat required to raise the temperature of 1 pound of liquid water 1 degree Fahrenheit at a constant pressure of 1 atmosphere.

especially for new homes. Electric power for new homes is often used for electric spacing heating, electric water heating, electric cooking, and electric clothes drying.

## **Natural Gas**

Natural gas is used primarily for heating, water heating, and cooking purposes and is typically associated with commercial and residential uses.

## **Fuel**

Fuel is used primarily for powering off-road equipment, trucks, and passenger vehicles. The typical fuel types used are diesel and gasoline.

## **Electricity Generation, Distribution, and Use**

Based on data and information available at the time of NOP release, the State of California generated approximately 203,257 gigawatt-hours (GWh) of electricity. Approximately 47.5 percent of the energy generation is sourced from natural gas, 32.3 percent from renewable sources (i.e., solar, wind, and geothermal), 7.2 percent from large hydroelectric sources, and the remaining 13.1 percent is sourced from coal, nuclear, oil, and other nonrenewable sources.<sup>4</sup>

Electricity and natural gas are distributed through the various electric load-serving entities (LSEs) in California. These entities include investor-owned utilities (IOUs), publicly owned LSEs, rural electric cooperatives, community choice aggregators, and electric service providers.<sup>5</sup>

## **Natural Gas Generation, Distribution, and Use**

Natural gas as an energy resource has several applications but is most commonly associated with cooking appliance use, electricity generation, and space and water heating. According to the CEC, in 2012 total natural gas demand in California for industrial, residential, commercial, and electric power generation was 2,313 billion cubic feet per year (BCF/year), up from 2,196 BCF/year in 2010.<sup>8</sup> Demand in all sectors except electric power generation remained relatively flat for the last decade due in large part to energy efficiency measures, but demand for power generation rose about 30 percent between 2011 and 2012. In 2019, it was estimated that California consumed 2,218.7 trillion BTU of natural gas.<sup>9</sup> Natural gas-fired generation has become the dominant source of electricity in California, as it fuels about 43 percent of electricity consumption followed by hydroelectric power. Because natural gas is a resource that provides load when the availability of hydroelectric power generation and/or other sources decrease, use varies greatly from year to year. The availability of hydroelectric resources, the emergence of renewable resources for electricity generation,

---

<sup>4</sup> California Energy Commission (CEC). 2022 Total System Electric Generation. Website: <https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2022-total-system-electric-generation>. Accessed December 18, 2023.

<sup>5</sup> California Energy Commission (CEC). 2019. Electric Load-Serving Entities (LSEs) in California Website: [https://www.energy.ca.gov/almanac/electricity\\_data/utilities.html](https://www.energy.ca.gov/almanac/electricity_data/utilities.html). Accessed December 28, 2023.

and overall consumer demand are the variables that shape natural gas use in electric generation.

## **Fuel Use**

California is one of the top producers of petroleum in the nation, with drilling operations occurring throughout the State. A network of crude oil pipelines connects production areas to oil refineries in the Los Angeles area, the San Francisco Bay Area, and the Central Valley. California oil refineries also process Alaskan and foreign crude oil received in ports in Los Angeles, Long Beach, and the San Francisco Bay Area. Crude oil production in California and Alaska is in decline. According to the EIA, California's field production of crude oil has steadily declined since the mid-1980s, totaling approximately 4,103 million barrels in 2022.<sup>6</sup> At the same time, California refineries have become increasingly dependent on foreign imports.<sup>7</sup> Foreign suppliers provide approximately half of the crude oil refined in California.<sup>8</sup>

The main category of fuel use in California is transportation fuel, specifically gasoline and diesel. According to the EIA, transportation accounted for nearly 41 percent of California's total energy demand, amounting to approximately 2,355.5 trillion BTU in 2020 and 2,784 trillion BTU in 2021.<sup>9</sup> California's transportation sector, including rail and aviation, consumed roughly 524 million barrels of petroleum fuels in 2020 and 2,731 million barrels in 2021.<sup>10</sup> The CEC produces the California Annual Retail Fuel Outlet Report, which is a compilation of gasoline and diesel fuel sales data from across the State available at the County level. According to the CEC, California's 2022 fuel sales totaled 13,640 million gallons of gasoline and 1,883 million gallons of diesel.

## **Alternative Fuels**

A variety of alternative fuels are used to reduce petroleum-based fuel demand. The use of these fuels is encouraged through various Statewide laws, regulations and plans, such as the Low Carbon Fuel Standard (LCFS) and Senate Bill (SB) 32. Conventional gasoline and diesel may be replaced, depending on the capability of the vehicle, with transportation fuels including hydrogen, biodiesel, and electricity. Currently, there are 57 public hydrogen refueling stations and 36 public biodiesel refueling stations in California, none of which are in the City.<sup>11</sup>

---

<sup>6</sup> California Energy Commission (CEC). California Field Production of Crude Oil. Website: <https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=MCRFPCA2&f=M>. Accessed December 18, 2023.

<sup>7</sup> California Energy Commission (CEC). 2023. Oil Supply Sources to California Refineries. Website: <https://www.energy.ca.gov/data-reports/energy-almanac/californias-petroleum-market/oil-supply-sources-california-refineries>. Accessed December 18, 2023.

<sup>8</sup> California Energy Commission (CEC). 2023. Foreign Sources of Crude Oil Imports to California 2021. Website: <https://www.energy.ca.gov/data-reports/energy-almanac/californias-petroleum-market/foreign-sources-crude-oil-imports>. Accessed December 18, 2023.

<sup>9</sup> United States Energy Information Administration (EIA). 2021. Profile Overview. Website: <https://www.eia.gov/state/?sid=CA#tabs-2>. Accessed December 18, 2023.

<sup>10</sup> United States Energy Information Administration (EIA). 2021. Total Petroleum Consumption Estimates, 2022. Website: [https://www.eia.gov/state/seds/sep\\_fuel/html/pdf/fuel\\_use\\_pa.pdf](https://www.eia.gov/state/seds/sep_fuel/html/pdf/fuel_use_pa.pdf). Accessed December 18, 2023.

<sup>11</sup> California Energy Commission (CEC). 2023. California Retail Fuel Outlet Annual Report. Website: <https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting>. Accessed December 18, 2023.

## **Electric Vehicles**

Electricity can be used to power electric and plug-in hybrid electric vehicles (EVs) directly from the power grid. Electricity used to power vehicles is generally provided by the electricity grid and stored in the vehicle's batteries. Fuel cells are being explored to use electricity generated onboard the vehicle to power electric motors. Currently, California has approximately 13,836 public EV charging stations, including all charger types, and approximately 35,662 EV supply equipment (EVSE) ports.<sup>12</sup>

### **4.5.2 REGULATORY SETTING**

#### **Federal**

##### ***Office of Energy Efficiency and Renewable Energy***

The Office of Energy Efficiency and Renewable Energy's (EERE) mission is to accelerate the research, development, demonstration, and deployment of technologies and solutions to equitably transition America to net-zero GHG emissions economy-wide by no later than 2050, and ensure the clean energy economy benefits all Americans, creating good paying jobs for the American people—especially workers and communities impacted by the energy transition and those historically underserved by the energy system and overburdened by pollution (EERE 2023a).

EERE's work will involve the four principles:

- Building the clean energy economy in a way that benefits all Americans. It focuses on addressing environmental injustices that disproportionately affect communities of color, low-income communities, and indigenous communities.
- Fostering a diverse Science Technology Engineering and Math (STEM) workforce. It focuses on the need to increase awareness of clean energy job opportunities at minority-serving institutions and ensure that organizations receiving EERE funding are thinking through diversity and equity in their own work.
- Developing more robust workforce training opportunities to build a pipeline for permanent, good-paying jobs for the clean energy workforce.
- Working closely and learning from state and local governments.

##### ***Energy Independence and Security Act***

The Energy Policy Act of 2005 created the Renewable Fuel Standard Program. The Energy Independence and Security Act of 2007 expanded this program by:

- Expanding the Renewable Fuel Standard Program to include diesel in addition to gasoline.

---

<sup>12</sup> Ibid.

- Increasing the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022.
- Establishing new categories of renewable fuel and setting separate volume requirements for each one.
- Requiring the United States Environmental Protection Agency (EPA) to apply lifecycle GHG emissions performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.

This expanded Renewable Fuel Standard Program lays the foundation for achieving substantial reductions of GHG emissions from the use of renewable fuels, reducing the use of imported petroleum, and encouraging the development and expansion of the nation's renewable fuels sector.

Signed on December 19, 2007, the Energy Independence and Security Act of 2007 (EISA) aims to:

- Move the United States toward greater energy independence and security.
- Increase the production of clean renewable fuels.
- Protect consumers.
- Increase the efficiency of products, buildings, and vehicles.
- Promote research on and deploy GHG capture and storage options.
- Improve the energy performance of the federal government.
- Increase U.S. energy security, develop renewable fuel production, and improve vehicle fuel economy.

EISA reinforces the energy reduction goals for federal agencies put forth in Executive Order 13423, as well as introduces more aggressive requirements. The three key provisions enacted are the Corporate Average Fuel Economy (CAFE) Standards, the Renewable Fuel Standard Program, and the appliance/lighting efficiency standards.

The EPA is committed to developing, implementing, and revising both regulations and voluntary programs under the following subtitles in EISA, among others:

- Increased Corporate Average Fuel Economy Standards
- Federal Vehicle Fleets
- Renewable Fuel Standard
- Biofuels Infrastructure
- Carbon Capture and Sequestration<sup>13</sup>

---

<sup>13</sup> United States Environment Protection Agency (EPA). Summary of the Energy Independence and Security Act. Website: <https://www.epa.gov/laws-regulations/summary-energy-independence-and-security-act>.

## ***EPA and National Highway Traffic Safety Administration Light-Duty Vehicle GHG Emission Standards and Corporate Average Fuel Economy Standards Final Rule***

Congress first passed the Corporate Average Fuel Economy law in 1975 to increase the fuel economy of cars and light-duty trucks. The law has become more stringent over time. On May 19, 2009, President Barack Obama put in motion a new national policy to increase fuel economy for all new cars and trucks sold in the United States. On April 1, 2010, EPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) announced a joint final rule establishing a national program that would reduce GHG emissions and improve fuel economy for new cars and trucks sold in the United States.

The first phase of the national program would apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. They require these vehicles to meet an estimated combined average emissions level of 250 grams of CO<sub>2</sub> per mile, equivalent to 35.5 miles per gallon if the automobile industry were to meet this CO<sub>2</sub> level solely through fuel economy improvements. Together, these standards would cut CO<sub>2</sub> emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).

The EPA and the NHTSA issued final rules on a second-phase joint rulemaking, establishing national standards for light-duty vehicles for model years 2017 through 2025 in August 2012.<sup>14</sup> The standards for model years 2017 through 2025 apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles. The final standards are projected to result in an average industry fleet wide level of 163 grams/mile of CO<sub>2</sub> in model year 2025, which is equivalent to 54.5 miles per gallon (mpg) if achieved exclusively through fuel economy improvements.

The EPA and NHTSA issued final rules for the first national standards to reduce GHG emissions and improve fuel efficiency of heavy-duty trucks and buses on September 15, 2011, which became effective November 14, 2011. For combination tractors, the agencies are proposing engine and vehicle standards that began in the 2014 model year and achieve up to a 20 percent reduction in CO<sub>2</sub> emissions and fuel consumption by the 2018 model year. For heavy-duty pickup trucks and vans, the agencies are proposing separate gasoline and diesel truck standards, which phase in starting in the 2014 model year and achieve up to a 10 percent reduction for gasoline vehicles, and a 15 percent reduction for diesel vehicles by 2018 model year (12 and 17 percent respectively if accounting for air conditioning leakage). Lastly, for vocational vehicles, the engine and vehicle standards would achieve up to a 10 percent reduction in fuel consumption and CO<sub>2</sub> emissions from the 2014 to 2018 model years.

The State of California has received a waiver from the EPA to have separate, stricter CAFE standards. Although global climate change did not become an international concern until the 1980s, efforts to reduce energy consumption began in California in response to the oil crisis

---

<sup>14</sup> United States Environmental Protection Agency (EPA). 2012. EPA and NHTSA Set Standards to Reduce Greenhouse Gases and Improve Fuel Economy for Model Years 2017-2025 Cars and Light Trucks.



in the 1970s, resulting in the incidental reduction of GHG emissions. In order to manage the State's energy needs and promote energy efficiency, Assembly Bill (AB) 1575 created the CEC in 1975.

### ***Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6); Green Building Standards Code (Title 24, Part 11)***

The Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6 of the CCR) were established in 1978 in response to a legislative mandate to reduce California's energy consumption and to create uniform building codes to reduce California's energy consumption and to provide energy efficiency standards for residential and non-residential buildings. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The current 2022 Standards became effective January 1, 2023. The State of California has also adopted efficiency design standards within the Title 24 Building Standards and CALGreen requirements. Title 24 of the California Code of Regulations (CCR, specifically, Part 6) is California's Energy Efficiency Standards for Residential and Non-residential Buildings. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The latest updates to Part 6 of the Title 24 Building Standards Code requires all new low-rise builds to install photovoltaic (PV) panels that can generate an output greater than or equal to the amount of electricity that a home will consume in one year.

The 2022 California Green Building Standards Code (24 CCR, Part 11), also known as the CALGreen Code, is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went into effect on January 1, 2011, which contains mandatory requirements for new residential and nonresidential buildings throughout California. The Code is updated on a regular basis, with the most recent update consisting of the 2022 California Green Building Standards Code (CALGreen) that became effective January 1, 2023. Local jurisdictions are permitted to adopt more stringent requirements, as State law provides methods for local enhancements. The development of the CALGreen Code is intended to (1) cause a reduction in GHG emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; (3) reduce energy and water consumption; and (4) respond to the directives by the Governor. In short, the Code is established to reduce construction waste; make buildings more efficient in the use of materials and energy; and reduce environmental impact during and after construction. The regulation of green building standards is established by the CEC and its California Energy Code. The State Building Code provides the minimum standard that buildings need to meet in order to be certified for occupancy, which is generally enforced by the local building official.

### ***Renewables Portfolio Standard; SB 350 (Clean Energy and Pollution Reduction Act)***

The California Renewables Portfolio Standard (RPS) was established in 2002 under Senate Bill (SB) 1078 and was amended in 2006 and 2011. The RPS program requires investor-

owned utilities, electric service providers, and community choice aggregators to increase the use of eligible renewable energy resources to 33 percent of total procurement by 2020. The CPUC is required to provide quarterly progress reports regarding the State's progress toward RPS goals.

SB 350, signed October 7, 2015, is the Clean Energy and Pollution Reduction Act of 2015. SB 350 implements some of the goals of Executive Order (EO) B-30-15 and reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the Renewables Portfolio Standard (RPS), higher energy efficiency requirements for buildings, initial strategies toward a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Based on California Legislative Information 2015, the objectives of SB 350 are:

1. To increase from 33 percent to 50 percent, the procurement of California's electricity from renewable sources by 2030, with interim targets of 40 percent by 2024 and 45 percent by 2027;
2. To double the energy efficiency savings in electricity and natural gas final end uses of retail customers through energy efficiency and conservation;
3. Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.<sup>15</sup>

The text of SB 350 sets a December 31, 2030 target for 50 percent of electricity to be generated from renewable sources. In 2022, APU produced 35.9% of electricity from renewable sources. The RPS requires the public utilities within California to achieve 100 percent electricity generation from renewable energy sources by 2045.

### ***California Energy Commission; AB 118 (State Alternative Fuels Plan)***

In 1974, the California Energy Commission (CEC) was created to be the State's principal energy planning organization and to meet the energy challenges facing the State in response to the 1973 oil embargo. The CEC is charged with seven basic responsibilities when designing State energy policy:

- Advancing State Energy Policy;
- Achieving Energy Efficiency;
- Certifying Thermal Power Plants;
- Investing in Energy Innovation;

---

<sup>15</sup> California Legislative Information (California Leginfo). 2015. Senate Bill 350 Clean Energy and Pollution Reduction Act of 2015. Website: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB350](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB350). Accessed December 18, 2023.

- Transforming Transportation;
- Developing Renewable Energy; and
- Preparing for Energy Emergencies.

Assembly Bill (AB) 118 requires the CEC to prepare a plan to increase the use of alternative fuels in California. The State Alternative Fuels Plan was prepared by the CEC with the California Air Resources Board (CARB) and in consultation with other federal, State, and local agencies to reduce petroleum consumption, to increase use of alternative fuels (e.g., ethanol, natural gas, liquefied petroleum gas, electricity, and hydrogen), to reduce GHG emissions, and to increase in-state production of biofuels. The State Alternative Fuels Plan recommends a strategy that combines private capital investment, financial incentives, and advanced technology that will increase the use of alternative fuels, result in significant improvements in the energy efficiency of vehicles, and reduce trips and vehicle miles traveled (VMT) through changes in travel habits and land management policies.

### ***Appliance Efficiency Regulations***

California's Appliance Efficiency Regulations (California Code of Regulations [CCR], Title 20, Parts 1600–1608) contain energy performance, energy design, water performance, and water design standards for appliances (including refrigerators, wine chillers, ice makers, vending machines, freezers, water heaters, fans, boilers, washing machines, dryers, air conditioners, pool equipment, and plumbing fittings) that are sold or offered for sale in California. These standards are updated regularly to allow consideration of new energy efficiency technologies and methods.

### ***Executive Order N-79-20 and Advanced Clean Cars II Regulation***

This Executive Order issued by Governor Newsom in 2020, calls for elimination of new internal combustion passenger vehicles by 2035. It also directs the CARB to pursue a goal of 100 percent medium and heavy-duty vehicles in the State to be zero-emissions by 2045. This establishes a target for the transportation sector that helps put the State on a path to carbon neutrality by 2045.

The Advanced Clean Cars II Regulation was adopted subsequently by CARB in August 2022, establishing ZEV standards for passenger vehicles for model years 2026-2035. The regulation requires that 35 percent of new vehicles being sold in 2026 be zero-emission, increasing to 68 percent in 2030 and 100 percent by 2035.

### ***California Assembly Bill 1493: Pavley Regulations and Fuel Efficiency Standards***

California AB 1493, enacted on July 22, 2002, required the CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light-duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the U.S. District Court for the District of Columbia in

2011.<sup>16</sup> The standards applied to 2009 through 2016 model year vehicles. After adopting these initial GHG standards for passenger vehicles, CARB adopted continuing standards for future model years.

The second phase of the implementation for the Pavley Bill was incorporated into amendments to the Low Emission Vehicle (LEV) Program referred to as LEV III or the Advanced Clean Cars program. The Advanced Clean Car program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulation aims to reduce GHGs from new cars by 34 percent from 2016 levels by 2025, which is achieved by reducing pollutants from gasoline and diesel-powered cars, and delivering increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid EVs and hydrogen fuel cell cars. By 2035, all new passenger cars, trucks and SUVs sold in California will have zero emissions. The Advanced Clean Cars II regulations will rapidly scale down light-duty passenger car, pickup truck, and SUV emissions starting with the 2026 model year.<sup>17</sup>

### ***California Code of Regulations Title 13: Motor Vehicles***

California Code of Regulations, Title 13: Division 3, Chapter 10, Article 1, Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.<sup>18</sup> This measure seeks to reduce public exposure to diesel particulate matter and other air contaminants by establishing idling restrictions, emission standards, and other requirements for heavy-duty diesel engines and alternative idle reduction technologies to limit the idling of diesel-fueled commercial motor vehicles. Any person that owns, operates, or causes to operate any diesel-fueled commercial motor vehicle must not allow a vehicle to idle for more than 5 consecutive minutes at any location, or operate a diesel-fueled auxiliary power system for greater than 5 minutes at any location when within 100 feet of a restricted area.

### ***California Code of Regulations, Title 13: Division 3, Chapter 9, Article 4.8, Section 2449: General Requirements for In-Use Off-Road Diesel-Fueled Fleets***

This measure regulates oxides of nitrogen (NO<sub>x</sub>), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. This measure also requires each fleet to meet fleet average requirements or demonstrate that it has met “best available control technology” requirements. Additionally, this measure requires medium

---

<sup>16</sup> California Air Resources Board (ARB). 2013. Clean Car Standards—Pavley, Assembly Bill 1493. Website: <https://ww2.arb.ca.gov/californias-greenhouse-gas-vehicle-emission-standards-under-assembly-bill-1493-2002-pavley>. Accessed December 18, 2023.

<sup>17</sup> California Air Resources Board (ARB). 2023. Website: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii>. Date accessed: February 5, 2024

<sup>18</sup> Thomas Reuters Westlaw. 2019. California Code of Regulations, Title 13. Motor Vehicles. Website: <https://govt.westlaw.com/calregs/Index?bhcp=1&transitionType=Default&contextData=%28sc.Default%29>. Accessed December 18, 2023.

and large fleets to have a written idling policy that is made available to operators of the vehicles informing them that idling is limited to 5 consecutive minutes or less.

Starting January 1, 2024, the regulation requires, with some limited exceptions, including for lack of availability, that all fleets procure and use renewable diesel in all vehicles owned or operated in California that are subject to the Off-Road Regulation. Fleets must document and retain records related to the fleet's procurement of renewable diesel.

### **Senate Bill 100—The 100 Percent Clean Energy Act of 2018**

On September 10, 2018, Governor Newsom signed SB 100, requiring California electricity utility providers to supply all in-state end users with electricity sourced from renewable sources. Specifically, SB 100 accelerates the goals expressed under SB 1078 and requires that the program achieve 50 percent of electricity sourced from renewables by December 31, 2026, 60 percent by December 31, 2030, and 100 percent of total retail sales of electricity in California to come from eligible renewable energy resources and zero-carbon resources by December 31, 2045. This Act amends Sections 399.11, 399.15, and 399.30 of, and adds Section 454.53 to, the Public Utilities Code relating to energy. For clarification, renewable sources, as described herein, includes all renewable sources (e.g., solar, small hydro, wind) but notably omits large-scale hydroelectric and nuclear electricity generation; carbon-free sources include all renewable sources as well as large-scale hydroelectric and nuclear electricity generation.

### ***California Senate Bill 32***

In 2016, the State Legislature passed SB 32, giving the CARB the statutory responsibility to include the 2030 target previously contained in former Governor Brown's Executive Order B-30-15 in the 2017 Scoping Plan Update. SB 32 states, "In adopting rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions authorized by this division, the state [air resources] board shall ensure that Statewide GHG emissions are reduced to at least 40 percent below the statewide GHG emissions limit no later than December 31, 2030." As such, SB 32 lays the foundation for the legislative reduction targets for 2030.

### ***California Public Utilities Code***

The California Public Utilities Commission (CPUC) regulates privately owned telecommunication, electric, natural gas, water, railroad, rail transit, and passenger transportation companies. It is the responsibility of the CPUC to (1) assure California utility customers safe, reliable utility service at reasonable rates; (2) protect utility customers from fraud; and (3) promote a healthy California economy. The Public Utilities Code, adopted by the legislature, defines the jurisdiction of the CPUC.

## **Local**

### ***City of Anaheim***

#### ***General Plan – Green Element***

The Green Element of the City's General Plan contains policies relating to energy, including policies encouraging: the use of electric and alternative fueled vehicles; energy conservation; usage of passive and active solar design in existing and new development; energy-efficient retrofitting of existing buildings; the provision of free energy audits to the public; and the use of solar and wind for daylighting and natural ventilation. The goals and policies from the Green Element relevant to this analysis are included in Table 4.10-1 of Section 4.10, Land Use and Planning, with a project consistency analysis.

#### ***Anaheim Municipal Code***

The 2022 California Energy Code (CCR Title 24 Part 6), which includes the Energy Efficiency Standards for Residential and Nonresidential Buildings, is adopted, with specified amendments, as Anaheim Municipal Code (AMC) Section 15.03.080. The 2022 California Green Building Standards Code (CCR Title 24 Part 11) is adopted, with specified amendments, as AMC Section 15.03.100.

#### ***Anaheim Public Utilities Greenhouse Gas Reduction Plan***

The APU's Greenhouse Gas Reduction Plan (GHGRP), approved in 2015, and updated in 2020, identifies renewable energy and energy conservation targets for APU for the years 2020, 2030 and 2045. The GHGRP identifies renewables portfolio targets for increasing the APU power supply generated from renewable sources up to 33 percent by year 2020, 60 percent by year 2030, and 100 percent by 2045. In 2020, 34,000 kilowatt (kW) of photovoltaic systems were installed in the City, 50,000 kW of photovoltaic systems are expected to be installed by 2030, and 75,000 kW of photovoltaic systems are expected to be installed by 2045. The GHGRP also establishes transportation-related goals for APU to convert its fleet vehicles to result in emissions reductions of 500 MTCO<sub>2</sub>e in 2020, 1,200 MTCO<sub>2</sub>e in 2030, and 32,000 MTCO<sub>2</sub>e in 2045.

### **4.5.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim's Environmental Checklist, the Project would result in significant impacts related to energy if it would:

- 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.



## 4.5.4 IMPACT ANALYSIS

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

**Less Than Significant With Mitigation Incorporated.** Energy consumption would occur during construction and operation of the Project. The following provides estimates of the anticipated energy consumption associated with the Project.

### Construction

For the purposes of the analysis herein, the overall construction timeline for the Project is expected to occur over several years. The multiple-family component of the Project is anticipated to be built first and is anticipated to be open in 2027. The commercial uses are anticipated to be open in 2029. The single-family component is anticipated to be built by 2031. If the construction schedule moves to later years, total energy consumption resulting from Project construction would likely decrease as a result of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment.

Project construction would require the use of construction equipment for demolition, site preparation, grading, building construction, architectural coating, utility installation, and paving activities. Project construction would require energy for the manufacture and transportation of building materials, preparation of the Project Site (e.g., demolition, site clearing, and grading), and the actual construction of the proposed buildings and related improvements. Petroleum-based fuels such as diesel fuels and gasoline would be the primary sources of energy for these tasks, although all off-road construction equipment is conservatively assumed to use diesel fuel.

Construction also includes the vehicles of construction workers and vendors traveling to and from the Project Site.

Off-road construction equipment use was calculated from the default equipment data (i.e., mix, hours per day, horsepower, load factor, and days per phase) provided in the CalEEMod construction output files included in Appendix E. The total horsepower hours for the Project was then multiplied by fuel usage estimates per hours of construction activities included in the OFFROAD Model. Fuel consumption from construction worker, vendor, delivery/haul trucks, and on-site truck trips was calculated using the trip rates and distances provided in the CalEEMod construction output files. Total VMT was then calculated for each type of construction-related trip and divided by the corresponding miles per gallon factor using California Air Resources Board's EMFAC 2021 model. EMFAC provides the total annual VMT and fuel consumed for each vehicle type. Construction vendor and delivery/haul trucks were conservatively assumed to all be heavy-duty diesel trucks. As shown in Table 4.5-1, Energy Use During Construction, a total of approximately 411,011 gallons of gasoline fuel and approximately 471,474 gallons of diesel is estimated to be used during Project construction.

**TABLE 4.5-1  
ENERGY USE DURING CONSTRUCTION**

Source	Gasoline – gallons (approx.)	Diesel Fuel – gallons (approx.)
Off-road Construction Equipment	33,296	61,858
Worker commute	453,453	1,123
Vendors	140,861	1,455
On-road haul	654	664,273
<b>Totals</b>	<b>628,265</b>	<b>728,709</b>
Note: Totals may not add due to rounding. Sources: Psomas 2024e and Psomas 2024f. Data from CalEEMod, OFFROAD and EMFAC2021 provided in Appendix E.		

The Project would be considered to result in a potentially significant impact if it would result in wasteful, inefficient, or unnecessary consumption of energy resources. Considering the guidance provided by Appendix F of the State CEQA Guidelines and relevant caselaw (including the recent Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th at pp. 164-168), the Project would be considered to result in wasteful, inefficient, or unnecessary consumption of energy resources if it would conflict with the following energy conservation goals:

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas, or oil; and
- Increasing reliance on renewable energy sources (including consideration of whether additional renewable energy features can be added to the proposal being evaluated).

Fuel energy consumed during construction would be temporary in nature and would not represent a significant demand on energy resources. The construction schedule is anticipated to follow a typical five-day per week schedule and construction equipment used would be standard. Compliance with applicable State laws and regulations and the SCAQMD's construction Best Management Practice (BMP) measures.

Furthermore, California Code of Regulations, Title 13, Sections 2449(d)(3) and 2485, limit idling from both on-road and off-road diesel-powered equipment and are enforced by the CARB, which helps to reduce overall energy consumption. Also, it is reasonable to assume the overall construction schedule and process would be designed and implemented to be efficient as feasible to avoid excess monetary costs. This is because equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Beyond the foregoing, the opportunities for further future efficiency gains during construction are limited.

Moreover, there are no unusual Project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the State. Energy used in construction of the Project would enable the

development of buildings that meet the latest energy efficiency standards as detailed in California's Title 24 building standards, as discussed further below.

Based on the foregoing, proposed construction activities would not result in inefficient, wasteful, or unnecessary fuel consumption because of: (1) the inherent financial incentives for developers and contractors to use energy consuming resources in an efficient manner; (2) the location of the Project Site being in a generally urbanized area near regional routes of travel and public transit; and (3) the requirement to adhere to applicable laws and regulations designed to enhance energy efficiency. Impacts would be less than significant, and no mitigation measures are either required.

### Operations

Energy consumption associated with the operations of the Project would occur for multiple purposes including, but not limited to, lighting, building heating and cooling, refrigeration electronic devices and transportation fuels. Electricity consumption estimates were calculated by the CalEEMod model. Transportation related energy consumption of gasoline and diesel fuel was calculated based on the quantity of vehicles, average travel distance, vehicle class, and fuel efficiency of each vehicle class as provided by the EMFAC model. Energy consumption calculations are included in Appendix H.

### ***Mobile Energy Sources***

Project related transportation fuels would be used for worker commute trips (Project residents and employees), visitors as well as truck deliveries.

It is estimated that approximately 370,308 gallons of gasoline fuel and approximately 7,912 gallons of diesel per year for conventionally fueled roadway vehicles, as shown in Table 4.5-2, below. The estimated amount of fuel consumption associated with electricity fueled vehicles are also included in the estimates shown in Table 4.5-2.

**TABLE 4.5-2  
ANNUAL PROJECT ENERGY CONSUMPTION**

<b>Source</b>	<b>Gasoline Fuel (gallons) (approx.)</b>	<b>Diesel Fuel (gallons) (approx.)</b>	<b>Electricity (kWh/yr) (approx.)</b>	<b>Natural Gas (kBTU/yr) (approx.)</b>
Project	370,308	7,912	2,116,586	2,203
Sources: Psomas 2024e based on data from CalEEMod and EMFAC2022.				

With the issuance of Executive Order N-79-20 and the subsequent adoption of the Advanced Clean Cars II regulation, the proportion of the passenger vehicle fleet that is electric and alternatively fueled is anticipated to increase with each passing year, which would further gradually reduce gasoline fuel consumption while gradually increasing electrical consumption into the future.

Based on the foregoing, transportation fuel consumption would not be wasteful, inefficient, or unnecessary.

### ***Building (Non-Mobile Source) Consumption***

As discussed above, for building energy usage, the Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6 of the CCR) were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The current applicable standards are the 2022 Standards; the Project's buildings would be required to comply with then-current Standards in this regard. For example, the Project would be required to include solar in compliance with applicable provisions. Title 24 standards also include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For instance, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely regarded as the most advanced energy efficiency standards, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation.

As discussed above, the 2022 California Green Building Standards Code (24 CCR, Part 11), also known as the CALGreen code, contains mandatory requirements and voluntary measures for new residential and nonresidential buildings. The development of the CALGreen Code is intended to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the following construction practices: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) environmental quality (CBSC 2022). In short, the CALGreen Code was adopted to reduce construction waste, make buildings more efficient in the use of materials and energy, and reduce environmental impact during and after construction. The AMC includes the mandatory provisions of the CALGreen Code by reference for all buildings and structures. Development of buildings that comply with the latest energy efficiency standards adopted by the State of California would not result in inefficient, wasteful, and unnecessary consumption of energy. Therefore, the Project's buildings would be required to comply with then-current CALGreen Code standards and requirements. These would include the following:

- **Stormwater pollution prevention.** Prevent the pollution of stormwater runoff from construction activities through compliance with either a local ordinance or best management practices (4.106.2 [residential], 5.106.1 [nonresidential]).
- **Short-term bicycle parking.** If a commercial project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- **Long-term bicycle parking.** For buildings with over 10 tenant-occupants, provide secure bicycle parking for 5 percent of tenant-occupied motorized vehicle parking capacity, with a minimum of one space (5.106.4.1.2).

- **Facilitation for future installation of electric vehicle charging.** Install and clearly identify raceways capable of supporting a 208/240-volt dedicated branch circuit as shown in Table 5.106.5.3.3 (4.106.4 [residential], 5.106.5.3 [nonresidential]).
- **Recycling by Occupants.** Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of nonhazardous materials for recycling (4.410.2 [residential], 5.410.1 [nonresidential]).
- **Wastewater reduction.** Each building shall reduce the generation of wastewater by one of the following methods:
  1. The installation of water-conserving fixtures or
  2. Using nonpotable water systems (5.303.4).
- **Water use savings.** 20 percent mandatory reduction in indoor water use with voluntary goal standards for 30, 35, and 40 percent reductions (5.303.2, A5303.2.3 [nonresidential]).
- **Water meters.** Separate water meters for buildings in excess of 50,000 square feet or any tenant projected to consume more than 1,000 gallons per day (5.303.1).
- **Irrigation efficiency.** Moisture-sensing irrigation systems for larger landscaped areas (5.304.3).
- **Materials pollution control.** Low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring and particleboard (4.501 [residential], 5.404 [nonresidential]).
- **Building commissioning.** Mandatory inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for nonresidential buildings over 10,000 square feet to ensure that all are working at their maximum capacity according to their design efficiencies (5.410.2).

Compliance with the above requirements and standards would help ensure that building energy consumption would not result in the use of energy in a wasteful, inefficient, or unnecessary manner. Furthermore, the Project would be mandated to comply with applicable goals and policies of the General Plan and the APU's Updated GHGRP, which would further enhance energy conservation.

To further reduce operational GHG emissions for the Project, the Project would implement **MM GHG-1**, which requires that the Project include natural gas lines only for the multiple-family residential building: (A) for all fire elements located (1) at the front entrance, (2) on the rooftop deck, (3) in all common areas, and (B) for each individual residential unit stove (but not for ovens or heating/cooling systems within each unit).

Also, to minimize the Project's GHG emissions, **MM GHG-2** would be implemented, which requires that the Property Owner/Developer install and maintain solar power generation on the rooftops of all of the proposed buildings to generate at least 15% of the Project's electrical demand on-site. Solar panels may be installed on rooftops and above the surface parking lot for the commercial buildings, behind (south of) the commercial buildings, and/or elsewhere in the Project Site to achieve the targeted 15% power generation. The locations of

on-site power generation shall be subject to review and approval by the City to ensure compatibility with the scenic corridor overlay requirements. Solar panels shall not be visible from E. Santa Ana Canyon Road. Prior to issuance of a building permit for the Project, the Property Owner/Developer shall submit a memorandum and plan to the City for review and approval demonstrating that the proposed solar panels would not result in a substantial source of glare for neighboring properties and for local roadways. By February 1 of each year, the Property Owner/Developer shall submit a memorandum to the City Planning Department describing the prior year's electrical usage and on-site power generation. If 15% on-site power generation was not achieved in the prior year, the memorandum shall contain feasible measures that the Property Owner/Developer shall implement to reduce electrical usage and/or to increase on-site renewable energy generation to achieve this target.

As required by **MM GHG-3**, the Property Owner/Developer shall enter into a Power Purchasing Agreement with APU for the purchase of 60% "green power" for all of the Project's electricity demand that cannot be produced on-site, if available. The Property Owner/Developer shall submit documentation of green power purchases for the prior year, or documentation that it is not available, to City Planning each February 1. This information will be included in the memorandum that is required by **MM GHG-2**.

In summary, the consumption of energy resources (including electricity, natural gas, gasoline, and diesel), during Project construction and during operation of the Project would not be considered inefficient or wasteful and would result in a less than significant impact, consistent with the guidance derived from Appendix F of the State CEQA Guidelines and relevant case law, with the incorporation of identified project design features, coupled with compliance with applicable laws, regulations and policies designed to enhance energy efficiency. Moreover, the nature and location of the Project, which would involve the densification and/or intensification of urban uses on a vacant site in a generally urbanized area near major transportation corridors, public transit, and pedestrian/bicycle infrastructure helps to further reduce energy impacts in this regard.

With respect to building energy consumption, the Project would develop residential and non-residential uses that incorporate the latest energy efficiency and CALGreen standards, develop on-site renewable energy production, provide EV parking and charging infrastructure, and help serve local commercial needs.

In conclusion, with implementation of **MM GHG-1** through **MM GHG-3**, the Project would result in a less than significant impact related to this threshold.

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

**Less Than Significant Impact.** The Project's electricity provider would be required to meet the State's current RPS objective of 33 percent. The Project's electricity provider would also be required to meet the State's future RPS objective of 60 percent of in-State electricity sales being generated from renewable energy sources by 2030.



The Project would be designed in accordance with the Title 24 Building Standards and CALGreen requirements. These standards, which are viewed as some of the most stringent in the nation, would include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., heating, ventilation, and air conditioning [HVAC] and water heating systems), and indoor and outdoor lighting. Incorporating the applicable Title 24 standards into the Project's design would ensure that the Project would not result in the use of energy in a wasteful manner (in most respects) and would help facilitate important state and local goals for energy efficiency. Furthermore, on-site renewable energy sources, such as, for example, solar panels, would be incorporated into the Project design to the extent required under applicable laws and regulations. Furthermore, the Project would also include renewable energy generation (i.e., solar panels would be incorporated into the Project design to the extent required under applicable laws and regulations) and electric vehicle charging infrastructure, which would be more energy efficient than gasoline or diesel fueled passenger vehicles. The foregoing would allow the Project to utilize more renewable energy sources as part of its energy supply. Furthermore, the Project would be required to comply with relevant goals and policies set forth in the General Plan, the APU's GHGRP, and the Specific Plan. Compliance with these aforementioned project design features, as well as mandatory requirements under applicable laws and regulations, would ensure that the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

In conclusion, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

#### **4.5.5 CUMULATIVE IMPACTS**

The geographic scope of the cumulative energy analysis is the City of Anaheim. The Project, in combination with other cumulative projects, would be required to comply with all applicable goals, policies and actions, including, among others, those set forth in applicable City ordinances, the General Plan, the APU's GHGRP that address energy conservation and energy efficiency, and the latest California Energy Code and Title 24 standards, as described in more detail above. In doing this would result in more energy efficient buildings, overall project design, and landscaping being developed than otherwise would be expected to occur. Also, these standards would promote the use of alternative fuel vehicles and renewable energy generation in the Project, as well as other cumulative projects that are developed. As such, the Project in combination with other cumulative projects would have a less than significant cumulative impact related to energy.

Moreover, the Project would not have a cumulatively considerable contribution to this already less than significant cumulative impact. As discussed above, the Project would generate energy demand during construction and operation, principally consisting of electricity and transportation fuel consumption. The Project would consume an increasing amount of electricity and decreasing amount of fossil fuels such as gasoline and diesel over time. Development associated with the Project would be designed in accordance with then-current Title 24 Standards including CALGreen Code and California's Energy Efficiency

Standards for Residential and Non-Residential Buildings. These standards include, among other things, minimum energy efficiency requirements related to the building envelope, mechanical systems (e.g., HVAC and water heating systems), indoor and outdoor lighting, and illuminated signs.

Given the nature and location of the proposed uses, the Project's construction is not anticipated to result in unusually high energy use with the incorporation of identified design features, coupled with compliance with applicable laws, regulations and policies designed to enhance energy efficiency. Construction energy demand generated by the Project would largely be limited to the activities which would be required for the construction of the Project and would normally not constitute the unnecessary, inefficient, or wasteful consumption of energy resources. For example, industry standard limitations on idling of vehicles and equipment and requirements that equipment be properly maintained would result in fuel savings. Also, the Project would include renewable energy generation and electric vehicle charging infrastructure, would further ensure efficient energy usage. Moreover, the Project would be located near major transportation corridors and pedestrian/bicycle facilities, which would further reduce potential consumption of transportation energy resources.

Therefore, the Project would not result in the unnecessary, inefficient, or wasteful consumption of energy resources nor would it conflict with applicable plans, policies, or regulations adopted for renewable energy and energy efficiency during construction or operation.

Accordingly, potential cumulative impacts in this regard would be less than significant.

#### **4.5.6 MITIGATION PROGRAM**

See Section 4.7, Greenhouse Gas Emissions, of this Draft EIR for mitigation measures referenced in this section.

#### **4.5.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of **MM GHG-1** through **MM GHG-3**, the Project would result in a less than significant impact related to energy.

## **4.6 GEOLOGY AND SOILS**

### **4.6.1 EXISTING CONDITIONS**

#### **Geotechnical Investigation Report**

The Project's Geotechnical Investigation Report was prepared to document the environmental setting for the Project Site and includes a geologic Project Site reconnaissance, a subsurface field investigation with seven geotechnical borings to a maximum depth of 50 feet below ground surface, and laboratory testing for selected soils obtained during field exploration to characterize the subsurface materials (Group Delta 2023a).

#### **Geologic Setting**

According to the Geotechnical Investigation Report, the Project Site is situated within the central block of the Los Angeles Basin of the southern California Peninsula Ranges Geomorphic Province. The central block is structurally characterized by a northwest trending synclinal trough bound to the southeast and northwest by uplift along the Newport Inglewood and Whittier strike-slip fault zones. Mountain ranges and valleys mirror the northwest trending structural boundaries in the Project Site vicinity. Internally, the central block is filled with thousands of feet of sediment which is dissected by south-southwest trending rivers such as the Santa Ana River.

Locally, the Project Site is situated within the Anaheim Hills area of the Santa Ana Mountains. The Santa Ana River flows south-southwest about 0.1 mile north of the Project Site within a concrete-lined channel. The Project Site is located on north and west facing slopes that are natural watersheds towards the Santa Ana River. The north facing slope within the Project Site has been cut and terraced through past agricultural uses as well as due to the development of Santa Ana Canyon Road. The Project Site is also situated within Deer Canyon, a tributary drainage to the Santa Ana River. Deer Canyon is a narrow north trending drainage, with steep incised canyon walls.

The Anaheim Hills are comprised of the Puente Formation Sycamore Canyon Member locally. Folding and dormant debris flows have been mapped within formational rock in the Project Site vicinity. The formational materials are covered with a variable depth of both colluvium and alluvium associated with the localized deposition. The alluvium in the canyon bottom is covered with a variable depth of undocumented fill associated with construction of the existing access road. Generally, the alluvium and colluvial materials on the northern facing slope are less than 10 feet thick, except for the northeastern portion of the Project Site where the geotechnical borings that were collected in the Project Site encountered surficial sediments approximately at 20 feet thick below ground surface.

## **Geologic Materials and Subsurface Conditions**

The Geotechnical Investigation Report identified the following geologic materials within the Project Site.

### ***Sycamore Canyon Member – Puente Formation***

The Sycamore Canyon Member of the Pliocene-age Puente Formation is mapped regionally throughout the Project Site. The Sycamore Canyon Member of the Pliocene-age Puente Formation was encountered in all the geotechnical borings and is expected to underlie the entire Project Site at depth. Where measured, the sandstone bedding within the Puente Formation was generally observed to dip 25 to 35 degrees down to the north-northwest. Limited fracturing<sup>1</sup> was also exposed within the north slope, descending to East Santa Ana Canyon Road.

As observed in the geotechnical borings, the Puente Formation most commonly consists of silty sandstone, sandy siltstone, and claystone with a variable amount of fine sand. The rock exposures were typically tan to light gray in color. The pebble conglomerate common to the Sycamore Member was observed to thinly mantle the top of the slope near the northeast portion of the Project Site. Laboratory tests indicate that the claystone beds within the Project Site are highly expansive.

### ***Landslide Debris***

There have been historic landslides within eastern Anaheim. In 1993, the Santiago Landslide occurred following a major El Nino rain event a bluff slid and prompted the evacuation of dozens of families. This event destroyed over 30 homes and impacted over 200 other structures in the vicinity. In 2005, the Ramsgate Landslide occurred following a twenty-day rain event that led to flooding and caused a landslide along Ramsgate Drive, which destroyed three homes and a private street.

Landslide Debris was mapped at the northwestern facing slope on the Project Site, in the location between the proposed Multiple-Family Residential building and the proposed Commercial Use Area. According to the Geotechnical Report, while no geotechnical borings were drilled in this location, the landslide parameters appear to match the current topography and bedding orientation. The Landslide Debris are anticipated to be largely comprised of intact Sycamore Canyon Member. As exposed within the north facing slope, the debris are comprised of fractured thinly bedded siltstone and sandstone. Surface raveling is prevalent and smaller inter slides/creep is suspected.

### ***Alluvium***

Alluvium is deposited within drainages throughout the Project Site, except for the previously graded access road areas, which are covered with fill. Quaternary-age alluvium associated with Deer Canyon was encountered in geotechnical borings to a maximum depth of about

---

<sup>1</sup> A “fracture” is a separation in a geologic formation.

25-feet below existing grades. It is generally comprised of medium dense to dense silty to clayey sand with layers of gravel and cobbles.

Older alluvium associated with a former river terrace from the Santa Ana River, was encountered up to 20 feet deep within the northeastern portion of the Project Site in the geotechnical borings. The deposits may also have at least partially been associated with an old debris flow; however, the Project Site conditions implies a possible older alluvial origin to the deposit. It is comprised of dense silty sand and poorly graded sand with layers of cobbles and boulders.

### ***Colluvium***

Colluvial soils occur on the hillsides and were encountered in the geotechnical borings. The surficial colluvial soils were typically observed to be less than 10 feet in thickness. However deeper colluvium was encountered in the northeastern portion of the Project Site where colluvium is estimated to be approximately 15 feet thick. The colluvium was typically comprised of loose, dry to moist, silty or clayey sand with few locally derived rock fragments, cobbles, and boulders. Much of the natural colluvium within the northern slope in the Project Site is believed to have been disturbed by past agricultural use.

### ***Undocumented Fill***

Undocumented Fill with no available record of geotechnical testing and observation was encountered in the geotechnical borings. Undocumented Fill is considered potentially compressible and is not considered suitable for the support of new fill or foundation loads. Roughly 4 to 9 feet of Undocumented Fill was encountered in the areas explored within the Project Site. Deeper undocumented fills may exist in areas not explored. Prior land use included agriculture over a good portion of the northern slope and the upper soils are anticipated to be loose with possible unknown debris. Old irrigation pipes, wells, and structural foundation posts were encountered during the field reconnaissance.

### **Groundwater**

One Geotechnical boring encountered groundwater at 54 feet below ground surface, located at the western portion of the Project Site and situated directly over a large natural drainage (Deer Canyon).

### **Seismicity and Surface Fault Rupture**

The Project Site is in the seismically active region of southern California. The Project Site has been and will continue to be subject to strong seismic ground shaking in the event of an earthquake on one or more of the regional faults. The Project Site is not located within an Alquist-Priolo Earthquake Fault Zone. No indications of Holocene active or potentially active faulting were found as part of the Geotechnical Investigation Report (Group Delta 2023a). The nearest known active regional faults are located within the Whittier fault zone roughly 1.9 miles northeast of the Project Site.

## **Liquefaction**

Liquefaction involves the sudden loss in strength of a saturated, cohesionless soil (i.e., sand and non-plastic silts) caused by the build-up of pore water pressure during cyclic loading, such as that produced by an earthquake. This increase in pore water pressure can temporarily transform the soil into a fluid mass, resulting in sand boils, settlement, and lateral ground deformations. Typically, liquefaction occurs in areas where there are loose to medium dense sands and silts, and where the depth to groundwater is less than 50 feet from the ground surface.

According to the Geotechnical Investigation Report, groundwater was encountered within the Deer Canyon area of the Project Site, generally west of the existing paved road, at 54 feet below ground surface (Group Delta 2023a). No seepage of groundwater was encountered within the other subsurface geotechnical borings. The California Geological Survey (CGS) Seismic Hazard Zone Map and City of Anaheim Safety Element indicate that the Project Site is not within a zone of required investigation for liquefaction (CGS 2023c, City of Anaheim 2004c).

## **Landslide and Slope Stability**

The State Zones of Required Investigation Map indicates portions of the slopes within the Project Site are mapped as having potential for earthquake-induced landslide hazard. Review of CGS Landslide Inventory reports indicate the western and northern facing slopes have a high landslide susceptibility and are considered unstable in place (CGS 2023c). The potential instability is primarily a result of adverse geologic structure and bedding in the formational materials.

## **Tsunamis, Seiches, and Flooding**

The Project Site is located approximately 20 miles east of the Pacific Ocean (Google Maps 2023a). Most of the Project Site is located more than 300 feet above mean sea level (Group Delta 2023a). Given the distance from the coast, and the relatively high elevation of the Project Site, the potential for damage due to a tsunami in the Pacific Ocean is considered negligible.

There is no potential for a seiche to occur within or near the Project Site since there are no enclosed bodies of water within or near the Project Site.

The Project Site is not located within a Federal Emergency Management Agency 100-year flood zone (FEMA 2023a). The Project Site is located within Flood Zone “X”, which is described as “Areas Outside the 0.2% Annual Chance Floodplain” per Flood Insurance Rate Map (FIRM) – Community Panel Number 06059C0157J, dated December 3, 2009. Also, a small sliver of the northeastern portion of the Project Site that is located along Santa Ana Canyon Road is shown in the FIRM as “Being Protected From The 1-Percent-Annual-Chance or Greater Flood Hazard By A Levee System. Overtopping Or Failure Of Any Levee System Is Possible.”



According to the Department of Water Resources, Division of Safety of Dams, the Project Site is not located within the dam inundation zone for the Walnut Canyon Reservoir, which is located approximately 1.25 miles south of the Project Site at a higher elevation (DWR 2023b). Due to the topography between Deer Canyon and the Walnut Canyon Reservoir, the Project Site is not located within the inundation zone for this dam (DWR 2023b). Prado Dam is located approximately 6.6 miles northeast of the Project Site (Google Maps 2023a). The lowest portions of the Project Site are located within the dam inundation zone for Prado Dam during the worst-case scenario, referred to as “Maximum High Pool Non-Breach” (U.S. Army Corps of Engineers 2023a). Consequently, this small area of the Project Site is subject to potential for earthquake induced flooding.

### **Paleontological Resources**

A paleontological records search was requested for the Project Site from the Natural History Museum (LACM) of Los Angeles County, Vertebrate Paleontology Department. The results were received on December 11, 2022, and are included as Appendix G (NHM 2022a). The results indicate that there are no fossil localities that occur directly within the Project Site; however, there are fossil localities nearby from the same sedimentary deposits that occur in the Project Site, either at the surface or at depth.

## **4.6.2 REGULATORY SETTING**

### **Federal**

#### ***International Building Code***

The International Building Code (IBC) is the national model building code providing standardized requirements for construction. The IBC establishes consistent construction guidelines for the nation and has been adopted with amendments into the California Building Code. The IBC contains codes related to geology and soils, including Chapter 16 (structural design) and Chapter 18 (soils and foundations) (ICC 2021a).

#### ***National Earthquake Hazards Reduction Program***

The National Earthquake Hazards Reduction Program (NEHRP) was established by the US Congress when it passed the Earthquake Hazards Reduction Act of 1977, Public Law (PL) 95–124. In establishing NEHRP, Congress recognized that earthquake-related losses could be reduced through improved design and construction methods and practices, land use controls and redevelopment, prediction techniques and early- warning systems, coordinated emergency preparedness plans, and public education and involvement programs.

The four basic NEHRP goals are:

- Develop effective practices and policies for earthquake loss reduction and accelerate their implementation.
- Improve techniques for reducing earthquake vulnerabilities of facilities and systems.

- Improve earthquake hazards identification and risk assessment methods, and their use.
- Improve the understanding of earthquakes and their effects.

Several key federal agencies contribute to earthquake mitigation efforts. These are the four primary NEHRP agencies:

1. National Institute of Standards and Technology of the Department of Commerce
2. National Science Foundation
3. USGS of the Department of the Interior
4. Federal Emergency Management Agency of the Department of Homeland Security

Implementation of NEHRP priorities is accomplished primarily through original research, publications, and recommendations to assist and guide State, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

### ***National Pollution Discharge Elimination System General Construction Activities Permit***

Pursuant to CWA Section 402(p), which requires regulations for permitting of certain storm water discharges, the SWRCB has issued a Statewide NPDES General Permit for Storm Water Discharges Associated with the Construction and Land Disturbance Activities (Order No 2012-0006-DWQ, NPDES No. CAS000002), adopted by the State Water Resources Control Board (SWRCB) on July 17, 2012 as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ is currently in effect. Construction activities subject to this permit include clearing, grading, and ground disturbances such as stockpiling or excavation, but do not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

Under the Construction General Permit, storm water discharges from construction sites with a disturbance area of one acre or more are required to either obtain individual NPDES permits for storm water discharges or be covered by the Construction General Permit. Coverage under the Construction General Permit is obtained by completing and filing a Notice of Intent (NOI) with the SWRCB and preparing a Storm Water Pollution Prevention Plan (SWPPP) prior to any land disturbance. The SWPPP identifies erosion control, sediment control, tracking control, wind erosion control, waste management, and non-storm water management BMPs that would be implemented during the construction phase to reduce or eliminate pollutants entering the storm drain system.

### ***Excavation Rules and Regulations***

Title 29 in the Code of Federal Regulations, Part 1926, Subpart P contains rules and regulations for site excavations. Subpart P applies to all open excavations made in the earth's surface. Specific excavation requirements regulate surface encumbrances, underground

installations, access and egress, hazardous atmospheres, stability of structures, protection of employees from loose rock or soil, inspections, and walkthroughs.

### ***Paleontological Resources Preservation Act***

The Paleontological Resources Preservation Act of 2002 codifies the generally accepted practice of limited vertebrate fossil collection and limited collection of other rare and scientifically significant fossils by qualified researchers. Researchers must obtain a permit from the appropriate State or federal agency and agree to donate any materials recovered to recognized public institutions, where they would remain accessible to the public and other researchers.

### ***Society of Vertebrate Paleontology Guidelines***

The Society of Vertebrate Paleontology, a national scientific organization of professional vertebrate paleontologists, has established standard guidelines that outline acceptable professional practices in the conduct of paleontological resource assessments and surveys, monitoring and mitigation, data and fossil recovery, sampling procedures, specimen preparation, analysis, and curation. Most practicing professional paleontologists in the nation adhere to the Society of Vertebrate Paleontology's assessment, mitigation, and monitoring requirements, as specifically spelled out in its standard guidelines.

## **State**

### ***California Green Building Standards Code***

The 2022 California Green Building Standards Code (CBC; 24 California Code of Regulations [CCR], Part 11), also known as the CALGreen code, is promulgated under the CCR, Title 24 (Parts 1 through 12), and is administered by the California Building Standards Commission. CALGreen includes regulations for energy efficiency, water efficiency, and conservation, material conservation and resources efficiency, and environmental quality. The code is applicable to commercial, residential, and public school buildings, with residential and nonresidential provisions provided in separate chapters (CBSC 2023).

### ***California Building Code***

The national model code standards adopted into Title 24 apply to all occupancies in California except for modifications adopted by State agencies and local governing bodies. The CBC establishes general standards for the design and construction of buildings, including provisions related to seismic safety. The CBC provides standards that must be met to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures in its jurisdiction.

The CBC requires that a site-specific geotechnical investigation report be prepared by a licensed professional for proposed developments of one or more buildings greater than 4,000 square feet to evaluate geologic and seismic hazards. The purpose of a site-specific

geotechnical investigation is to identify seismic and geologic conditions that may need to be addressed to ensure safety and adequate performance of improvements, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. Requirements for the geotechnical investigation are presented in Chapter 16 “Structural Design”.

Chapter 18 of the CBC, Soils and Foundations, specifies the level of soil investigation required by law in California. Requirements in Chapter 18 apply to building and foundations systems and consider reduction of potential seismic hazards.

### ***California Public Resources Code***

California Public Resources Code Section 5097 et seq. specifies procedures for addressing unexpected discovery of archaeological, paleontological, and historical resources on state lands. Section 5097.5 provides for the protection of cultural and paleontological resources and prohibits the knowing and willful excavation, removal, destruction, injury, or defacement of archaeological vertebrate and paleontological sites, or any other any other archaeological, paleontological or historical feature, on any lands owned by, or under the jurisdiction of, State or local authorities, except with the express permission of the public agency having jurisdiction over the lands.

### ***California Code of Regulations***

Two sections of the California Code of Regulations (Title 14, Division 3, Chapter 1), applicable to lands administered by the California Department of Parks and Recreation (DPR), address paleontological resources. These include:

- Section 4307: Geological Features - "No person shall destroy, disturb, mutilate, or remove earth, sand, gravel, oil, minerals, rocks, paleontological features, or features of caves."
- Section 4309: Special Permits - "The Department may grant a permit to remove, treat, disturb, or destroy plants or animals or geological, historical, archaeological or paleontological materials; and any person who has been properly granted such a permit shall to that extent not be liable for prosecution for violating the forgoing."

### ***Alquist-Priolo Earthquake Fault Zoning Act of 1972***

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) was adopted by the State of California in 1972 in order to mitigate surface fault rupture hazards along known active faults (California Public Resources Code [PRC] Section 2621, et seq.). The purpose of the Alquist-Priolo Act is to reduce the threat to life and property—specifically from surface fault rupture—by preventing the construction of buildings used for human occupancy on the surface trace of active faults. Under the Alquist-Priolo Act, the CGS has defined an “active” fault as one that has had surface displacement during the past 11,000 years (Holocene time). This law directs the State Geologist to establish Earthquake Fault Zones (known as “Special Studies Zones” prior to January 1, 1994) to regulate development in designated hazard areas.

In accordance with the Alquist-Priolo Act, the State has delineated “Earthquake Fault Zones” along identified active faults throughout California. City and County jurisdictions must require a geologic investigation to demonstrate that a proposed development project, which includes structures for human occupancy, is adequately set back (generally at least 50 feet) from an active fault prior to permitting. The Project Site is not within an Earthquake Fault Zone (Group Delta 2023a).

### ***Seismic Hazards Mapping Act***

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 and directs the CGS (formerly the California Division of Mines and Geology) to identify and map areas subject to earthquake hazards such as liquefaction, earthquake-induced landslides, and amplified ground shaking (PRC Sections 2690–2699.6). Passed by the State legislature after the 1989 Loma Prieta Earthquake, the SHMA is aimed at reducing the threat to public safety and minimizing potential loss of life and property in the event of a damaging earthquake event. Seismic Hazard Zone Maps are a product of the resultant Seismic Hazards Mapping Program and are produced to identify Zones of Required Investigation; most developments designed for human occupancy in these zones must conduct site-specific geotechnical investigations to identify the hazard and to develop appropriate mitigation measures prior to permitting by local jurisdictions. The SHMA establishes a Statewide public safety standard for the mitigation of earthquake hazards, including providing guidance for the evaluation and mitigation of earthquake-related hazards for projects in designated zones of required investigations. Portions of the Project Site are within a landslide zone as identified on the mapping.

### **Local**

#### ***Anaheim Municipal Code***

The City of Anaheim has adopted the 2022 CBC, as amended, and the 2022 California Green Building Standards Code, as amended, which are both codified at Title 15, Buildings and Housing, of the Anaheim Municipal Code (AMC) (City of Anaheim 2024a). The City reviews construction plans to ensure design compliance with applicable codes.

The AMC also includes Title 17, Land Development and Resources, which provides guidelines and standards related to grading, excavation and fills and specimen tree removal, and must include an erosion and sediment control plan.

#### ***City of Anaheim General Plan – Green Element and Safety Element***

There are two specific areas in the City of Anaheim General Plan that address the issue of geology and soils: the Green Element and the Safety Element (City of Anaheim 2004b and 2004c). The Green Element comprehensively addresses topics concerning hillside grading, including minimization of grading, and completion of erosion and sediment control plans. The Safety Element establishes policies and programs to protect the community from risks associated with potential seismic and geologic hazards to avoid or minimize exposure to

these potential hazards. Applicable goals and policies from the Green Element and the Safety Element that are related to geology, soils and seismicity and are relevant to this analysis are provided in Table 4.10-1 in Section 4.10, Land Use and Planning, with a Project consistency analysis.

### **4.6.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim's Environmental Checklist, the Project would result in significant impacts related to geology and soils if it would:

- 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 soils, as defined in Table 18-1-B of the California 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 waste water disposal system where sewers are not available for the disposal of waste water?
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.



## 4.6.4 IMPACT ANALYSIS

*a) Would the Project 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.*

**Less Than Significant Impact.** According to the Geotechnical Investigation Report prepared for the Project, there is no evidence of active faulting within the Project Site. In addition, the Project Site is not located within an Alquist-Priolo Earthquake Fault Zone. There are no known faults that underlie the Project Site, and the closest surface trace of an active fault to the Project Site is the Whittier Fault Zone located approximately 1.9 miles northeast of the Project Site. The potential for ground rupture to adversely impact the proposed Project is considered low according to the Geotechnical Investigation Report (Group Delta 2023a). Therefore, the Project would not directly or indirectly cause potential substantial adverse effects to people or structures, including the risk of loss, injury, or death involving rupture of a known earthquake fault. In addition, the Project would be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including those set forth in the NEHRP, Alquist-Priolo Earthquake Zoning Act, SHMA, and the CBC. Furthermore, the Project would be required to adhere to applicable goals and policies in the General Plan including, among others, those set forth in the Green Element and the Safety Element, and applicable provisions of the Municipal Code, Title 9, Chapter 9. For example, the Municipal Code would require the Project's design to adhere to the recommendations provided in the site-specific Geological Investigation Report.

Therefore, the Project would result in less than significant impacts related to this threshold, and no mitigation is required.

- (ii) Strong seismic ground shaking?*

**Less Than Significant Impact.** The Project Site, as with the entire Southern California region, is subject to secondary effects from earthquakes. The Project Site has been and will continue to be subject to strong seismic ground shaking in the event of an earthquake on one or more of the regional faults. Nevertheless, the closest surface trace of an active fault to the Project Site is the Whittier fault zone located roughly 1.9 miles northeast of the Project Site. In addition, the Project Site is not located within an Alquist-Priolo Earthquake Fault Zone. As such, the potential for ground rupture is considered low (Group Delta 2023a).

Implementation of the Project would not change the intensity of ground shaking that would occur on the Project Site during a seismic event, but it would result in new exposure for the new residents, employees, other visitors and users, and structures. The proposed buildings would be required to be designed in accordance with applicable provisions of the 2022 California Green Building Standards Code (CBSC 2023). The California Green Building

Standards Code contains stringent standards regulating the design and construction of excavations, foundations, retaining walls, and other building elements to control the effects of seismic ground shaking and adverse soil conditions. The California Green Building Standards Code also includes provisions for earthquake safety based on factors such as occupancy type, the types of soil and rock in the Project Site, and the strength of ground motion that may occur at the Project Site.

Project implementation would also be required to be consistent with the recommendations outlined in the Geotechnical Investigation Report prepared for the Project. Based on the Geotechnical Investigation Report, the Project is geotechnically feasible provided that the recommendations in the Geotechnical Investigation Report are reviewed and integrated in the context of the final Project design and are incorporated during the Project's construction phase. Seismic design acceleration parameters are included in the Geotechnical Investigation Report based on the underlying geology, subsurface exploration data, seismic zones, and proximity of known faults to the Project Site, which provide the design procedures to be implemented, which would help to avoid significant damage to proposed structures. In addition, the Geotechnical Investigation Report includes seismic wall loads which provide seismic design parameters that would be required to be imposed on all proposed retaining walls (Group Delta 2023a). In addition, the Project would be required to adhere to all other applicable federal and State laws and regulations, programs, and standards, including those set forth in the NEHRP, Alquist-Priolo Earthquake Zoning Act, SHMA, and the CBC. Furthermore, the Project would be required to adhere to applicable goals and policies in the General Plan including, among others, those set forth in the Green Element and the Safety Element, and applicable provisions of the Municipal Code, Title 9, Chapter 9.

Compliance with the applicable laws and regulations, and compliance with proper grading, design, and building construction methods specified in the Geotechnical Investigation Report and as otherwise required under applicable laws and regulations would avoid and/or minimize, to the extent feasible, potential impacts related to strong seismic ground shaking.

Therefore, the Project would have a less than significant impact related to this threshold, and no mitigation is required.

***(iii) Seismic-related ground failure, including liquefaction?***

**Less Than Significant Impact.** The CGS Seismic Hazard Zone Map and City of Anaheim Safety Element indicate that the Project Site is not within an earthquake zone of required investigation for liquefaction. According to the Project's Geotechnical Investigation Report, the areas within the Project Site where bedrock is at or near the existing surface, liquefaction potential is considered negligible. In addition, existing loose alluvium and or fill materials below the proposed development are planned would be removed and recompacted in preparation of new structures as recommended in the Geotechnical Investigation Report. As such, the potential for liquefaction to adversely affect the Project Site is considered negligible (Group Delta 2023a). In addition, the Project would be required to adhere to all other applicable federal and State laws and regulations, programs, and standards, including those set forth in the NEHRP, Alquist-Priolo Earthquake Zoning Act, SHMA, and the CBC. Furthermore, the Project would be required to adhere to applicable goals and policies in the

General Plan including, among others, those set forth in the Green Element and the Safety Element, and applicable provisions of the Municipal Code, Title 9, Chapter 9. For example, the Municipal Code would require the Project's design to adhere to the recommendations provided in the site-specific Geological Investigation Report. Adherence to the foregoing laws, regulations, and programs and standards would ensure that impacts with respect to seismic-related ground failure such as liquefaction would be less than significant.

Therefore, the Project would have a less than significant impact related to this threshold, and no mitigation is required.

**(iv) Landslides?**

**Less Than Significant Impact.** The State Earthquake Zones of Required Investigation map indicates portions of the slopes within the Project Site are mapped with the potential for earthquake induced landslide hazard. Review of the CGS Landslide Inventory reports indicate the western and northern facing slopes within the Project Site have a high landslide susceptibility and are considered unstable.

The Project would include grading and the installation of retaining walls to accommodate the proposed buildings and related Project improvements. Implementation of the Project's grading plan, which would be required to adhere to all applicable laws and regulations, would result in stabilized slopes that would not present any significant hazards to any existing or proposed buildings due to landslides.

The Project's proposed buildings would be designed in accordance with applicable provisions of the 2022 California Green Building Standards Code, which contains stringent standards regulating the design and construction of excavations, foundations, retaining walls, and other building elements to control the effects of seismic ground shaking and adverse soil conditions. Project implementation would also be required to comply with the recommendations outlined in the Geotechnical Investigation Report prepared for the

Project. Based on the Geotechnical Investigation Report, the Project is geotechnically feasible provided that the recommendations in the report are reviewed and integrated in the context of the final Project design and are incorporated during the Project's construction phase.

Slope stability evaluations are included in the Geotechnical Investigation Report and provide design procedures for global and surficial stability to avoid significant damage to proposed structures from landslides or slope instability. Slope instability at the Project Site can be properly addressed with ground anchor retaining walls and a buttress fill, as specified by the Geotechnical Investigation Report (Group Delta 2023a). Compliance with the applicable laws and regulations, and adherence to the proper grading, design, and building construction methods specified in the Geotechnical Investigation Report would avoid and/or minimize, to the extent feasible, potential impacts related to landslides. In addition, the Project would be required to adhere to all other applicable federal and State laws and regulations, programs, and standards, including those set forth in the NEHRP, Alquist-Priolo Earthquake Zoning Act, SHMA, and the CBC. Furthermore, the Project would be required to adhere to applicable goals and policies in the General Plan including, among others, those set forth in the Green

Element and the Safety Element, and applicable provisions of the Municipal Code, Title 9, Chapter 9. Adherence to the foregoing laws, regulations, and programs and standards would ensure that impacts with respect to landslides would be minimized.

Therefore, the Project would have a less than significant impact related to this threshold, and no mitigation is required.

***b) Would the Project result in substantial soil erosion or the loss of topsoil?***

**Less Than Significant Impact.** The Project has the potential to result in soil erosion during construction and operations.

Project grading activities would disturb and expose soils on the Project Site and would require the hauling of soil off-site, which could result in substantial soil erosion and the loss of topsoil if not implemented consistent with applicable regulatory requirements. However, the Project would be required to adhere to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Municipal Code. For example, as discussed in more detail in Section 4.9, Hydrology and Water Quality, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into “Waters of the U.S.”. The Project’s construction activities would be required to be conducted in compliance with the statewide NPDES General Permit for Storm Water Discharges Associated with the Construction and Land Disturbance Activities (Order No 2012-0006-DWQ, NPDES No. CAS000002), which was adopted by the State Water Resources Control Board on July 17, 2012. Prior to construction, the Project would be required to develop a Storm Water Pollution Prevention Plan (SWPPP) that would outline construction stormwater Best Management Practices (BMPs) that would be implemented during construction to manage erosion, fugitive dust, and stormwater-related issues. With implementation of standard construction BMPs in accordance with a SWPPP, the Project’s construction would result in less than significant impacts related to soil erosion and loss of topsoil.

The Project would grade and develop portions of the Project Site with new impervious surfaces and new pervious landscaped areas. Once built, the Project would increase impervious surface coverage on the Project Site, which could lead to erosion and loss of topsoil if stormwater is not conveyed and dissipated appropriately. The Project would increase impervious surface area from approximately 1.22 acres in existing conditions to 17.6 acres with the Project (Hunsaker & Associates 2024b). To determine how stormwater within the Project Site would be captured and conveyed, a Drainage Report was developed for the Project. Also, a Preliminary Water Quality Management Plan was prepared for the Project that specifies the operational BMPs that would be implemented to properly address the Project’s water quality impacts (Hunsaker & Associates 2024b). On-site storm drainage facilities, which would consist of bioswales, inlets, underground piping, and basins, would be installed as part of stormwater infrastructure and would be required to adhere to all applicable standards and requirements for purposes of stormwater improvements, which would also prevent topsoil loss and erosion on-site during operation. With implementation of the Project’s Drainage Plan and compliance with the operational water quality BMPs

identified in the Preliminary Water Quality Management Plan, operation of the Project would result in less than significant impacts related to soil erosion and loss of topsoil.

Therefore, the Project would have a less than significant impact related to this threshold, and no mitigation is required.

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

**Less Than Significant Impact.** According to the Project's Geotechnical Investigation Report, the existing soils within the Project Site, including undocumented fill and alluvium, are considered potentially compressible and unsuitable for the direct support of new fill or foundation loads during Project construction. Therefore, as detailed in the Project's Geotechnical Investigation Report, the existing undocumented fill and unsuitable alluvium soil that remains beneath the planned slab subgrade elevations after grading occurs shall be excavated and replaced with structural compacted fill.

There is an existing asphalt concrete pavement road within the Project Site that would need to be demolished as part of the Project. This asphalt concrete pavement may contain hydrocarbons; therefore, these materials would not be suitable for reuse as on-site fill and would need to be disposed of off-site.

The Geotechnical Investigation Report stated that laboratory tests indicate the on-site soils appear to be corrosive to buried metals. As such, the Project would be required to comply with all applicable corrosion control measures such as providing minimum clearance between reinforcing steel and soil or sacrificial anodes or buried metal structures. Project implementation would also occur consistent with the recommendations outlined in the Geotechnical Investigation Report prepared for the Project.

As noted above, the Project is not in a location susceptible to liquefaction. The western and northern facing slopes have a high landslide susceptibility and are considered unstable in places, which is primarily a result of adverse geologic structure and bedding in the formational materials. As such, to minimize potential liquefaction effects, the Project would be designed in accordance with applicable provisions of the 2022 California Green Building Standards Code and would be required to implement the recommendations outlined in the Geotechnical Investigation Report. In addition, the Project would be required to adhere to all other applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Municipal Code to address slope instability issues.

Subsidence occurs when a large portion of land is displaced vertically, usually due to the withdrawal of groundwater, oil, or natural gas. Soils that are particularly subject to subsidence include those with high silt or clay content. As stated in the Geotechnical Investigation Report, although near surface soils at the Project Site primarily consist of silty and clayey sand, they contain a low expansion potential. The Project would not cause a large

withdrawal of groundwater, oil or natural gas, and as the soils exhibit a low expansion potential, subsidence within the Project Site is considered unlikely.

Lateral spreading occurs when surface material extends or spreads on gentle slopes and is often associated with earthquake shaking. As stated above, the Project Site, as with the entire Southern California region, is subject to secondary effects from earthquakes. However, the potential for ground rupture within the Project Site is considered low (Group Delta 2023a).

To minimize effects related to lateral spreading to the extent feasible, the Project would be required to be designed in accordance with applicable provisions of the 2022 California Green Building Standards Code and would be required to implement the recommendations outlined in the Geotechnical Investigation Report. Moreover, as noted above, the Project would be required to adhere to all other applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Municipal Code, which would further reduce risks associated with lateral spreading.

Therefore, the Project would have a less than significant impact related to this threshold, and no mitigation is required.

***d) Would the Project be located on expansive soils, as defined in Table 18-1-B of the California Building Code (1994), creating substantial direct or indirect risks to life or property?***

**Less Than Significant With Mitigation Incorporated.** Expansive soils are materials that, when subject to a constant load, are prone to expand when exposed to water. The hazard associated with expansive soils is that they can overstress and cause damage to the foundation of buildings set on top of them. As stated in the Geotechnical Investigation Report, laboratory tests conducted for the Project indicate that the near surface soils at the Project Site primarily consist of silty and clayey sand with a low expansion potential. However, some expansive clay may also be present in the Project Site in areas that were not explored. Therefore, based on the recommendations from the Geotechnical Investigation Report additional testing should be conducted by the geotechnical consultant during fine grading to confirm that any fill placed within the new building areas throughout the Project Site shall consist of very low expansion soil. Moreover, as noted above, the Project would be required to adhere to all other applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and Municipal Code, which would further reduce risks associated with expansive soils.

With implementation of the standard design and construction measures, adherence to all other applicable requirements and standards, and implementation of additional testing for expansive soils and related mitigation of same as required by **MM GEO-1**, the Project would result in a less than significant impact related to this threshold.



***e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal of waste water?***

**No Impact.** The Project Site would be served by the City's municipal wastewater system. The Project would not require the installation or use of any septic systems.

Therefore, the Project would have no impact related to this threshold, and no mitigation is required.

***f) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

**Less Than Significant With Mitigation.** A paleontological records search was requested from LACM, Vertebrate Paleontology Department and results were received on December 11, 2022. The results indicate that there are no fossil localities<sup>2</sup> located directly within the Project Site. However, there are fossil localities identified by the LACM records search from the same type of sedimentary deposits that occur in the Project Site (e.g., Puente Formation soil types). Deeper excavation activities that would occur during Project construction would involve disturbance of Puente Formation soil types which could contain paleontological resources. To minimize impacts to any potential paleontological resources to the extent feasible, the Project would be required to implement **MM GEO-2**, which requires that a qualified paleontologist be contacted to evaluate any potential paleontological resources encountered during Project construction and implement related measures to the extent any resource is determined to be significant.

With implementation of **MM GEO-2**, the Project would result in a less than significant impact related to this threshold.

## **4.6.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects within the City of Anaheim. These cumulative projects include new industrial, commercial, and residential land uses on a mix of previously developed and undeveloped project sites. These cumulative projects are described in more detail in Table 4-1, which is provided in Section 4.0.

As described above, the Project would have less than significant impacts related to ground rupture, seismic ground shaking, seismic related ground failure, landslides, erosion, and loss of topsoil. The Project would have a potentially significant impact related to expansive soils prior to mitigation. Therefore, to minimize Project impacts to less than significant level, **MM GEO-1** would be implemented, which requires that additional soil testing be conducted during fine grading of the Project Site to evaluate the expansion potential of soils within the Project Site that are to be utilized for fill purposes. Also as described above, the Project could result in potentially significant impacts to paleontological resources without mitigation.

<sup>2</sup> A fossil locality is a location where fossils have been found in the past.

Therefore, to minimize Project impacts to paleontological resources, **MM GEO-2** would be implemented, which requires that an on-call paleontologist be retained prior to construction and that the paleontologist be contacted in the event of a discovery of a potential paleontological resource during construction.

Other cumulative projects involving grading and development of structures would be required to evaluate their potential impacts related to geology and soils, typically through the preparation of a geotechnical investigation, and to implement mitigation measures, as appropriate. Therefore, cumulative impacts from the Project and other cumulative projects related to cultural resources would be less than significant.

#### **4.6.6 MITIGATION PROGRAM**

**MM GEO-1** During fine grading activities and prior to building construction for each building, advanced expansive soils testing shall be conducted by an approved geotechnical consultant to confirm that any proposed fill placed within the new building areas consists of very low expansion potential ( $EI < 50$ ). The geotechnical consultant shall provide recommendations related to the expansion potential of the soils that are evaluated to the Property Owner/Developer, which shall be incorporated into the Project's final design to the satisfaction of the City's Public Works Department.

**MM GEO-2** In the event that paleontological resources are inadvertently unearthed during excavation activities, the contractor shall temporarily halt or delay all earth-disturbing activities within a 25-foot radius of the area of discovery until the discovery is examined by a qualified Paleontologist in accordance with Society of Vertebrate Paleontology standards, and the contractor shall contact the City's Planning and Building Department immediately. In connection with each specific individual development proposal, the relevant Applicant shall include a standard inadvertent discovery clause in every Project-related construction contract to inform contractors of this requirement. The Property Owner/Developer shall retain a qualified professional paleontologist to evaluate the significance of the find, and in consultation with the City's Planning and Building Department, determine an appropriate course of action to feasibly mitigate impacts to same. If the paleontological resources are found to be significant, the paleontologist, in consultation with the City's Planning and Building Department, shall determine appropriate and feasible actions for avoidance, exploration, salvage, and/or curation that is consistent with the standards prescribed by the Society of Vertebrate Paleontology in the guideline document Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010). Any recovered fossil should be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where it will be properly curated and made accessible for future studies. After the recommended measures have been implemented, work within the 25-foot vicinity of the find shall be permitted to resume and no further mitigation for said find shall be necessary.

#### **4.6.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of mitigation measures **MM GEO-1 and MM GEO-2**, the Project would result in a less than significant impact related to geology and soils.

*This page intentionally left blank*

---

## 4.7 **GREENHOUSE GAS EMISSIONS**

### 4.7.1 **EXISTING CONDITIONS**

#### **Global Climate Change and Greenhouse Gases**

Climate change is a recorded change in the Earth's average weather measured by variables such as wind patterns, storms, precipitation, and temperature. Historical records show that global temperature changes have occurred naturally in the past, such as during previous ice ages. The year 2022 ranked as Earth's fifth hottest year on record. Overall, Earth's average temperature has risen more than 2 degrees Fahrenheit since the 1880s. Continuing the planet's long-term warming trend, the year's globally averaged temperature was 1.6 degrees Fahrenheit (0.89 degrees Celsius) warmer than the baseline 1951–1980 mean. The last seven years have been the warmest seven years on record, typifying the ongoing and dramatic warming trend (NASA 2023a).

The global atmospheric concentration of carbon dioxide (CO<sub>2</sub>), the most abundant greenhouse gas (GHG), has increased from a pre-industrial value of about 280 parts per million (ppm) in 1750 to a seasonally adjusted 418.94 ppm in June 2021. The National Oceanic and Atmospheric Administration Annual Greenhouse Gas Index (AGGI) in 2020 was 1.47, which means the warming influence of GHGs has increased 47 percent since 1990. It took about 240 years for the AGGI to go from zero to one, and 30 years to increase by another 47 percent (ESRL 2022a).

#### ***Greenhouse Gases***

Gases that trap heat in the atmosphere are referred to as GHGs. The effect is analogous to the way a greenhouse retains heat GHGs are global pollutants and are therefore unlike criteria air pollutants such as ozone (O<sub>3</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and toxic air contaminants (TACs), which are pollutants of regional and local concern (see Section 4.2, Air Quality, of this Draft EIR). While pollutants with localized air quality effects have relatively short atmospheric lifetimes (generally on the order of a few days), GHGs have relatively long atmospheric lifetimes, ranging from one year to several thousand years. Long atmospheric lifetimes allow for GHGs to disperse around the globe. Therefore, GHG effects are global, as opposed to the local and/or regional air quality effects of criteria air pollutant and TAC emissions, which are analyzed in Section 4.2, Air Quality.

Although the exact lifetime of any particular GHG molecule depends on multiple variables, more CO<sub>2</sub> is currently emitted into the atmosphere than is sequestered. CO<sub>2</sub> sinks, or reservoirs, include vegetation and the ocean, which absorb CO<sub>2</sub> through photosynthesis and dissolution, respectively. These are two of the most common processes of CO<sub>2</sub> sequestration. Of the total annual human-caused CO<sub>2</sub> emissions, approximately 54 percent is sequestered through ocean uptake, Northern Hemisphere forest regrowth, and other terrestrial sinks

within a year, whereas the remaining 46 percent of human-caused CO<sub>2</sub> emissions is stored in the atmosphere.<sup>1</sup>

GHGs, as defined under California's Assembly Bill (AB) 32, include CO<sub>2</sub>, methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). Prominent GHGs that naturally occur in Earth's atmosphere are water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), oxides of nitrogen (NO<sub>x</sub>), and ozone. Anthropogenic (human-caused) GHG emissions include releases of these GHGs plus releases of human-made gases with high global warming potential (ozone-depleting substances such as chlorofluorocarbons [CFCs]<sup>2</sup> and aerosols, hydrofluorocarbons [HFCs], perfluorocarbons [PFCs], and sulfur hexafluoride [SF<sub>6</sub>]).

GHGs vary widely in the power of their climatic effects; therefore, climate scientists have established a unit called global warming potential (GWP). The GWP of a gas is a measure of both potency and lifespan in the atmosphere as compared to CO<sub>2</sub>. For example, CH<sub>4</sub> and N<sub>2</sub>O are approximately 28 and 265 times (respectively) more powerful than CO<sub>2</sub> (CO<sub>2</sub> has a GWP of 1) in their ability to trap heat in the atmosphere. The GWP of each GHG is multiplied by the amount of each gas to calculate the total CO<sub>2</sub> equivalent (CO<sub>2</sub>e). CO<sub>2</sub>e is a quantity that enables all GHG emissions to be considered as a group despite their varying GWP.

The primary human processes that release GHGs include the burning of fossil fuels for transportation, heating, and electricity generation; agricultural practices that release methane, such as livestock grazing and crop residue decomposition; and industrial processes that release smaller amounts of high GWP gases. Deforestation and land cover conversion have also been identified as contributing to global warming by reducing Earth's capacity to remove CO<sub>2</sub> from the air and altering Earth's albedo, or surface reflectance, thus allowing more solar radiation to be absorbed. Specifically, CO<sub>2</sub> emissions associated with fossil fuel combustion are the primary contributors to human-induced climate change. CO<sub>2</sub>, methane, and nitrous oxide emissions associated with human activities are the next largest contributors to climate change.

### ***General Environmental Effects of Global Climate Change***

Emissions of GHGs have the potential to adversely affect the environment because such emissions contribute, on a cumulative basis, to global climate change. A cumulative discussion and analysis of Project impacts on global climate change is presented in this Draft EIR because, although it is unlikely that a single project could contribute significantly to climate change, cumulative emissions from many projects affect global GHG concentrations and the climate system.

Executive Order (EO) S-3-05 mandates the preparation of biennial science assessment reports on climate change impacts and adaptation options for California. EO S-13-08 directs the California Natural Resources Agency (CNRA) to develop a State Climate Adaptation

---

<sup>1</sup> Seinfeld, J.H. and S.N. Pandis. 1998. *Atmospheric Chemistry and Physics from Air Pollution to Climate Change*. Hoboken, NJ: John Wiley & Sons.

<sup>2</sup> CFCs destroy stratospheric ozone. The Montreal Protocol on Substances That Deplete the Ozone Layer prohibited CFC production in 1987.



Strategy and to provide State land use planning guidance related to sea level rise and other climate change impacts. Reports resulting from these directed actions include the Climate Action Team Report to the Governor and Legislature and the California Climate Adaptation Strategy (CalEPA 2010a; CNRA 2009a). These studies report that global warming in California is anticipated to impact resources including, but not limited to, those discussed below.

- **Public Health.** Many Californians currently experience the worst air quality in the nation, and climate change is expected to make matters worse. Higher temperatures would increase the frequency, duration, and intensity of conditions conducive to air pollution formation. If global background O<sub>3</sub> levels increase as predicted under some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by more frequent wildfires, which emit fine particulate matter that can travel long distances. Rising temperatures and more frequent heat waves would increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress. Climate change may also increase asthma rates and the spread of infectious diseases and their vectors, as well as challenge food and water supplies. Children, the elderly, people with chronic heart or lung disease, outdoor workers, people who exercise outdoors and the economically disadvantaged would be particularly vulnerable to these changes. In addition, more frequent extreme weather events could also result in increased injuries and deaths from these phenomena.
- **Energy.** Increasing mean temperature and more frequent heat waves will drive up demand for cooling in summer; this new energy demand will only be partially offset by decreased demand for heating in winter. Hydropower, which currently provides 15 percent of in-State energy generation, would be threatened by declining snowpack, which serves as a natural reservoir for hydropower generation in the spring and summer. Winter storms, earlier snowmelt, and greater runoff may combine to cause flooding, which could, in turn, damage transmission lines and cause power outages.
- **Water Resources.** Rising temperatures, less precipitation, and more precipitation falling as rain instead of snow could severely diminish snowpack. Because the Sierra Nevada snowpack provides most of California's available water, this potential loss would increase the risk of summer water shortages and would hamper water supplies and hydropower generation. Rising sea levels would push saltwater into California's estuaries, wetlands, and groundwater aquifers, threatening the water quality and reliability in the Sacramento/San Joaquin River Delta—a major California freshwater supply. Extreme precipitation and flooding could also damage water quality by creating sudden increases in runoff. Moreover, warming would increase evapotranspiration rates from plants, soil, and open water surfaces, which would result in greater demand for irrigation. Overall, climate change would reduce California's water supplies even as its growing population requires additional resources.
- **Sea Level and Flooding.** Sea level at California's coasts is expected to rise by 11 to 18 inches above 2000 levels by 2050 and by 23 to 55 inches by 2100. If realized, these

increases would create more frequent and higher storm surges; would erode some coastal areas; and would increase pressure on existing levees. These increases would create a greater risk of flooding in previously untouched inland areas. Consequently, continued development in vulnerable coastal areas would put more people and infrastructure at risk.

- **Agriculture.** Although higher CO<sub>2</sub> levels can stimulate plant production and increase plant water-use efficiency, in the long-term, climate change would reduce the quantity and quality of agricultural products statewide. As temperatures rise, farmers will face greater water demand for crops and a less reliable and smaller water supply, as well as increased competition from urban water users. Sea level rise may cause saltwater intrusion in the Delta region, making it difficult to raise certain crops. Rising temperatures will likely aggravate O<sub>3</sub> pollution, interfering with plant growth and making plants more susceptible to disease and pests. In addition, warming would reduce the number of colder hours needed for fruit and nut production; would shift pest and weed ranges; would alter crop pollinator timing; and would increase the frequency of droughts, heat waves, and floods. Higher average temperatures would also increase mortality and decrease productivity in livestock.
- **Forestry.** California timber production has declined over the past few decades due, in part, to warming and increased wildfires. While further warming may increase production for some species in some locations, climate change is expected to reduce overall forest growth. Increasing average temperatures and drought frequency would result in more wildfires and greater burned areas, while less frequent and more intense rainfall would increase soil erosion and landslides. Higher temperatures and less water would force many tree species to shift their ranges; those that run out of livable habitat may die out. Pests, diseases, and invasive species may also colonize new areas, further challenging forest health and biodiversity.
- **Ecosystems.** Rising average temperatures would subject plants and animals to greater thermal stress, causing some species to adapt or shift their ranges, while others may face extinction. Invasive species may also shift their ranges, threatening native species. Changing temperatures would also alter the timing of plant flowering and insect emergence, damaging species' ability to reproduce. Changing precipitation patterns would impact aquatic and riparian ecosystems by reducing snowpack, stream flow, and groundwater, while increasing the frequency of droughts, floods, and wildfires. As sea levels rise, some coastal habitats may be permanently flooded or eroded, and saltwater intrusion into freshwater resources may threaten terrestrial species. Changes in ocean circulation and temperature, ocean acidification, and increased runoff and sedimentation would threaten pelagic species. In sum, continued global warming would alter natural ecosystems and threaten California's biological diversity.

## **Climate and Topography**

Climate is the accumulation of daily and seasonal weather events over a long period of time, whereas weather is defined as the condition of the atmosphere at any particular time and place. For a detailed discussion of existing regional and Project Site climate and topography, see Section 4.2, Air Quality.

## **Existing GHG Emissions**

### ***California GHG Inventory***

As the second largest emitter of GHG emissions in the U.S. and the 12th to 16th largest GHG emissions emitter in the world, California contributes a large quantity (369.3 million metric tons [MMT] CO<sub>2</sub>e in 2020) of GHG emissions to the atmosphere.<sup>3</sup> Emissions of CO<sub>2</sub> are byproducts of fossil fuel combustion and are attributable in large part to human activities associated with transportation, industry/ manufacturing, electricity and natural gas consumption, and agriculture. In California, the transportation sector is the largest emitter at 38 percent of GHG emissions, followed by industry/ manufacturing at 23 percent of GHG emissions.<sup>4</sup>

### ***Existing GHG Emissions from the Project Site***

Because the Project Site is primarily undeveloped with no current buildings or other active uses, there are no existing GHG emissions from the Project Site assumed in this analysis.

## **4.7.2 REGULATORY SETTING**

### **International**

International organizations such as the ones discussed below have made substantial efforts to reduce GHGs. Preventing human-induced climate change will require the participation of all nations in solutions to address the issue.

### ***Intergovernmental Panel on Climate Change***

In 1988, the United Nations and the World Meteorological Organization established the IPCC to assess the scientific, technical and socio-economic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation.

---

<sup>3</sup> California Air Resources Board (ARB). 2022. California Greenhouse Gas Emission Inventory – 2020 Edition. Website: <https://ww2.arb.ca.gov/ghg-inventory-data>. Accessed November 24, 2023.

<sup>4</sup> Ibid.

## ***United Nations Framework Convention on Climate Change (Convention)***

On March 21, 1994, the United States joined a number of countries around the world in signing the Convention. Under the Convention, governments gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

## ***Kyoto Protocol***

In 1988, the United Nations established the IPCC to evaluate the impacts of global warming and to develop strategies that nations could implement to curtail global climate change. In 1992, the United States joined other countries around the world in signing the United Nations Framework Convention on Climate Change (UNFCCC) agreement with the goal of controlling GHG emissions. As a result, the Climate Change Action Plan was developed to address the reduction of GHGs in the United States. The Climate Change Action Plan currently consists of more than 50 voluntary programs for member nations to adopt. The Kyoto Protocol is a treaty made under the UNFCCC and was the first international agreement to regulate GHG emissions. Some have estimated that if the commitments outlined in the Kyoto Protocol are met, global GHG emissions could be reduced an estimated 5 percent from 1990 levels during the first commitment period of 2008-2012. Notably, while the United States is a signatory to the Kyoto Protocol, Congress has not ratified the Protocol and the United States is not bound by the Protocol's commitments. In December 2009, international leaders from 192 nations met in Copenhagen to address the future of international climate change commitments post-Kyoto.

## ***Paris Climate Change Agreement***

Parties to the UNFCCC reached a landmark agreement on December 12, 2015 in Paris, charting a fundamentally new course in the two-decade-old global climate effort. Culminating a 4-year negotiating round, the new treaty ends the strict differentiation between developed and developing countries that characterized earlier efforts, replacing it with a common framework that commits all countries to put forward their best efforts and to strengthen them in the years ahead. This includes, for the first time, requirements that all parties report regularly on their emissions and implementation efforts and undergo international review. The agreement and a companion decision by parties were the key outcomes of the conference, known as the 21st session of the UNFCCC Conference of the Parties, or "COP 21." Together, the Paris Agreement and the accompanying COP decision:

- Reaffirm the goal of limiting global temperature increase well below 2 degrees Celsius, while urging efforts to limit the increase to 1.5 degrees.
- Establish binding commitments by all parties to make "nationally determined contributions" (NDCs), and to pursue domestic measures aimed at achieving them.
- Commit all countries to report regularly on their emissions and "progress made in implementing and achieving" their NDCs, and to undergo international review.

- Commit all countries to submit new NDCs every 5 years, with the clear expectation that they will “represent a progression” beyond previous ones.
- Reaffirm the binding obligations of developed countries under the UNFCCC to support the efforts of developing countries, while for the first time encouraging voluntary contributions by developing countries too.
- Extend the current goal of mobilizing \$100 billion a year in support by 2020 through 2025, with a new, higher goal to be set for the period after 2025.
- Extend a mechanism to address “loss and damage” resulting from climate change, which explicitly will not “involve or provide a basis for any liability or compensation.”
- Require parties engaging in international emissions trading to avoid “double counting.”
- Call for a new mechanism, similar to the Clean Development Mechanism under the Kyoto Protocol, enabling emission reductions in one country to be counted toward another country’s NDC.<sup>10</sup>

On June 1, 2017, former President Trump announced the decision for the United States to withdraw from the Paris Agreement.<sup>11</sup> However, on January 20, 2021, President Biden signed the instrument to bring the United States back into the Paris Agreement that same day.<sup>12</sup> Nonetheless, California remains committed to addressing climate change through programs aimed to reduce GHGs.<sup>13</sup>

## **Federal**

### ***U.S. Environmental Protection Agency Findings***

In *Massachusetts et al. v. EPA* (Supreme Court Case 05-1120, 2006) the U.S. Supreme Court held that United States Environmental Protection Agency (EPA) has authority to regulate GHG emissions from motor vehicles as air pollutants under the Clean Air Act (CAA). The Court concluded that the EPA must decide whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare—or provide a reasonable explanation why it cannot or will not make that decision (i.e., the science being too uncertain to make a reasoned decision).

On December 7, 2009, the U.S. Environmental Protection Agency (USEPA) Administrator signed two distinct findings regarding GHGs under Section 202(a) of the Clean Air Act.

- **Endangerment Finding:** The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases—CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs, and SF<sub>6</sub>—in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator finds that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

The findings do not themselves impose any requirements on industry or other entities. However, this action was a prerequisite for implementing GHG emissions standards for vehicles (USEPA 2021a) by triggering USEPA's duty under CAA Section 202(a) to promulgate emission standards for new motor vehicles, which are discussed below.

### ***Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards***

Congress first passed the Corporate Average Fuel Economy law in 1975 to increase the fuel economy of cars and light duty trucks. The law has become more stringent over time. The USEPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) have been working together on developing a National Program of regulations to reduce GHG emissions and to improve the fuel economy of light-duty vehicles. A light-duty vehicle is defined as any motor vehicle with a gross vehicle weight of 6,000 pounds or less (CARB 2021a). On May 19, 2009, President Obama put in motion a new national policy to increase fuel economy for all new cars and trucks sold in the United States. On April 1, 2010, the USEPA and NHTSA announced a joint Final Rulemaking establishing standards for 2012 through 2016 model year vehicles. On October 15, 2012, the agencies issued a Final Rulemaking with standards for model years 2017 through 2025. The rules require these vehicles to meet an estimated combined average emissions level of 295 grams of CO<sub>2</sub> per mile by 2012, decreasing to 250 grams per mile by 2016, and finally to an average industry fleet-wide level of 163 grams per mile in model year 2025. The 2016 standard is equivalent to 35.5 miles per gallon (mpg) and the 2025 standard is equivalent to 54.5 mpg if the levels were achieved solely through improvements in fuel efficiency. The agencies expect, however, that a portion of these improvements will occur due to air conditioning technology improvements (i.e., they will leak less) and due to the use of alternative refrigerants, which would not contribute to fuel economy. These standards would cut GHG emissions by an estimated 2 billion metric tons and 4 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2017–2025). The combined USEPA GHG standards and NHTSA Corporate Average Fuel Economy (CAFE) standards resolve previously conflicting requirements under both federal programs and the standards of the State of California and other states that have adopted the California standards (USEPA and NHTSA 2012a).

On September 19, 2019, NHTSA and the USEPA issued a final action entitled the "One National Program Rule" to enable the federal government to provide nationwide uniform fuel economy and GHG emission standards for automobile and light duty trucks. This action finalizes critical parts of the Safer, Affordable, Fuel-Efficient (SAFE) Vehicles Rule that was first proposed in August 2018. In this proposal, the agencies proposed new and amended GHG and CAFE standards for model year 2021 to 2026 light duty vehicles (USEPA and NHTSA 2019a).

In this action, USEPA withdrew the Clean Air Act waiver that had been granted to the State of California in January 2013 for the State's Advanced Clean Car program with respect to GHG and Zero Emission Vehicle (ZEV) elements. In November 2019, California, 21 other states, the District of Columbia, and four California cities filed a petition for the USEPA to reconsider SAFE-1. A petition for reconsideration was also filed by several environmental groups.



On April 28, 2021, USEPA published a Notice of Reconsideration: California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Opportunity for Public Hearing and Public Comment. The public comment period closed July 6, 2021 (USEPA 2021a). In December 2021, NHTSA repealed the SAFE Vehicles Rule, Part One, regarding EPCA's preemption of State GHG standards (86 Federal Register 74236). In March 2022, the EPA reinstated California's waiver authority under the CAA to implement its own GHG emission.

In 2021, the EPA finalized new GHG emissions standards for passenger cars and light trucks for MYs 2023 through 2026. These standards, which are the strongest vehicle emissions standards ever established for the light-duty vehicle sector, set the light-duty vehicle GHG program on track to provide a strong launch point for the EPA's next phase of standards for MY 2027 and beyond. The EPA is planning to initiate a separate rulemaking to establish multi-pollutant emission standards under the CAA for MY 2027 and later that will speed the transition of the light-duty vehicle fleet toward a zero-emissions future, consistent with President Biden's Executive Order 14037, Strengthening American Leadership in Clean Cars and Trucks, which set a nonbinding target of making 50 percent of passenger cars and light-duty trucks ZEVs by 2030.

### ***Clean Air Act***

Congress established much of the basic structure of the Clean Air Act (CAA) in 1970, and made major revisions in 1977 and 1990. Six common air pollutants (also known as criteria pollutants) are addressed in the CAA. These are particulate matter, ground level ozone, CO, sulfur oxides, nitrogen oxides, and lead. The EPA calls these pollutants criteria air pollutants, because it regulates them by developing human health-based and/or environmentally based criteria (science-based guidelines) for setting permissible levels. The set of limits based on human health are called primary standards. Another set of limits intended to prevent environmental and property damage are called secondary standards.<sup>5</sup> The federal standards are called NAAQS. The air quality standards provide benchmarks for determining whether air quality is healthy at specific locations and whether development activities will cause or contribute to a violation of the standards. The criteria pollutants are:

- Ozone
- Nitrogen dioxide (NO<sub>2</sub>)
- Lead
- Particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>)
- Carbon monoxide (CO)
- Sulfur dioxide

The federal standards were set to protect public health, including that of sensitive individuals; thus, the EPA is tasked with updating the standards as more medical research is available regarding the health effects of the criteria pollutants. Primary federal standards are the levels of air quality necessary, with an adequate margin of safety, to protect public health.

---

<sup>5</sup> United States Environmental Protection Agency (EPA). 2023. Clean Air Act Requirements and History. Website: <https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history>. Accessed February 9, 2024.

## ***National Regulations for Greenhouse Gas Emissions from Commercial Trucks and Buses***

The EPA and NHTSA issued rules for the first national standards to reduce GHG emissions and improve fuel efficiency of medium- and heavy-duty trucks and buses. The Phase 1 Greenhouse Gas Rule, issued in 2011, set GHG emissions and fuel economy standards for medium- and heavy-duty trucks manufactured in MYs 2014–2018.

In October 2016, the EPA and the NHTSA jointly finalized Phase 2 standards for medium- and heavy-duty vehicles through MY 2027 that will improve fuel efficiency and cut carbon pollution to reduce the impacts of climate change while bolstering energy security and spurring manufacturing innovation.<sup>6</sup>

In 2021, EPA announced plans to reduce GHG emissions and other harmful air pollutants from heavy-duty trucks through a series of rulemakings over the next 3 years. The first rulemaking of this Clean Trucks Plan was the recently finalized rule, Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicles Standards, signed on December 20, 2022. Two additional rulemakings, the Phase 3 greenhouse gas proposal for heavy-duty vehicles and the multi-pollutant emissions standards for light-duty and medium-duty vehicles, have been proposed.<sup>7</sup>

## ***California Waiver***

The State of California has received a waiver from the EPA to have separate, stricter Corporate Average Fuel Economy Standards. California is the only state allowed to set its own air emissions standards for motor vehicles. California was granted an exception under the CAA because the State had already implemented standards in 1966 to address its critical smog problem and had established the California Air Resources Board (ARB) to oversee them. The CAA states that the EPA shall grant a waiver if California's standards are necessary to meet compelling circumstances and are at least as stringent as federal standards. Other states may choose to adopt California's vehicle emissions standards without EPA approval. Seventeen states and the District of Columbia, making up about 40 percent of U.S. auto sales, currently follow at least some of California's vehicle emissions standards.

## ***United States Consolidated Appropriations Act (Mandatory Greenhouse Gas Reporting)***

The Consolidated Appropriations Act of 2008, passed in December 2007, requires the establishment of mandatory GHG reporting requirements. On September 22, 2009, the USEPA issued the Final Mandatory Reporting of Greenhouse Gases Rule, which became

---

<sup>6</sup> United States Environmental Protection Agency (EPA). 2016. Final Rule for Phase 2 Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles | US EPA, Website: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-phase-2-greenhouse-gas-emissions-standards>, Accessed: June 29, 2023.

<sup>7</sup> United States Environmental Protection Agency (EPA). Clean Trucks Plan. Website: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/clean-trucks-plan>. Accessed December 27, 2023.

effective January 1, 2010. The rule requires reporting of GHG emissions from large sources and suppliers in the United States and is intended to collect accurate and timely emissions data to inform future policy decisions. Under the rule, suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 MT or more per year of GHG emissions are required to submit annual reports to the EPA. The first annual reports for the largest emitting facilities, covering calendar year 2010, were submitted to EPA in 2011.

### ***U.S. Clean Air Act Permitting Programs (New Greenhouse Gas Source Review)***

The EPA issued a final rule on May 13, 2010, which establishes thresholds for GHGs that define when permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities. This final rule “tailors” the requirements of these CAA permitting programs to limit which facilities will be required to obtain Prevention of Significant Deterioration and Title V permits. In the preamble to the revisions to the Code of Federal Regulations, the EPA states:

This rulemaking is necessary because without it the Prevention of Significant Deterioration and Title V requirements would apply, as of January 2, 2011, at the 100 or 250 tons per year levels provided under the Clean Air Act, greatly increasing the number of required permits, imposing undue costs on small sources, overwhelming the resources of permitting authorities, and severely impairing the functioning of the programs. EPA is relieving these resource burdens by phasing in the applicability of these programs to greenhouse gas sources, starting with the largest greenhouse gas emitters. This rule establishes two initial steps of the phase-in. The rule also commits the agency to take certain actions on future steps addressing smaller sources but excludes certain smaller sources from Prevention of Significant Deterioration and Title V permitting for greenhouse gas emissions until at least April 30, 2016. The EPA estimates that facilities responsible for nearly 70 percent of the national GHG emissions from stationary sources will be subject to permitting requirements under this rule. This includes the nation’s largest GHG emitters—power plants, refineries, and cement production facilities.

### ***Cap and Trade***

Cap and trade refers to a policy tool where emissions are limited to a certain amount and can be traded, or provides flexibility on how the emitter can comply. There is no federal GHG cap-and-trade program currently; however, some states have joined to create initiatives to provide a mechanism for cap and trade. The Regional Greenhouse Gas Initiative is an effort to reduce GHGs among the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. Each state caps carbon dioxide emissions from power plants, auctions carbon dioxide emission allowances, and invests the proceeds in strategic energy programs that further reduce emissions, save consumers money, create jobs, and build a clean energy economy. The Initiative began in 2008. The Western Climate Initiative partner jurisdictions have developed a comprehensive initiative to reduce regional GHG emissions to <sup>15</sup> percent below 2005 levels by 2020. The partners are

California, British Columbia, Manitoba, Ontario, and Québec. Currently only California and Québec are participating in the cap-and-trade program.<sup>16</sup>

## **State**

### ***Legislative Actions to Reduce GHGs***

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation such as the landmark AB 32 California Global Warming Solutions Act of 2006 was specifically enacted to address GHG emissions. Other legislation such as Title 24 and Title 20 energy standards were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major provisions of these legislative efforts.

### ***Assembly Bill 1493 (Mobile Source Reductions) (Pavley Regulations and Fuel Efficiency Standards)***

AB 1493, adopted in July 2002, also known as Pavley I, requires the development and adoption of regulations by CARB to achieve the maximum feasible reduction of GHGs emitted by noncommercial passenger vehicles, light-duty trucks, and other vehicles used primarily for personal transportation in the State. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the United States District Court for the District of Columbia in 2011.<sup>8</sup> The standards were to be phased in during the 2009 through 2016 model years.<sup>9</sup>

The emission standards have become increasingly more stringent through the 2016 model year. California committed to further strengthening these standards beginning in 2017 to obtain a 45 percent GHG reduction from 2020 model year vehicles (EVs) (CARB 2021b). Regulations to make California emissions standards for model year 2017 and beyond consistent with federal standards were adopted in 2012 and are discussed further below.

### ***California Air Resources Board's Advanced Clean Cars Program***

The second phase of the implementation for the Pavley Bill was incorporated into Amendments to the Low-Emission Vehicle (LEV) Program referred to as LEV III or the Advanced Clean Cars program. In January 2012, CARB approved the Advanced Clean Cars Program, an emissions-control program for model year 2017 through 2025. The program combines the control of smog, soot, and GHGs with requirements for greater numbers of zero-emission vehicles. By 2025, when the rules will be fully implemented, the new automobiles will emit 34 percent fewer global warming gases and 75 percent fewer smog-

---

<sup>8</sup> California Air Resources Board (ARB). 2013. Clean Car Standards—Pavley, Assembly Bill 1493. Website: <http://www.arb.ca.gov/cc/ccms/ccms.htm>. Accessed June 30, 2023.

<sup>9</sup> California Air Resources Board (ARB). Advanced Clean Cars Summary. Website: [https://ww2.arb.ca.gov/sites/default/files/2019-12/acc%20summary-final\\_ac.pdf](https://ww2.arb.ca.gov/sites/default/files/2019-12/acc%20summary-final_ac.pdf). Accessed June 30, 2023.

forming emissions. The program also requires car manufacturers to offer for sale an increasing number of ZEVs each year, including battery electric, fuel cell, and plug-in hybrid electric vehicles. In March 2017, CARB adopted GHG standards for 2022 through 2025 model years and directed staff to begin rule development for 2026 and subsequent model years (CARB 2021c). The new rules will reduce pollutants from gasoline- and diesel-powered cars and deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid electric vehicles (HEVs), and hydrogen fuel cell cars. The regulations will also ensure adequate fueling infrastructure is available for the increasing numbers of hydrogen fuel cell vehicles planned for deployment in California.<sup>10</sup>

Advanced Clean Cars II was adopted in November 2022. The Advanced Clean Cars II regulations will rapidly scale down light-duty passenger car, pickup truck, and SUV emissions starting with MY 2026 through 2035. The regulations are two-pronged. First, they amend the ZEV Regulation to require an increasing number of ZEVs and rely on currently available advanced vehicle technologies, including battery electric, hydrogen fuel cell electric, and plug-in HEVs, to meet air quality and climate change emissions standards. These amendments support Governor Newsom's 2020 Executive Order N-79-20 (discussed below) that requires all new passenger vehicles sold in California to be zero-emissions by 2035. Second, the LEV regulations were amended to include increasingly stringent standards for gasoline cars and heavier passenger trucks to continue to reduce smog-forming emissions.

In October 2023, the CARB launched a new effort to consider potential amendments to the Advanced Clean Cars II regulations, including updates to the tailpipe GHG emission standard and limited revisions to the LEV and ZEV regulations. These would regulations rapidly scale down emissions of light-duty passenger cars, pickup trucks, and SUVs and require an increased number of ZEVs to meet air quality and climate change emissions goals.

### ***Executive Order S-3-05 (Statewide GHG Targets)***

On June 1, 2005, Governor Arnold Schwarzenegger signed EO S-3-05, which proclaims that California is vulnerable to the impacts of climate change. It declares that increased temperatures could reduce snowpack in the Sierra Nevada Mountains; could further exacerbate California's air quality problems; and could potentially cause a rise in sea levels. To avoid or reduce the impacts of climate change, EO S-3-05 calls for a reduction in GHG emissions to the year 2000 level by 2010, to year 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.

However, executive orders do not have the same status as a law because under California's constitution, it is the Legislature, not the Governor, who is entrusted with the role of making Statewide laws. The Legislature declined to include the EO's 2050 goal in AB 32 (discussed below), and again declined to use the EO's 2050 goal in adopting Senate Bill (SB) 375 (discussed below), nor has it incorporated it in any implementing legislation or applicable plans. Additionally, although CARB has the requisite authority to adopt whatever regulations

---

<sup>10</sup> California Air Resources Board (ARB). 2011. Status of Scoping Plan Recommended Measures. Website: [https://calcarbondash.org/cc/scopingplan/sp\\_measures\\_implementation\\_timeline.pdf](https://calcarbondash.org/cc/scopingplan/sp_measures_implementation_timeline.pdf). Accessed June 30, 2023.

are necessary beyond the AB 32 horizon year 2020 to meet the target set forth in S-3-05, the agency has not done so. Since the Legislature has never enacted EO S-3-05's 2050 target, and no expert agency has interpreted the California Environmental Quality Act (CEQA) to require it, the 2050 target has only the force and effect of an executive order issued by a former Governor. If the Legislature has delegated any of its authority to define CEQA's requirements, it delegated that authority to the Governor's Office of Planning and Research (OPR).

### ***Senate Bill 97 and the State CEQA Guidelines***

Pursuant to SB 97, OPR developed and CNRA adopted proposed amendments to the State CEQA Guidelines (CEQA Amendments) for the feasible mitigation of GHG emissions and their effects. The CEQA Amendments became effective on March 18, 2010.

The CEQA Amendments for Greenhouse Gas Emissions state in Section 15064.4(a) of the CEQA Guidelines that lead agencies should "make a good faith effort, to the extent possible on scientific and factual data, to describe, calculate or estimate" GHG emissions. The amendments encourage lead agencies to consider many factors in performing a CEQA analysis and preserve lead agencies' discretion to make their own determinations based upon substantial evidence. The amendments also encourage public agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses.

The CEQA Amendments note that an agency may identify emissions by either selecting a "model or methodology" to quantify the emissions or by relying on "qualitative analysis or other performance based standards" (CNRA 2009b). Section 15064.4(b) of the State CEQA Guidelines provides that the lead agency should consider the following when assessing the significance of impacts from GHG emissions on the environment (CNRA 2009b):

- The extent a project may increase or reduce GHG emissions as compared to the environmental setting;
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and
- The extent to which the project complies with regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

All of these are considered in the impact analysis presented in this section, as noted below. The revisions to Appendix G, Environmental Checklist Form, of the State CEQA Guidelines, which is often used as a basis for lead agencies' selection of significance thresholds, do not prescribe specific thresholds. Rather, Appendix G of the State CEQA Guidelines asks whether the project would conflict with a plan, policy, or regulation adopted to reduce GHG emissions or would generate GHG emissions that would significantly affect the environment, indicating that the determination of what is a significant effect on the environment should be left to the lead agency. Accordingly, the CEQA Amendments do not prescribe specific methodologies for performing an assessment; they do not establish specific thresholds of significance; and they do not mandate specific mitigation measures. Rather, the CEQA Amendments



emphasize the lead agency's discretion to determine the appropriate methodologies and thresholds of significance consistent with the manner in which other impact areas are handled in CEQA (CNRA 2009b).

The CEQA Amendments indicate that lead agencies should consider all feasible means, supported by substantial evidence and subject to monitoring and reporting, of mitigating the significant effects of GHG emissions. As pertinent to the Project, these potential mitigation measures, set forth in Section 15126.4(c) of the State CEQA Guidelines, may include (1) measures in an existing plan or mitigation program for the reduction of GHG emissions that are required as part of the lead agency's decision; (2) reductions in GHG emissions resulting from a project through implementation of project design features; (3) off-site measures, including offsets, to mitigate a project's emissions; and (4) carbon sequestration measures (CNRA 2009b).

Among other things, the CNRA noted in its Public Notice for these changes that impacts of GHG emissions should focus on the cumulative impact on climate change. The Public Notice states (CNRA 2009a):

While the Proposed Amendments do not foreclose the possibility that a single project may result in greenhouse gas emissions with a direct impact on the environment, the evidence before [CNRA] indicates that in most cases, the impact will be cumulative. Therefore, the Proposed Amendments emphasize that the analysis of greenhouse gas emissions should center on whether a project's incremental contribution of greenhouse gas emissions is cumulatively considerable.

Thus, the CEQA Amendments continue to make clear that the significance of GHG emissions is most appropriately considered on a cumulative level. The revision to the cumulative impact discussion requirement (Section 15130) simply directs agencies to analyze GHG emissions in an Environmental Impact Report (EIR) when a project's incremental contribution of emissions may be cumulatively considerable; however, it does not answer the question of when emissions are cumulatively considerable. Section 15183.5 permits programmatic GHG analysis and later project-specific tiering, as well as the preparation of Greenhouse Gas Reduction Plans. Compliance with such plans can support a determination that a project's cumulative effect is not cumulatively considerable, according to Section 15183.5(b). In addition, the amendments revised Appendix F of the CEQA Guidelines, which focuses on Energy Conservation. The sample environmental checklist in Appendix G was amended to include GHG questions. CEQA emphasizes that the effects of GHG emissions are cumulative, and should be analyzed in the context of CEQA's requirements for cumulative impacts analysis (see CEQA Guidelines Section 15130(f)).

### ***Assembly Bill 32 (Statewide GHG Reductions)***

In furtherance of the goals established in EO S-3-05, the California Legislature adopted the public policy position that global warming is "a serious threat to the economic well-being, public health, natural resources, and the environment of California" (California Health and Safety Code, Section 38501). The public policy statements became law with the enactment

of the California Global Warming Solutions Act of 2006 (AB 32) in September 2006, after considerable study and expert testimony before the Legislature. The CARB is the State agency charged with monitoring and regulating sources of GHGs. The law instructed CARB to develop and enforce regulations for the reporting and verifying of statewide GHG emissions. AB 32 directed CARB to set a GHG emission limit based on 1990 levels, to be achieved by 2020. The bill set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner. The scoping plan is described further below.

### ***Executive Order B-30-15 (Statewide Interim GHG Targets)***

California EO B-30-15 (2015) set an “interim” statewide emission target to reduce GHG emissions to 40 percent below 1990 levels by 2030 and directed State agencies with jurisdiction over GHG emissions to implement measures pursuant to statutory authority to achieve this 2030 target and the 2050 target of 80 percent below 1990 levels. Specifically, the EO directed CARB to update the Scoping Plan to express this 2030 target in metric tons.

### ***Senate Bill 32/Assembly Bill 197***

SB 32, signed September 8, 2016, implements a goal of EO B-30-15. Under SB 32, in “adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions,” CARB must ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. SB 32’s findings state that CARB will “achieve the State’s more stringent greenhouse gas emission reductions in a manner that benefits the State’s most disadvantaged communities and is transparent and accountable to the public and the Legislature.” AB 197, a companion to SB 32, adds two members to the CARB and requires measures to increase transparency about GHG emissions, climate policies, and GHG reduction actions.

### ***California Air Resources Board Scoping Plan***

On December 11, 2008, CARB adopted the Scoping Plan to achieve the goals of AB 32. The Scoping Plan establishes an overall framework for the measures that will be adopted to reduce California’s GHG emissions. The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target; each sector has a different emission reduction target. CARB determined that achieving the 1990 emission level would require a reduction of GHG emissions of approximately 28.5 percent below what would otherwise occur in 2020 in the absence of new laws and regulations (referred to as “business as usual”). The Scoping Plan evaluates opportunities for sector-specific reductions; integrates all CARB and Climate Action Team early actions and additional GHG reduction measures by both entities; identifies additional measures to be pursued as regulations; and outlines the role of a cap-and-trade program. Most of the measures target the transportation and electricity sectors. As stated in the Scoping Plan, the key elements of the strategy for achieving the 2020 GHG target included energy efficiency programs, renewable energy expansion, Cap-and-Trade, establishing targets for transportation-related GHGs, and a high GWP fee program.

### First Update to the Climate Change Scoping Plan

CARB approved the final “First Update to the Climate Change Scoping Plan” on May 22, 2014. The First Update builds upon the Initial Scoping Plan with new strategies and recommendations. The First Update describes California’s progress towards AB 32 goals, stating that “California is on track to meet the near-term 2020 greenhouse gas limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32”. Specifically, “if California realizes the expected benefits of existing policy goals (such as 12,000 megawatts [MW] of renewable distributed generation by 2020, net zero energy homes after 2020, existing building retrofits under AB 758, and others) it could reduce emissions by 2030 to levels squarely in line with those needed in the developed world and to stay on track to reduce emissions to 80 percent below 1990 levels by 2050” (CARB 2014). Reducing the “business as usual” condition of 509 metric tons carbon dioxide equivalent (MTCO<sub>2e</sub>) to the 1990 emissions level of 431 MMTCO<sub>2e</sub> will require a reduction of 78 MMTCO<sub>2e</sub>, or approximately a 15.3 percent reduction (compared to a 28.5 percent reduction as set forth in the original Scoping Plan but not directly comparable because of the change in methodology).

### Second Update to the Climate Change Scoping Plan

CARB prepared a second update to the Scoping Plan to reflect the 2030 target established in EO B-30-15 and in SB 32 (discussed above). The Final Proposed 2017 Scoping Plan was published in November 2017, and the third public Board Meeting for the Proposed Scoping Plan was held on December 14, 2017, where the Final Proposed 2017 Climate Change Scoping Plan (Second Update to the Climate Change Scoping Plan, or 2017 Scoping Plan Update) was adopted.

The 2017 Scoping Plan Update includes new statutory GHG reduction requirements that were not included in the prior Scoping Plan, including those set forth in SB 32 (discussed above), which set a 40 percent GHG reduction target below 1990 GHG levels to be achieved by 2030; SB 350, which set a 50 percent reduction in GHG emissions from electricity generation and other energy uses in existing structures, and a 50 percent renewable energy portfolio requirement; and SB 650, which established priority GHG reduction targets for designated types of GHGs, such as methane. The key elements of the 2017 Scoping Plan Update proposal call for further GHG reductions from the refinery sector specifically, further reductions from other stationary sources through either a renewed and expanded cap and trade or carbon tax program, further reductions from other sectors such as transportation technologies and services, water and solid waste conservation and management, and land uses in both open space and urban areas (CARB 2017).

Specifically, the main elements of the 2017 Scoping Plan to achieve the 2030 target are as follows:

#### 1. SB 350

- Achieve 50 percent Renewables Portfolio Standard by 2030.
- Doubling of energy efficiency savings by 2030.

## 2. Low Carbon Fuel Standard

- Increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020).

## 3. Mobile Source Strategy (Cleaner Technology and Fuels Scenario)

- Maintaining existing GHG standards for light- and heavy-duty vehicles.
- Put 4.2 million Zero-Emission Vehicles (ZEVs) on the roads.
- Increase ZEV buses, delivery and other trucks.

## 4. Sustainable Freight Action Plan

- Improve freight system efficiency.
  - Maximize use of near Zero-Emission Vehicles and equipment powered by renewable energy.
  - Deploy over 100,000 zero-emission trucks and equipment by 2030.
- ## 5. Short-Lived Climate Pollutant Reduction Strategy
- Reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030.
  - Reduce emissions of black carbon 50 percent below 2013 levels by 2030.
- ## 6. SB 375 Sustainable Communities Strategies
- Increased stringency of 2035 targets.

## 7. Post-2020 Cap-and-Trade Program

- Declining capacities, continued linkage with Québec, and linkage to Ontario, Canada.
- The ARB will look for opportunities to strengthen the program to support more air quality co-benefits, including specific program design elements. In fall 2016, the ARB staff described potential future amendments including reducing the offset usage limit, redesigning the allocation strategy to reduce free allocation to support increased technology and energy investment at covered entities and reducing allocation if the covered entity increases criteria or toxics emissions over some baseline.

## 8. 20 percent reduction in GHG emissions from the refinery sector.

## 9. By 2018, develop Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

### 2022 Scoping Plan Update

The 2022 Scoping Plan assesses progress towards achieving carbon neutrality by 2045 or earlier through the reduction of emissions by 85 percent below 1990 levels, and it outlines a technologically feasible, cost-effective, and equity-focused path for achieving this climate

target. The 2022 Scoping Plan takes an aggressive approach to decreasing fossil fuel use and decarbonization of every sector of emissions. Measures include moving to zero-emission transportation; phasing out the use of fossil fuel gas used for heating; reduction in the use of chemicals and refrigerants with high global warming potential; development of sustainable infrastructure that provides opportunities for walking, biking, and public transit to reduce reliance on automobiles; and development of renewable energy (CARB 2022).

Specifically, aspects of the 2022 Scoping Plan’s scenario include:

- Rapidly moving to zero-emission transportation by electrifying cars, buses, trains, and trucks.
- Phasing out the use of fossil gas used for heating homes and buildings.
- Clamping down on chemicals, refrigerants, and other high GWP gases.
- Providing communities with sustainable options for walking, biking, and public transit to reduce reliance on cars.
- Continuing to develop solar arrays, wind turbine capacity, and other resources that provide clean, renewable energy.
- Scale up options such as renewable hydrogen and biomethane for end uses that are hard to electrify.

The ARB estimates that successfully achieving the outcomes called for by the 2022 Scoping Plan will reduce demand for liquid petroleum by 94 percent and total fossil fuel by 86 percent in 2045, relative to 2022. The 2022 Scoping Plan also emphasizes the role of natural and working lands and carbon capturing technologies to address residual emissions and achieve net negative emissions.

### ***Executive Order S-01-07—Low Carbon Fuel Standard***

The Governor signed Executive Order S 01-07 on January 18, 2007. The order mandated that a Statewide goal be established to reduce the carbon intensity of California’s transportation fuels by at least 10 percent by 2020. In particular, the Executive Order established a Low Carbon Fuel Standard (LCFS) and directed the Secretary for Environmental Protection to coordinate the actions of the CEC, ARB, University of California, and other agencies to develop and propose protocols for measuring the “lifecycle carbon intensity” of transportation fuels. The ARB adopted the LCFS in 2009.

The LCFS was subject to legal challenge in 2011. Ultimately, in 2013, the Fifth District Court of Appeal (California) ruled that the CARB failed to comply with California Environmental Quality Act (CEQA) and the Administrative Procedure Act when adopting regulations for LCFS. In a partially published opinion, the Court of Appeal directed that Resolution 09-31 and two executive orders of the CARB approving LCFS regulations promulgated to reduce GHG emissions be set aside. However, the Court tailored its remedy to protect the public interest by allowing the LCFS regulations to remain operative while the ARB complied with the procedural requirements it failed to satisfy.

To address the Court ruling, the CARB was required to bring a new LCFS regulation to the Board for consideration in February 2015. The proposed LCFS regulation was required to contain revisions to the 2010 LCFS as well as new provisions designed to foster investments in the production of the low carbon fuels, offer additional flexibility to regulated parties, update critical technical information, simplify and streamline program operations, and enhance enforcement. The Final Rulemaking Package adopting the regulation was filed with the Office of Administrative Law (OAL) in 2015. The OAL approved the regulation the same year.<sup>11</sup>

### ***Senate Bill 375 (Land Use Planning)***

Signed September 30, 2008, SB 375 provides for a new planning process to coordinate land use planning and regional transportation plans (RTPs) and funding priorities in order to help California meet the GHG reduction goals established in AB 32. SB 375 requires Metropolitan Planning Organizations, including the Southern California Association of Governments (SCAG), to incorporate a Sustainable Communities Strategy (SCS) in their RTPs that will achieve GHG emission reduction targets set by CARB. There are two mutually important facets to SB 375: reducing vehicle miles traveled and encouraging more compact, complete, and efficient communities for the future. SB 375 also includes provisions for exemptions from or streamlined CEQA review for projects classified as transit priority projects (SCAG 2016). See additional discussion of the SCAG plan under “Regional” regulations below.

### ***Senate Bills 1078, 107, and SBX1-2 (Renewable Portfolio Standards)***

Established in 2002 under SB 1078, accelerated in 2006 under SB 107, and again in 2011 under SBX1-2, California’s Renewable Portfolio Standard (RPS) requires retail sellers of electric services to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020. Initially, the Renewable Portfolio Standard provisions applied to investor-owned utilities, community choice aggregators, and electric service providers. SBX1-2 added, for the first time, publicly-owned utilities to the entities subject to RPS.

### ***Senate Bill 350***

SB 350, signed October 7, 2015, is the Clean Energy and Pollution Reduction Act of 2015. SB 350 is the implementation of some of the goals of EO B-30-15. The objectives of SB 350 are as follows:

- (1) To increase from 33 percent to 50 percent, the procurement of our electricity from renewable sources; and
- (2) To double the energy efficiency savings in electricity and natural gas final end uses of retail customers through energy efficiency and conservation (CEC 2021a).

---

<sup>11</sup> California Air Resources Board (ARB). 2015. Low Carbon Fuel Standard Regulation. Website: <https://www.arb.ca.gov/regact/2015/lcfs2015/lcfs2015.htm>. Accessed December 10, 2023.



## ***Senate Bill 100***

On September 10, 2018, Governor Brown signed SB 100, the 100 Percent Clean Energy Act of 2018. SB 100 requires renewable energy and zero-carbon resources to supply 100 percent of electric retail sales to end-use customers and 100 percent of electricity procured to serve State agencies by December 31, 2045. This policy requires the transition to zero-carbon electric systems that do not cause contributions to increase of GHG emissions elsewhere in the western electricity grid (CEC 2021b). SB 100 also creates new standards for the RPS goals established by SB 350 in 2015. Specifically, the bill increases required energy from renewable sources for both investor-owned utilities and publicly-owned utilities from 50 percent to 60 percent by 2030.

## ***Executive Order B-55-18***

On September 10, 2018, Governor Brown also signed California EO B-55-18, which sets a new Statewide goal of carbon neutrality as soon as possible, and no later than 2045, and achieve net negative emissions thereafter. EO B-55-18 was added to the existing Statewide targets of reducing GHG emissions, including the targets previously established by Governor Brown of reducing emissions to 40 percent below 1990 levels by 2030 (EO B-30-15 and SB 32), and by Governor Schwarzenegger of reducing emissions to 80 percent below 1990 levels by 2040 (EO S-3-05).

## ***Executive Order N-79-20***

On September 23, 2021, Governor Newsom announced that California will phase out the sale of new gasoline and diesel-powered cars to reduce GHG emissions. The EO directs the State to require that, by 2035, all new cars and passenger trucks sold in California be zero-emission vehicles. This would aid in reducing CO<sub>2</sub> emissions, half of which are from the transportation sector.

## ***Small Off-Road Engine Regulations***

California Executive Order N-79-20 also sets a goal to transition off-road vehicles and equipment operations to 100 percent zero-emission by 2035 where feasible and is the impetus for the Small Off-Road Engine Regulations. The CARB aims to achieve 100 percent zero-emissions from small off-road engine (SORE) entities by 2035. However, total smog-forming emissions from SORE already exceed emissions from light-duty passenger cars in California. A single lawn mower used for one hour emits as many pollutants as driving a new light-duty passenger car 300 miles, and a leaf blower for one hour emits as many pollutants as driving the same vehicle 1100 miles. The 2021 SORE amendments effectively ban the sale of carbon-emitting landscaping equipment to be sold in model year 2024.

## ***Title 24 California Green Building Standards Code***

The 2022 California Green Building Standards Code (24 CCR, Part 11), also known as the CALGreen code, contains mandatory requirements and voluntary measures for new residential and nonresidential buildings (including buildings for retail, office, public schools,

and hospitals) throughout California) (CBSC 2022a). The development of the CALGreen Code is intended to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the following construction practices: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) environmental quality. In short, the code is established to reduce construction waste; make buildings more efficient in the use of materials and energy; and reduce environmental impact during and after construction.

### ***Title 24 California Building Code: Energy Efficiency Standards for Residential and Non-residential Buildings***

The Energy Efficiency Standards for Residential and Non-residential Buildings (24 California Code of Regulations [CCR], Part 11) were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The currently applicable standards are the 2022 Standards, effective January 1, 2023 (CBSC 2022a). The 2022 standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements. The ventilation measures improve indoor air quality, protecting homeowners from air pollution originating from outdoor and indoor sources (CEC 2022a). The requirements of the energy efficiency standards result in the reduction of natural gas and electricity consumption. Both natural gas and electricity use produce GHG emissions. The goal of the standards is to reduce energy use in new homes by more than 50 percent.

The California Energy Commission (CEC) adopted the 2008 changes to the Building Energy Efficiency Standards in order to (1) "Provide California with an adequate, reasonably-priced, and environmentally-sound supply of energy" and (2) "Respond to Assembly Bill 32, the Global Warming Solutions Act of 2006, which mandates that California must reduce its GHG emissions to 1990 levels by 2020". Additionally, it has been California policy that all new residential buildings will be zero net energy (ZNE) by 2020 and new commercial buildings will be ZNE by 2030, as described in the 2008 California Public Utilities Commission long-term energy efficiency strategic plan. The 2022 Title 24 Energy Efficiency Standards establish building design and construction requirements that move closer to achieving California's ZNE goals through encouragement of energy efficient heat pumps, electric-ready alternatives to use of natural gas, electric vehicle charging options, renewable energy generation and electricity storage, as well improving indoor air quality through ventilation standards. The requirements of the energy efficiency standards result in the reduction of natural gas and electricity consumption. Both natural gas use and electricity generation result in GHG emissions.

## ***California Code of Regulations Title 13: Motor Vehicles***

California Code of Regulations, Title 13: Division 3, Chapter 10, Article 1, Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.<sup>12</sup>

This measure seeks to reduce public exposure to diesel particulate matter (DPM) and other air contaminants by establishing idling restrictions, emission standards, and other requirements for heavy-duty diesel engines and alternative idle-reduction technologies to limit the idling of diesel-fueled commercial motor vehicles. Any person that owns, operates, or causes to operate any diesel-fueled commercial motor vehicle must not allow a vehicle to idle for more than 5 consecutive minutes at any location or operate a diesel-fueled auxiliary power system for greater than 5 minutes at any location when within 100 feet of a restricted area.

California Code of Regulations, Title 13: Division 3, Chapter 9, Article 4.8, Section 2449: General Requirements for In-Use Off-Road Diesel-Fueled Fleets.

This measure regulates NO<sub>x</sub>, DPM, and other criteria pollutant emissions from in-use, off-road diesel-fueled vehicles. This measure also requires each fleet to meet fleet average requirements or demonstrate that it has met “best available control technology” requirements. Also, this measure requires medium and large fleets to have a written idling policy available to operators of the vehicles informing them that idling is limited to 5 consecutive minutes or less.

## ***Title 20 Appliance Efficiency Regulations***

California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4, Sections 1601-1608: Appliance Efficiency Regulations regulates the sale of appliances in California.

The Appliance Efficiency Regulations include standards for both federally regulated appliances and non-federally regulated appliances. Twenty-three categories of appliances are included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the State and those designed and sold exclusively for use in recreational vehicles or other mobile equipment.

## ***Senate Bill 1368—Emission Performance Standards***

In 2006, the State Legislature adopted SB 1368, which was subsequently signed into law by the Governor. SB 1368 directs the California Public Utilities Commission (CPUC) to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 seeks to limit carbon emissions associated with electrical energy

<sup>12</sup> California Air Resources Board (ARB). Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Website: <https://ww2.arb.ca.gov/our-work/programs/atcm-to-limit-vehicle-idling/about>. Accessed December 10, 2023.

consumed in California by forbidding procurement arrangements of longer than 5 years for energy from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The CPUC adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to, publicly owned utilities, of 1,100 pounds CO<sub>2</sub> per megawatt hour (MWh).

### ***Model Water Efficient Landscape Ordinance***

The Model Water Efficient Landscape Ordinance (Ordinance) was required by AB 1881 Water Conservation Act. The Bill required local agencies to adopt a local landscape ordinance at least as effective in conserving water as the Ordinance by January 1, 2010. Reductions in water use of 20 percent consistent with the 2020 mandate (SBX-7-7) are expected. Governor Brown's Drought Executive Order of April 1, 2015 (Executive Order B-29-15) directed the California Department of Water Resources to update the Ordinance through expedited regulation. The California Water Commission approved the revised Ordinance in 2015, which became effective the same year. New development projects that include landscaped areas of 500 square feet or more are subject to the Ordinance. The update requires:

- More efficient irrigation systems.
- Incentives for graywater usage.
- Improvements in on-site stormwater capture.
- Limits on the portion of landscapes that can be planted with high water use plants.
- Reporting requirements for local agencies.

### ***California Air Pollution Control Officers Association***

The California Air Pollution Control Officers Association (CAPCOA) is the association of Air Pollution Control Officers representing all 35 local air quality agencies throughout California. CAPCOA is not a regulatory body but has been an active organization in providing guidance in addressing the CEQA significance of GHG emissions and climate change as well as other air quality issues. The August 2010 CAPCOA publication entitled *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* provides guidance on the quantification of project-level mitigation of GHGs associated with land use, transportation, energy use, and other related project areas. The guidance includes detailed procedures about the approaches to assessing and calculating the GHG emissions reductions associated with project design features and mitigation measures (CAPCOA 2010a). This publication's methods are used in the California Emission Estimator Model (CalEEMod) computer model that is used to calculate GHG emissions.

## ***California Supreme Court GHG Ruling***

In a 2015 ruling, the California Supreme Court, in *Center for Biological Diversity v. California Department of Fish and Wildlife* on the Newhall Ranch project, concluded that whether the project was consistent with meeting Statewide emission reduction goals is a legally permissible criterion of significance, but the significance finding for the project was not supported by a reasoned explanation based on substantial evidence. The Court offered potential solutions on pages 25-27 of the ruling to address this issue, as summarized below:

Specifically, the Court advised:

- **Substantiation of Project Reductions from BAU.** A lead agency may use a BAU comparison based on the Scoping Plan’s methodology if it also substantiates the reduction a particular project must achieve to comply with Statewide goals (page 25).
- **Compliance with Regulatory Programs or Performance Based Standards.** A lead agency “might assess consistency with AB 32’s goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities” (page 26).
- **Compliance with GHG Reduction Plans or Climate Action Plans.** A lead agency may utilize “geographically specific GHG emission reduction plans” such as CAPs or GHG emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis (page 26).
- **Compliance with Local Air District Thresholds.** A lead agency may rely on “existing numerical thresholds of significance for greenhouse gas emissions” adopted by, for example, local air districts.

The California Supreme Court was concerned that new development may need to do more than existing development to reduce GHGs to demonstrate that it was doing its fair share of reductions.

Therefore, for purposes of this analysis and as discussed further below, consistent with CEQA Guidelines Appendix G, the three factors identified in CEQA Guidelines Section 15064.4 and the *Newhall Ranch* opinion, the GHG impacts would be considered significant if the Project would:

- Conflict with a compliant GHG Reduction Plan if adopted by the lead agency;
- Exceed the Air District GHG Reduction Threshold; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of GHGs.

As further discussed below, these thresholds are consistent with the Appendix G Environmental Checklist questions from the State CEQA Guidelines for GHG emissions.

## **Regional**

### ***Southern California Association of Governments***

As previously discussed, SB 375 specifically required Metropolitan Planning Organizations (MPOs), including SCAG, to incorporate an SCS in their RTPs that will achieve GHG emission reduction targets set by CARB. SCAG's current SCS is included in its 2024–2050 RTP/SCS Connect SoCal (SCAG 2024), which covers the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura.<sup>13</sup> On April 4, 2024, SCAG's Regional Council adopted the 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal). The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The RTP/SCS includes a strong commitment to reduce emissions from transportation sources (including from vehicle miles traveled (VMT) in order to improve public health. The goals and policies of the RTP/SCS that reduce VMT focus on transportation and land use planning. These goals include but are not limited to building infill projects; concentrating on reducing sprawl; preserving open space; increasing access to important resources; enhancing resilience to climate change impacts; locating residents closer to where they work and play; and designing communities so there is access to high quality transit service.

### ***South Coast Air Quality Management District***

As previously discussed in Section 4.2, Air Quality, of this Draft EIR, air quality in Orange County is regulated by the South Coast Air Quality Management District (SCAQMD), the agency principally responsible for comprehensive air pollution control in the South Coast Air Basin (SoCAB), which includes Orange County. To that end, the SCAQMD, a regional agency, works directly with SCAG, County transportation commissions, and local governments and cooperates actively with all federal and State government agencies. The SCAQMD develops rules and regulations; establishes permitting requirements for stationary sources; inspects emissions sources; and enforces such measures through educational programs or fines, when necessary.

Beginning in April 2008, the SCAQMD convened a Working Group to provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents. The Working Group was scheduled to meet once per month. On December 5, 2008, the SCAQMD Governing Board adopted its staff proposal for an interim CEQA GHG significance threshold of 10,000 MTCO<sub>2e</sub> per year (MTCO<sub>2e</sub>/yr)<sup>14</sup> for industrial projects where the SCAQMD is the lead agency. In September 2010, the Working Group presented a revised tiered approach to determining GHG significance for residential and commercial projects (SCAQMD 2010). These proposals have not yet been considered by the SCAQMD Board.

At Tier 1, GHG emissions impacts would be less than significant if the proposed project qualifies under a categorical or statutory CEQA exemption. At Tier 2, for projects that do not

---

<sup>13</sup> The 2024 RTP/SCS was approved in 2024 and it succeeds the 2020–2045 RTP/SCS.

<sup>14</sup> GHG emissions are commonly expressed as MTCO<sub>2e</sub>. Larger quantities of emissions, such as on the world or State scale, are expressed in MMTCO<sub>2e</sub>.



meet the Tier 1 criteria, the GHG emissions impact would be less than significant if the proposed project is consistent with a previously adopted GHG reduction plan that meets specific requirements.<sup>15</sup> At Tier 3, the Working Group proposed extending the 10,000 MTCO<sub>2</sub>e/yr screening threshold currently applicable to industrial projects where the SCAQMD is the lead agency, described above, to other lead agency industrial projects. For residential and commercial projects (that is, non-industrial projects), the Working Group proposed the following Tier 3 screening values: either (1) a single 3,000 MTCO<sub>2</sub>e/yr threshold for all land use types or (2) separate thresholds of 3,500 MTCO<sub>2</sub>e/yr for residential projects, 1,400 MTCO<sub>2</sub>e/yr for commercial projects, and 3,000 MTCO<sub>2</sub>e/yr for mixed-use projects. These screening values were developed from a survey of CEQA projects. It is estimated that projects with emissions above these values would produce 90 percent of the anticipated GHG emissions from residential/commercial projects and projects below the screening level would contribute 10 percent or less of the regional GHG emissions from land development. Therefore, a project with emissions less than the applicable screening value would be considered to have less than significant GHG emissions. Projects with emissions greater than the Tier 3 screening values would be analyzed at Tier 4 by one of three methods:

1. **A Percent Emission Reduction Target.** This method is used by the Sacramento Metropolitan and San Joaquin Valley Air Districts and the City of San Diego. The SCAQMD Working Group made no recommendation relative to this method.
2. **Early Implementation of Applicable AB 32 Scoping Plan Measures.** The Working Group assumes implementation of AB 32 measures would be incorporated in method 3 below.
3. **Efficiency Targets.** On the project level, 2020 GHG emissions should not exceed 4.8 MTCO<sub>2</sub>e/year per service population (SP) where SP is project residents plus employees. Further, 2035 GHG emissions should not exceed 3.0 MTCO<sub>2</sub>e/year per SP (SCAQMD 2010).

The SCAQMD Working Group's interim Tier 1 criteria of 3,000 MTCO<sub>2</sub>e per year is used as the significance threshold for the Project. If the Project's GHG emissions exceed this criterion, GHG emissions would be considered potentially significant prior to the implementation of mitigation measures.

---

<sup>15</sup> The plan must (a) quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area; (b) establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable; (c) identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area; (d) specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level; (e) establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and (f) be adopted in a public process following environmental review (State CEQA Guidelines, Section 15183.5).

## **Local**

### **City of Anaheim**

#### ***General Plan – Green Element***

The General Plan for the City of Anaheim was adopted in May 2004. While the City of Anaheim General Plan's Green Element, does not specifically address GHG emissions or climate change, it does address topics concerning conservation of natural resources, including vehicle emissions reduction; vehicle work trip reduction; expansion of transit trips; sound land use planning; efficient, clean-burning public transit; energy conservation; and building performance standards. The goals and policies from the Green Element relevant to this analysis are included in Table 4.10-1 of Section 4.10, Land Use and Planning, with a project consistency analysis.

#### ***Green Connection***

The City of Anaheim Public Utilities Department (Anaheim Public Utilities) has established the Green Connection which functions as a centralized resource for Anaheim residents and businesses interested in conservation of energy and water resources. The Green Connection includes information regarding the City's Green Resolution and Green Building Program, both of which are discussed below, as well as tips for energy and water savings.

#### **Green Resolution**

In August 2006, the City adopted Resolution 2006-187, “. . .authorizing and directing the General Manager of the Anaheim Public Utilities Department to establish the green connection that accommodates the principles of environmental soundness and sustainability.” The resolution sets the following goals to achieve environmental soundness and sustainable development:

- Increase purchases of renewable energy resources to 10 percent by 2010 and 20 percent by 2015;
- Develop a plan to reduce power plant and fleet emissions in accordance with California Environmental Protection Agency mandates;
- All City-owned projects over 10,000 square feet in building area that enter the design and construction phase shall meet U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED™) registration and certification, provided that the project is cost-effective over the life of the building;
- Encourage developers and builders to receive LEED™ registration and certification;
- First acquire all cost effective, reliable, and feasible energy efficiency and demand reduction resources before procuring other energy resources;
- Achieve an overall citywide goal of 20 percent reduction in energy use and 15 percent in water use by 2015;

- Accelerate the rate of fleet vehicle replacement with Alternative Fuel Vehicles so that 90 percent of Utilities light and medium vehicles are Alternative Fuel Vehicles by 2020;
- Replace 10 percent of the City's light, non-emergency vehicles with preferred low emission technologies as the vehicles are scheduled for normal replacement; and
- Provide community leadership as well as education in the principles of environmental soundness and sustainability to increase community awareness, responsibility, and participation.

### Green Building Program

The Anaheim Public Utilities Department has developed the Green Building Program, which encourages achievement of the goals established by the Green Resolution through incentives and reward programs. Specifically, the Green Building Program identifies numerous ways to certify a building project as green, qualify for rebates and savings, and take advantage of other benefits including accelerated plan approval, waived plan check fees, and free technical assistance.

### ***City of Anaheim Greenhouse Gas Reduction Plan***

The most recent version of the City of Anaheim's Greenhouse Gas Reduction Plan, developed by Anaheim Public Utilities Department, was adopted in May 2020. The City's Greenhouse Gas Reduction Plan is a vision for the future of Anaheim's electric and water resources to be sustainable and environmentally friendly, while continuing to be affordable and reliable for the benefit of Anaheim Public Utilities Department residential and business customers. The plan outlines baseline metrics and goals for GHG reduction and establishes timelines that are consistent with state policies and SB 100. The Greenhouse Gas Reduction Plan identifies renewables portfolio targets for increasing the APU power supply generated from renewable sources up to 33 percent by year 2020, 60 percent by year 2030, and 100 percent by 2045. In 2020, 34,000 kilowatt (kW) of photovoltaic systems were installed in the City, 50,000 kW of photovoltaic systems are expected to be installed by 2030, and 75,000 kW of photovoltaic systems are expected to be installed by 2045. The GHGRP also establishes transportation-related goals for APU to convert its fleet vehicles to result in emissions reductions of 500 MTCO<sub>2</sub>e in 2020, 1,200 MTCO<sub>2</sub>e in 2030, and 32,000 MTCO<sub>2</sub>e in 2045.

The City's Greenhouse Gas Reduction Plan is not a qualified Climate Action Plan for the City (for purposes of streamlining CEQA review) but provides GHG reduction measures for key activities for the Anaheim Public Utilities Department and provides insight related to GHG emissions reductions for water and energy.

### ***Anaheim Municipal Code***

The 2022 California Energy Code (CCR Title 24 Part 6), which includes the Energy Efficiency Standards for Residential and Nonresidential Buildings, is adopted, with specified amendments, as Anaheim Municipal Code Section 15.03.080. The 2022 California Green

Building Standards Code (CCR Title 24 Part 11) is adopted, with specified amendments, as Anaheim Municipal Code Section 15.03.100.

### **4.7.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim's Environmental Checklist, the Project would result in significant impacts related to GHG emissions if it would:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

### **4.7.4 IMPACT ANALYSIS**

#### **Methodology**

Project emissions were calculated by using CalEEMod version 2022.1.1.20 (CAPCOA 2023a). CalEEMod is a computer program accepted by the SCAQMD that can be used to estimate criteria pollutant and GHG emissions associated with land development projects in California. CalEEMod has separate databases for specific counties and air districts. The Orange County database was used for the Project. The model calculates emissions of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O and combines these emissions to calculate CO<sub>2</sub>e. For this analysis, the results are expressed in MTCO<sub>2</sub>e/year. Please see below and Section 4.2, Air Quality, of this Draft EIR, for discussion of the CalEEMod inputs, adjustments, outputs, and other characteristics.

#### ***Construction-related GHG Emissions***

Construction emissions, including emissions of criteria air pollutants and GHGs, can vary substantially from day to day, depending on the level of activity, the specific type of operation, and the type of construction equipment in use. Construction emissions result from both on-site and offsite activities. On-site emissions consist of exhaust emissions from the activity levels of heavy-duty construction equipment and motor vehicle operation. Off-site emissions result from motor vehicle exhaust from hauling and vendor trucks and worker traffic. Construction emissions are generally calculated as the product of an activity factor and an emission factor. The activity factor for construction equipment is a measure of how active a piece of equipment is and can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, or the amount of fuel consumed in a given amount of time. The emission factor relates the process activity to the amount of pollutant emitted. The operation of a piece of equipment is tempered by its load factor, which is the average power of a given piece of equipment while in operation compared with its maximum rated horsepower. A load factor of 1.0 indicates that a piece of equipment continually operates at its maximum operating capacity. This analysis uses the CalEEMod default load factors for off-road equipment.

## ***Operation-Related GHG Emissions***

The operational-phase emissions are based on the anticipated typical operation of the Project. The modeling accounts for average daily vehicle trips, energy and water demand, and wastewater and solid waste generation.

### **Transportation**

Mobile emissions were quantified using data from the Traffic Impact Assessment prepared by LLG and CalEEMod Version 2022.1.1.25<sup>16</sup>.

### **Solid Waste Disposal**

Indirect emissions from waste generation are based on the CalEEMod default solid waste generation rates, which are based on data from the California Department of Resources, Recycling, and Recovery (CalRecycle).

### **Water/Wastewater**

GHG emissions from this sector are associated with the embodied energy used to supply water, treat water, distribute water, and then treat wastewater and fugitive GHG emissions from wastewater treatment. The Project's water consumption is based on CalEEMod default indoor water use rates.

### **Area Sources**

Area sources are based on the CalEEMod defaults for use of consumer products and landscaping equipment. Additionally, the modeling accounted for the operation of 26 fireplaces during Project operations, 20 associated with the multifamily and 6 associated with the single family residential.

### **Energy**

Emissions associated with energy usage are from natural gas and electricity use for space and water heating, lighting, and power needs.

### **Stationary Sources**

Stationary sources are based on stationary source equipment, such as fire pumps or backup generators.

---

<sup>16</sup> As described in the Project Description, the non-residential amenity access would be limited to 200 memberships; as such, for purposes of AQ, GHG, and Energy, the ITE trip rate for "Recreational Community Center" (270.62/1000 members per day) was utilized, rather than the ITE trip rate for "Health Fitness Club" that was utilized in LLG's Transportation Impact Analysis.

- a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

**Significant and Unavoidable Impact.**

Short-Term Construction Impacts

Construction activities would result in the temporary generation of GHGs through worker vehicles and off-road and on-road construction equipment. The Project would generate GHG emissions during temporary (short-term) construction activities such as site grading, demolition, operation of construction equipment, operation of on-site heavy-duty construction vehicles, hauling of materials to and from the project site, asphalt paving, and construction worker vehicle trips. On-site construction activities would vary depending on the level of construction activity. The details of phasing, selection of construction equipment, and other input parameters are described in Section 4.2, Air Quality.

Because construction activity impacts are short-term, they contribute a relatively small portion of the total lifetime GHG emissions of a project. In addition, GHG emission-reduction measures for construction equipment are relatively limited. Therefore, as proposed by the SCAQMD, construction emissions are amortized over a project lifetime (typically 30 years) so that GHG-reduction measures would address construction GHG emissions as part of the operational GHG-reduction strategies (SCAQMD 2008a). This approach to evaluating the Project is used in this analysis.

The results of the CalEEMod calculations for GHGs from construction of the Project are shown in Table 4.7-1, Estimated Construction Annual Greenhouse Gas Emissions for the Project. For the Project, construction would result in estimated GHG emissions of approximately 10,504 MTCO<sub>2e</sub>, or annual GHG emissions of 350 MTCO<sub>2e</sub> when amortized over 30 years.

**TABLE 4.7-1  
ESTIMATED CONSTRUCTION ANNUAL  
GREENHOUSE GAS EMISSIONS FOR THE PROJECT**

<b>Year</b>	<b>Emissions (MTCO<sub>2</sub>e) (approx.)</b>
<b>Phase 1</b>	
2024	2,444
2025	1,183
2026	1,547
2027	1,173
<b>Total Phase 1</b>	<b>6,346</b>
<b>Phase 2</b>	
2027	1,802
2028	538
2029	367
2030	4
<b>Total Phase 2</b>	<b>2,711</b>
<b>Phase 3</b>	
2029	994
2030	243
2031	210
<b>Total Phase 3</b>	<b>1,447</b>
<b>Total Over All Phases</b>	<b>10,504</b>
<b><i>Annual Construction Emissions Amortized over 30 Years</i></b>	<b>350</b>
MTCO <sub>2</sub> e: metric tons of carbon dioxide equivalent	
Source: CalEEMod outputs can be found in Appendix E, Air Quality and Greenhouse Gas Emissions Calculations.	

Because construction emissions are amortized over a 30-year project lifetime, the level of significance for construction emissions related to the Project is included in the section on “Long-Term Operational Impacts”, and a separate significance finding for construction emissions is not necessary.

#### Long-Term Operational Impacts

Long-term operational GHG emissions would result from Project-generated vehicular traffic, utilization of any landscaping equipment, off-site generation of electrical power over the life of the Project, use of energy required to convey water to and wastewater from the Project Site, hauling and disposal of solid waste from the Project Site, and any fugitive refrigerants from air conditioning or refrigerators.

Operational GHG emissions for the Project were calculated in accordance with the methods described above. Mobile source input for trip generation was used from the Project’s Traffic



Impact Analysis, which is provided as Appendix L of this Draft EIR (LLG 2024a). The results of the calculations of operational annual GHG emissions at planned Project buildout are shown in Table 4.7-2. CalEEMod data sheets are included in Appendix E of this Draft EIR.

**TABLE 4.7-2  
ESTIMATED PROJECT BUILDOUT OPERATIONAL ANNUAL  
GREENHOUSE GAS EMISSIONS FOR THE PROJECT WITH AND  
WITHOUT IMPLEMENTATION OF GHG MITIGATION MEASURES**

Source	Emissions MTCO <sub>2</sub> e/year (approx.)	Percent of Total
<i>Unmitigated</i>		
Mobile	3,566	72%
Area	28	1%
Energy	1,066	22%
Water	75	2%
Solid Waste	152	3%
Refrigerants	1	<1%
Stationary	44	1%
<b>Total</b>	4,932	100%
<i>Mitigated*</i>		
Mobile	3,253	72%
Area	28	1%
Energy	967	21%
Water	75	2%
Solid Waste	152	3%
Refrigerants	1	<1%
Stationary	44	1%
<b>Total</b>	4,519	100%
MTCO <sub>2</sub> e/year: metric tons of carbon dioxide equivalent per year.		
Note: Totals may not balance due to rounding		
*The mitigated scenario includes the implementation of mitigation measures <b>MM TRANS-1</b> through <b>MM TRANS-5</b> and <b>MM GHG-1</b> through <b>MM GHG-3</b> . However, GHG emissions reductions from <b>MM GHG-3</b> are not quantified given that green power may not be available.		
Source: CalEEMod outputs can be found in Appendix E.		

As shown in Table 4.7-2, the Project would result in a total of 4,932 MTCO<sub>2</sub>e/year of emissions prior to the implementation of mitigation measures. With implementation of mitigation measures, the Project would result in 4,519 MTCO<sub>2</sub>e/year of emissions. There are no established applicable quantitative federal, State, regional, or local CEQA significance criteria for GHG emissions for residential development projects in the SoCAB. The SCAQMD has proposed, but not adopted, a threshold of 3,000 MTCO<sub>2</sub>e per year for non-industrial land use projects. Prior to implementation of additional GHG-related mitigation measures, the estimated GHG emissions from the Project would be greater than this suggested threshold. Therefore, without implementation of mitigation measures, the Project would result in a

significant unavoidable impact related to this threshold, requiring additional mitigation to reduce GHG emissions as feasible.

The Project would implement VMT-related mitigation measures that would also result in GHG emission reductions from automobiles. As detailed in Section 4.15, Transportation, of this Draft EIR, the Project would implement **MM TRANS-1** through **MM TRANS-5**, which are based on CAPCOA measures. GHG reductions resulting from CAPCOA measures are discussed in more detail in the Project's VMT Memorandum which was prepared in accordance with the methodologies found within CAPCOA's Handbook for Analyzing GHG Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (LLG 2024b) (Appendix T).

Even with implementation of VMT-related mitigation measures consisting of **MM TRANS-1** through **MM TRANS-5** the Project as a whole would still result in a significant impact related to operational GHG emissions using the SCAQMD's 3,000 MTCO<sub>2e</sub> per year threshold. Therefore, additional opportunities to further reduce operational GHG emissions for the Project have been evaluated and included as feasible.

To further reduce operational GHG emissions for the Project, the Project would implement **MM GHG-1**, which requires that the Project include natural gas lines only for the multiple-family residential building: (A) for all fire elements located (1) at the front entrance, (2) on the rooftop deck, (3) in all common areas, and (B) for each individual residential unit stove (but not for ovens or heating/cooling systems within each unit).

To further reduce GHG emissions from the Project, **MM GHG-2** would be implemented, which requires that the Property Owner/Developer install and maintain solar power generation on the Project Site to generate at least 15% of the Project's electrical demand on-site.

As required by **MM GHG-3**, the Property Owner/Developer shall enter into a Power Purchasing Agreement with Anaheim Public Utilities for the purchase of 60% "green power" for all of the Project's electricity demand that cannot be produced on-site, if available.

Table 4.7-4 below shows that with all of the VMT and GHG mitigation measures incorporated (**MM TRANS-1** through **MM TRANS-5** and **MM GHG-1** through **MM GHG-2**; **MM GHG-3** has not been quantified as reductions associated with this measure would depend on the availability of APU's green power), the total estimated annual GHG emissions for the Project would be approximately 4,890 MTCO<sub>2e</sub>/year at build out, which is the sum of the amortized construction emissions and the mitigated operational emissions.

**TABLE 4.7-3**  
**ESTIMATED TOTAL PROJECT BUILDOUT**  
**ANNUAL GREENHOUSE GAS EMISSIONS**

Source	Emissions MTCO <sub>2</sub> e/year
Construction (amortized) (from Table 4.7-1)	371
Operations Mitigated (from Table 4.7-2)*	4,519
<b>Total Annual GHG Emissions</b>	<b>4,890</b>
SCAQMD-recommended project-level screening threshold	3,000
<b><i>Does the Project Exceed the Threshold?</i></b>	<b><i>Yes</i></b>
MTCO <sub>2</sub> e/year: metric tons of carbon dioxide equivalent per year; GHG: greenhouse gas; SCAQMD: South Coast Air Quality Management District. Note 1: Totals may not balance due to rounding. * The "Operations Mitigated" total in this table includes the implementation of mitigation measures <b>MM TRANS-1</b> through <b>MM TRANS-5</b> and <b>MM GHG-1</b> through <b>MM GHG-2</b> . GHG emissions reductions from MM GHG-3 are not quantified given that green power may not be available. Source: CalEEMod outputs can be found in Appendix E, Air Quality and Greenhouse Gas Emissions Calculations.	

As mentioned above, there are no established applicable quantitative federal, State, regional, or local CEQA significance criteria for GHG emissions for residential development projects in the SoCAB. The SCAQMD has proposed, but not adopted, a threshold of 3,000 MTCO<sub>2</sub>e per year for non-industrial land use projects. As shown in Table 4.7-4, the Project would exceed this threshold with implementation of mitigation measures; therefore, the Project would result in a significant unavoidable impact related to GHG emissions.

## **Conclusion**

Even with implementation of **MM TRANS-1** through **MM TRANS-5** and **MM GHG-1** through **MM GHG-3**, the Project would result in a significant unavoidable impact related to this threshold.

### ***b) Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***

**Less Than Significant Impact.** The SCAQMD, the City of Anaheim, and the County of Orange have not adopted specific emission targets for the purpose of reducing GHG emissions. As discussed further above, under Section 4.7.2, Regulatory Setting, on June 1, 2005, the California Governor signed EOS-3-05, which calls for a reduction in GHG emissions to year 2000 levels by 2010, to year 1990 levels by 2020, and to 80 percent below 1990 levels by 2050. The principal overall State plan and policy adopted for the purpose of reducing GHG emissions is AB 32 (California Global Warming Solutions Act of 2006). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on statewide GHG emissions. The quantitative goal of AB 32 is to reduce GHG emissions to 1990 levels by 2020, through its 2008 Scoping Plan. In 2016, the Legislature passed SB 32, which codifies a 2030 GHG emissions reduction target of 40

percent below 1990 levels. With SB 32, the Legislature passed companion legislation AB 197, which provides additional direction for developing the Scoping Plan.

SB 375 aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocations. SB 375 requires an MPO to adopt a sustainable communities strategy or alternative planning strategy that will address land use allocation in their regional transportation plans. SB 375 is being addressed at the State and regional levels, and the principles of SB 375 have been incorporated in SCAG's RTP/SCS.

As discussed above the State policy and standards adopted for the purpose of reducing GHG emissions that are applicable to the Project are EO S-3-05, AB 32, and SB 32. The quantitative goal of these regulations is to reduce GHG emissions to 1990 levels by 2020 to 80 percent below 1990 levels by 2050, and for SB 32, to 40% below 1990 levels by 2030. As discussed above, there is a comprehensive regulatory framework in place continuing to evolve at the international, federal, state, regional and local levels to reduce GHG emissions globally. Statewide plans and regulations (such as, among others, GHG emissions standards for vehicles, the Low Carbon Fuel Standard, Cap-and-Trade, and renewable energy) are being implemented at the Statewide level.

Consistent with the *Newhall Ranch* Court decision, a project-specific analysis, based on substantial evidence in the record, has been prepared for the proposed Project that assesses "consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities." In addition to the quantitative analysis noted above, this Section conducts a qualitative consistency analysis to evaluate the Project's consistency with relevant goals, policies and actions of the 2022 Scoping Plan.. The quantitative goal of AB 32 is to reduce GHG emissions to 1990 levels by 2020<sup>17</sup>. This goal is further supplemented by SB 32, which established a reduction target of at least 40 percent below 1990 emissions by 2030, and by EO B-30-15 and EO S-3-05, which sets an 80 percent reduction below 1990 emissions by 2050.

The 2022 Scoping Plan implements the reduction target adopted under SB 32 and seeks to reduce GHG emissions through a number of measures. Those measures from the 2022 Scoping Plan that are applicable to the Project include the following:

- Developing pedestrian infrastructure which promotes non-automobile transportation options
- Providing communities with sustainable options for walking, biking, and public transit to reduce reliance on cars.
- Developing infrastructure to support reliable refueling for transportation such as electricity refueling, and the expansion and completion of planned networks of high-quality active transportation infrastructure.

---

<sup>17</sup> The initial target date of 2020 has passed, but remains the initial target of AB 32 and is followed-up by other identified targets so remains relevant.

- Rapidly moving to zero-emission transportation by electrifying cars, buses, trains, and trucks.
- Phasing out the use of fossil gas used for heating homes and buildings.
- Continuing to develop solar arrays, wind turbine capacity, and other resources that provide clean, renewable energy.

As part of the Project, Deer Canyon Road would be built as a two-lane road with curb and gutter on each side of the road, a multi-use (pedestrian, bicycle, and equestrian) trail on the west side of the road, and a sidewalk on the east side of the road. The Project would also construct a new multi-use trail along Santa Ana Canyon Road between the two new proposed intersections. The Project proponent would offer for dedication a public access easement for the multi-use trails, which would ultimately connect to the City's Deer Canyon Park Preserve and would also include signage and entrance improvements for the Preserve at Santa Ana Canyon Road.

Additionally, the Project would involve the construction of approximately 81 Electric Vehicle (EV) chargers, with additional charging station stubbed for future EV use.

**MM GHG-1** would require that the Project include natural gas lines only for the multiple-family residential building: (A) for all fire elements located (1) at the front entrance, (2) on the rooftop deck, (3) in all common areas, and (B) for each individual residential unit stove (but not for ovens or heating/cooling systems within each unit), **MM GHG-2** would require that the Property Owner/Developer install and maintain solar power generation on the Project Site to generate at least 15% of the Project's electrical demand on-site, and **MM GHG-3** would require that the Property Owner/Developer enter into a Power Purchasing Agreement with Anaheim Public Utilities for the purchase of 60% "green power" for all of the Project's electricity demand that cannot be produced on-site, as available. Overall, the Project would not conflict with CARB's Scoping Plan. Therefore, impacts would be less than significant. Additionally, as detailed above, the Project would be built and operated to meet the then-current applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California CCR, Title 24, Part 6) and the applicable California Green Building Standards (24 CCR 11), and all other applicable laws and regulations designed to enhance conservation and energy efficiencies and reduce GHGs. The Project would be developed in compliance with the requirements of these regulations.

At a regional level, SCAG has adopted its 2024–2050 RTP/SCS Connect SoCal (SCAG 2024). Generally, the goals within Connect SoCal 2024 that are applicable to the Project would be to: produce and preserve diverse housing types in an effort to improve affordability, accessibility and opportunities for all households; improve access to jobs and educational resources; reduce sprawl; preserve open space; and locate residents closer to where they work and play.

The Project would develop both multiple-family and single-family residential units, in line with the RTP/SCS' goal of producing diverse housing types. Additionally, the Project involves the development of high density multiple-family residential units, reducing sprawl consistent with the goals of Connect SoCal. Moreover, the Project would preserve

approximately 43,22 acres of open space, consistent with the goals of SCAG's RTP/SCS. The Project would also develop on-site commercial and residential land uses in addition to residential amenities, such as the on-site fitness center, in line with SCAG's goal of locating residents closer to where they work and play. In summary, the Project would be consistent with the 2024-2050 RTP/SCS.

In summary, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

### **Conclusion**

Therefore, the Project would result in a less than significant impact related to this threshold, and no mitigation is required.

## **4.7.5 CUMULATIVE IMPACTS**

The geographic scope of the cumulative GHG emissions analysis is the South Coast Air Basin (Air Basin). In a larger sense, however, the relevant geographic area is the entire Earth, as explained by the California Supreme Court. "[B]ecause of the global scale of climate change, any one project's contribution is unlikely to be significant by itself" (*Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204, 219). "With respect to climate change, an individual project's emissions would most likely not have any appreciable impact on the global problem by themselves, but they would contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe. The question therefore becomes whether the proposed project's incremental addition of greenhouse gases is "cumulatively considerable" in light of the global problem, and thus significant" (id., quoting Crockett, Addressing the Significance of Greenhouse Gas Emissions Under CEQA: California's Search for Regulatory Certainty in an Uncertain World (July 2011) Golden Gate U. Env'tl. L.J. 203, 207–208)). If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change (62 Cal.4th 220–223).

Accordingly, if a project is designed and built to incorporate certain design elements as well as feasible mitigation measures, such as those that help facilitate achievement of relevant goal, policies, actions, requirements and standards under the comprehensive regulatory framework as well as relevant General Plans, the Building and CALGreen Codes and CAPs, then it will contribute its portion of what is necessary to achieve California's long-term climate goals—its "fair share"—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change.

The Project would emit new GHG emissions, as would other past, present, and reasonably foreseeable projects within the Air Basin. However, the Project, similar to other cumulative developments, would be required to adhere to applicable laws and regulations and implement applicable mitigation measures (such as those discussed above). Moreover, the Project, similar to other cumulative development, would incorporate numerous project

design features that would reduce GHG emissions. As such, the Project would not make a cumulatively considerable contribution to any cumulative impact related to GHG emissions. Moreover, the Project would not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines (as discussed in detail in Section 4.5, Energy, of this Draft EIR).

As demonstrated above, the Project would exceed the quantitative threshold. However, it would be required to incorporate numerous mitigation measures that would reduce this impact to the extent feasible. Moreover, it would be required to incorporate various project design features and comply with a comprehensive set of applicable laws and regulations. In so doing, the Project would be consistent with relevant provisions of the [2017/2022 Scoping Plan] and would contribute its “fair share” of what will be required to achieve California’s 2030 target as well as the long-term climate goal of carbon neutrality by 2045.

While the Project would be developed in accordance with the identified mitigation measures and goals established under local and State plans and legislation and consequently would not conflict with an applicable plan, policy, or regulation for the purpose of reducing the emissions of GHGs, Project-related GHG emissions are not confined to a particular air basin but are dispersed worldwide. Therefore, the impact identified under threshold 4.7-1 would not be considered a Project-specific impact, but the rather the Project’s contribution to a cumulative impact. Because implementation of the Project would result in annual GHG emissions that would exceed South Coast AQMD’s interim threshold, Project-related GHG emissions and their contribution to global climate change would result in a cumulatively considerable contribution to a significant cumulative impact related to GHGs.

#### **4.7.6 MITIGATION PROGRAM**

**MM GHG-1:** New residential and commercial uses shall be all-electric (i.e., natural gas usage shall be prohibited) except as otherwise provided for in this **MM GHG-1**. Natural gas usage and the extension of existing natural gas infrastructure shall be permitted for the multiple-family residential building: (A) for all fire elements located (1) at the front entrance, (2) on the rooftop deck, (3) in all common areas, and (B) for each individual residential unit stove (but not for ovens or heating/cooling systems within each unit). Prior to the issuance of the building permit for vertical construction of the subject Project component (i.e., multiple-family residential, commercial, or single-family residential), the Property Owner/Developer shall submit a utility plan to the City showing compliance with this **MM GHG-1**.

**MM GHG-2:** The Property Owner/Developer use diligent and good faith efforts to install and maintain solar power generation in the Project Site to generate at least 15% of the Project’s electrical demand on-site. Solar panels may be installed on rooftops, above the surface parking lot for the commercial buildings, behind (south of) the commercial buildings, and/or elsewhere in the Project Site to satisfy this **MM GHG-2**. The locations of on-site power generation shall be subject to review and approval by the City Planning Department to confirm



compatibility with the scenic corridor overlay requirements. Solar panels shall not be visible from Santa Ana Canyon Road. Prior to issuance of the building permit for vertical construction of the subject Project component (i.e., multiple-family residential, commercial, or single-family residential), the Property Owner/Developer shall submit a memorandum and plan to the City Planning Department for review and approval reasonably documenting (a) compliance with this **MM GHG-2** with respect to the subject Project component and (b) demonstrating that the proposed solar panels would not result in a substantial source of glare for neighboring properties and for local roadways. By February 1 of each year, the Property Owner/Developer shall submit a memorandum to the City Planning Department describing the prior year's electrical usage and on-site power generation. If the 15% on-site power generation was not achieved in the prior year, the memorandum shall contain feasible measures that the Property Owner/Developer shall implement to reduce electrical usage and/or to increase on-site renewable energy generation to achieve this target.

**MM GHG-3:** The Property Owner/Developer shall enter into a Power Purchasing Agreement with Anaheim Public Utilities for the purchase of at least 60% "green power" for the Project's electricity demand that cannot be produced on-site, if available. The Property Owner/Developer shall submit documentation of green power purchases for the prior year, or documentation that it is not available, to the City Planning Department each February 1. This information shall be included in the memorandum that is required by **MM GHG-2**.

#### **4.7.7 SIGNIFICANCE AFTER MITIGATION**

Even with implementation of **MM TRANS-1** through **MM TRANS-5** and **MM GHG-1** through **MM GHG-3**, the Project would result in a significant unavoidable impact related to GHG emissions.

*This page intentionally left blank*

## **4.8     HAZARDS AND HAZARDOUS MATERIALS**

### **4.8.1    EXISTING CONDITIONS**

#### **Fundamentals**

##### ***Hazards***

This description of existing conditions focuses on hazards from fire and overhead power lines, as well as hazardous materials and wastes. A hazard is a situation that poses a level of threat to life, health, property, or the environment. Hazards can be dormant or potential, with only a theoretical risk of harm. However, once a hazard becomes active, it can create an emergency. A hazardous situation that has already occurred is called an incident. Emergency response is action taken in response to an unexpected and dangerous occurrence to mitigate its impact on people, structures, and/or the environment. Emergency situations can range from natural disasters to problems with hazardous materials and transportation incidents.

##### ***Hazardous Materials and Wastes***

Hazardous materials include but are not limited to hazardous materials, hazardous substances, and hazardous wastes, as defined in Section 25501 and Section 25117, respectively, of the California Health and Safety Code. A hazardous material is any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released; and any material that a handler or an administering regulatory agency under Health and Safety Code Section 25501 has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment.

Various properties of a substance may cause that substance to be considered hazardous, including:

- Toxicity—causes human health effects;
- Ignitability—has the ability to burn;
- Corrosivity—causes severe burns or damage to materials; and
- Reactivity—causes explosions or generates toxic gases.

##### ***Hazardous Substances***

A hazardous substance can be any biological, natural, or chemical substance, whether solid, liquid, or gas, which may cause harm to human health. Hazardous substances are classified based on their potential health effects, whether acute (immediate) or chronic (long-term). Dangerous goods are classified based on immediate physical or chemical effects, such as fire, explosion, corrosion, and poisoning. An accident involving dangerous goods could seriously harm human health or damage property or the environment. Harm to human health may happen suddenly (acute), such as dizziness, nausea, and itchy eyes or skin; or it may happen

gradually over years (chronic), such as dermatitis or cancer. Some people can be more susceptible than others. Hazardous substances and dangerous goods can include antiseptic used for a cut, paint for walls, a cleaning product for the bathroom, chlorine in a pool, carbon monoxide from a motor vehicle, fumes from welding, vapors from adhesives, or dust from cement, stone, or rubber operations. Such hazardous substances can make humans very sick if they are not used properly.

## ***Hazardous Wastes***

Hazardous waste is any hazardous material that is to be discarded, abandoned, or recycled. The criteria that define a material as hazardous also define a waste as hazardous. Specifically, materials and waste may be considered hazardous if they are poisonous (toxic); can be ignited by open flame (ignitable); corrode other materials (corrosive); or react violently, explode, or generate vapors when mixed with water (reactive). Soil or groundwater contaminated with hazardous materials above specified regulatory State or federal thresholds is considered hazardous waste if it is removed from a site for disposal. If handled, disposed of, or otherwise treated improperly, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20–24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

## ***Hazardous Materials Listing***

The Cortese List is a list of known hazardous materials or hazardous waste facilities that meet one or more of the provisions of Government Code Section 65962.5, including:

- The list of hazardous waste and substances sites from the DTSC EnviroStor database.<sup>1</sup>
- The list of Leaking Underground Storage Tank (LUST) sites by county and fiscal year from the California State Water Resources Control Board (State Water Board) GeoTracker database.<sup>2</sup>
- The list of solid waste disposal sites identified by the State Water Board with waste constituents exceeding hazardous waste levels outside the waste management unit.<sup>3</sup>
- The list of active cease-and-desist orders and cleanup and abatement orders from the State Water Board.<sup>4</sup>
- The list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, as identified by the DTSC.<sup>5</sup>

## ***Asbestos***

Asbestos is the name given to a number of naturally occurring fibrous silicate minerals that have been mined for their useful properties such as thermal insulation, chemical and thermal

stability, and high tensile strength. The three most common types of asbestos are chrysotile, amosite, and crocidolite. Chrysotile, also known as white asbestos, is the most common type of asbestos found in buildings. Chrysotile makes up approximately 90 to 95 percent of all asbestos contained in buildings in the United States. Exposure to asbestos is a health threat; exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease that causes scarring of the lungs). Exposure to asbestos can occur during demolition or remodeling of buildings that were constructed prior to the 1977 ban on asbestos for use in buildings. Exposure to naturally occurring asbestos can occur during soil-disturbing activities in areas with deposits present. Asbestos can also be found in non-building structures such as pavement and utility pipes.

## ***Lead***

Lead is a naturally occurring element found in small amounts in the earth's crust. While it has some beneficial uses, it can be toxic to human and animals, causing health effects.<sup>7</sup> Lead is known to cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. Exposure to building materials containing lead, such as lead-based paint, during land use development activities can occur during demolition of older buildings. Children exposed to lead can suffer from a variety of symptoms, including lowered IQ, damage to the brain and nervous system, learning and behavioral difficulties, slowed growth, hearing problems, and headaches. Adults exposed to lead can suffer from reproductive complications, high blood pressure and hypertension, nerve disorders, memory and concentration challenges, and muscle and joint pain.<sup>8</sup> Federal Air pollutants are regulated at the national, state, and air basin or county level; each agency has a different level of regulatory responsibility. The EPA regulates at the national level. The ARB regulates at the State level. The South County Air Quality Management District regulates at the air basin level.

## ***Phase I Environmental Site Assessment***

A Phase I Environmental Site Assessment (Phase I ESA) was prepared for the Project, which is provided as Appendix J (J2Environmenal LLC 2023a). In accordance with industry standard practice, the Phase I ESA was developed using a comprehensive review of the relevant database record search, as well as historical and aerial photographs and maps, along with site reconnaissance, and owner interviews.

As discussed more fully therein, the primary goal of the Phase I ESA was to gather data about any potential Recognized Environmental Condition(s) (RECs) associated with the Project Site's current and past use. A REC is defined as "the presence or likely presence of hazardous substances or petroleum products in, on or at a property: (1) due to a release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment."

Two additional categories of RECs were evaluated:

1. **Controlled Recognized Environmental Condition (CREC)**: A CREC is described as "a recognized environmental condition that involves a past release of hazardous

substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (e.g., property or activity use limitations (AULs), institutional controls, or engineering controls).”

2. Historic Recognized Environmental Condition (HREC): An HREC is described as “a past, regularly reported, release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls.”

For the reasons set forth therein and discussed further below, the Phase I ESA determined that “No further environmental investigation relative to RECs is warranted at this time.”<sup>1</sup>

### **Existing Land Uses**

The Project Site consists mostly of undeveloped open space. No buildings are currently located within the Project Site. There is a paved access road within the western portion of the Project Site that connects to Santa Ana Canyon Road in the north. There are also dirt access roads throughout the Project Site (NETR Online 2024a).

The topography within the Project Site consists of rolling hills and several steep sided hilltops and ridgelines located in the eastern and western portions of the Project Site. The Project Site is situated along Deer Canyon, which drains to the north towards the Santa Ana River with canyon walls ascending to the east and west (Group Delta 2023a).

Among other things, the Project would require the removal of an existing paved roadway and an existing storm drain inlet with headwall and wing walls. Given the age of these existing facilities, it is possible asbestos and/or lead-based paint could be present in these demolition materials.

### **Historical Land Uses**

According to historic aerial imagery going back to 1938 and other data sources evaluated, it does not appear that the Project Site has been previously developed with urban uses. The northwestern portion of the Project Site appears to have been used as an orchard and/or for agricultural purposes commencing about 1938 and continuing for decades, until at least 1960 (J2 Environmental 2023a). The groves were subsequently removed and these areas of the Project Site were regraded.

---

<sup>1</sup> The only other recommendation noted related to an abandoned light-duty pickup truck on a portion of the Project Site. The Phase I ESA recommended that it be “properly removed and disposed” including properly considering and addressing any potential releases of fuel or otherwise that may occur upon removal.

Historical aerial photographs indicate previous grading was performed along the eastern boundary of the Project Site, in the vicinity of the dirt access road, which appears to be associated with realigning Santa Ana Canyon Road to facilitate space for the SR-91.

### **Site Reconnaissance Results**

As part of the Phase I ESA, site visits were conducted by the technical consultant. Notable observations within the Project Site include: an abandoned pick-up truck located in a remote portion of the east-central part of the Project Site; five, 55-gallon drums containing non-hazardous waste (soil cuttings and mud) that were a byproduct of the 2023 geotechnical borings that were collected for the Project; and a small area of approximately 15 feet by 10 feet of deposited discolored soil. The five, 55-gallon drums have since been removed and disposed of in accordance with all applicable regulatory requirements.

As detailed in the Phase I ESA, no significant environmental concerns were observed during the site reconnaissance.

### **Records Search Results**

An Environmental Data Resources, Inc. Radius Map Report (EDR) records search was commissioned for the Project as a part of the Phase I ESA. The EDR searched federal, State, and local databases for the Project Site and surrounding area and focused on key substantive criteria including the reported presence of underground storage tanks (USTs), above ground storage tanks (ASTs), or leaking USTs (LUSTs) on or near the Project Site; reported soil or groundwater contamination at or near the Project Site; and whether there is evidence of the use of chlorinated hydrocarbons (e.g., tetrachloroethylene, PCE) or liquid fuel hydrocarbons (e.g., gasoline or diesel) at the Project Site.

A portion of the Project Site (where the single-family residential component would be located) was listed in two databases. The two databases consist of the California Integrated Water Quality System (CIWQS) database compiled by the State Water Resources Control Board, and the California Environmental Reporting System (CERS) database maintained by the California Environmental Protection Agency (Cal/EPA). The two listings relate to a Section 401 Water Quality Certification that was issued for the previous Stonegate Development that was pursued for a portion of the Project Site but that was never implemented. Thus, these records do not constitute an environmental hazard.

The Project Site was not identified on any hazardous material-related California or Federal databases, including facilities that were large-quantity generators (LQGs) of hazardous waste, holders of stormwater and wastewater discharge permits, and sites with USTs and ASTs.

In addition to the above findings regarding the Project Site, other off-site facilities were listed in the databases available to the technical consultant preparing the Phase I ESA (J2Environmental). Of these facilities, the most significant was the HREC that involved the Chevron Service Station, located at 8000 Santa Ana Canyon Road approximately 2,000 feet northeast and down-gradient of the Project Site. This facility was listed in various UST



databases related to the installation and use of three, 12,000-gallon gasoline USTs. All three gasoline USTs were “active” as of May 1993. A leak was reported, and a LUST case opened in September 2009, but the case was closed in October 2010, with “no further action” (NFA) required. Due to the distance from the Project Site, its location down gradient of the Project Site, and because of the closure with NFA of the LUST case, this facility does not currently represent a significant environmental threat to the Project Site.

In addition, listed in the databases were four other facilities which were relatively close (i.e., less than 1,400 feet) to the Project Site. These four facilities consisted of: Charlotte Knighton (approximately 460 feet south-southwest, at 180 South Possum Hollow), Sandra Batina (approximately 500 feet southeast, at 277 South Raspberry Lane), Vons (approximately 830 feet east-northeast, at 8010 East Santa Ana Canyon Road), and Ritz Cleaners (approximately 1,060 feet east-northeast, at 8018 East Santa Ana Canyon Road). None of these were considered to be a substantial environmental threat for a number of reasons, including their respective distances from the Project Site, no records of hazardous material releases at any of these facilities, each of these facilities’ location relative to the Project Site, and/or the assumed regional groundwater flow direction (towards the Santa Ana River to the northwest).

## **Soils Testing**

Given the past agricultural uses on-site, soils testing was conducted in 2023 by a qualified technical consultant (J2Environmental) (Appendix J). As detailed more fully therein, the focus of this analysis was to assess residential concentrations (if any) from using organochlorine pesticides and/or arsenic during agricultural activities that were apparent in historic aerial photographs. The assessment involved (1) collecting soil samples, (2) submitting those samples for analysis at a State-certified laboratory, (3) reporting results of this laboratory analysis with respect to acceptable standards, and (4) providing recommendations based on the outcome of this analysis.

As discussed more fully therein and below, the analysis concluded that (1) any residual organochlorine pesticides that may be located in portions of the Project Site do not appear to be a human health risk. However, (2) arsenic may be of concern, especially during exposure from earth moving activities in the northern portion of the Project Site. Therefore, precautions to limit soil intake (i.e., dust masks, washing of arms, hands and face) by construction workers was recommended.

## **Fire Hazards**

### ***Wildfire Basics***

A wildfire is a non-structural fire that occurs in vegetative fuels, not including prescribed fires.<sup>2</sup> Wildfires can occur in undeveloped areas and spread to urban areas where the

---

<sup>2</sup> Prescribed fires, also known as controlled burns, refer to the controlled application of fire by a team of fire experts under specified weather conditions to restore health to ecosystems that depend on fire and meet various land management objectives.

landscape and structures are not designed and maintained to be resistant to ignition. The potential for wildland fires represents a hazard where development is adjacent to open space or within close proximity to wildland fuels and/or designated Fire Hazard Severity Zones. Steep hillsides and varied topography can also contribute to the risk of wildland fires.

There have been instances during which wildland fire transitioned to urban fire, whereby structures that were receptive to ignition near a wildfire event caught fire. Structure ignition depends on a variety of factors and can be prevented to a large degree through a system of protective features including fire-resistive landscapes adjacent to structures, application of ignition resistive materials and methods, and the provision of suitable infrastructure for firefighting purposes.

### ***Fire Hazard Severity Zone Designations***

Fire hazard severity zones identify the potential risk associated with wildfire. The California Department of Forestry and Fire Protection (Cal FIRE) identifies areas in the Very High Fire Hazard Severity Zone (VHFHSZ) as locations at greatest risk of wildfire. Developments in these areas are required to comply with additional requirements such as the use of less flammable building materials to reduce wildfire risk.

A State Responsibility Area (SRA) is an area in the state where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. A Local Responsibility Area (LRA), which includes portions of incorporated cities with identified wildfire hazard zones, falls to local governments in terms of the primary financial responsibility for the prevention and suppression of wildland fires.

According to the most recent mapping available, the entire Project Site is located within a VHFHSZ within an LRA (City of Anaheim 2024a, CALFIRE 2011a). Fire hazard designations are based on topography, vegetation, and weather, amongst other factors.

A VHFHSZ designation does not indicate that an area is not safe for development. Rather, the VHFHSZ designation simply indicates that specific fire protection features that minimize structure vulnerability would be required for projects proposed in such a zone. For example, the Project's buildings would be required to be built to comply with all applicable requirements and standards including those set forth in Chapter 7A of the California Building Code, Chapter 49 of the California Fire Code, and Section R337 of the California Residential Code as adopted and amended by the City of Anaheim. The Project Site and other areas that have a VHFHSZ designation would also be under the requirements of the California Minimum Fire Safe Regulations as amended.

Chapter 7A of the California Building Code includes enhanced ignition-resistant construction standards addressing roofs, eaves, exterior walls, vents, appendages, windows, and doors. These standards result in hardened structures that have been proven to perform at high levels (resist ignition) during the typically short duration of exposure to burning vegetation from wildfires.

## ***Historic Wildfire Events Near the Project Site***

According to historic wildfire mapping, the Project Site was subject to wildfire events in the past, including: the 1948 Green River Fire; the 1967 Paseo Grande Fire; and the 1982 Gypsum Fire. There have also been wildfires in recent history that have occurred in the vicinity of the Project Site, including: the 1980 Owl Fire; the 2002 Green Fire; the 2002 Evening Fire; the 2006 Sierra Fire; the 2007 241 Fire; the 2008 Freeway Complex Fire; the 2017 Canyon I Fire; the 2017 Canyon II Fire; and the 2020 Blue Ridge Fire (Anderson et al 2024a). The Preliminary Fire Protection Plan, prepared for the Project and discussed further in Section 4.18, Wildfire, of this Draft EIR, found that the areas north and east of the Project Site qualify as historic fire corridors and that the Project Site itself also likely qualifies as a historic fire corridor due to the number of fires in the area over the past century. A historic fire corridor is an area that has burned in a past wildfire event. Once a wildfire sparks in these historic fire corridor areas, fire can spread quickly due to topography and other conditions. According to the Preliminary Fire Protection Plan, a major fire incident occurs approximately every 25 years, with a range from 15 to 35 years between large fires (Fire Safe Planning Solutions 2024a).

## ***Wildfire Environment in and Near the Project Site***

Fire environments are dynamic and are shaped by many factors and site characteristics. Areas of naturally vegetated open space, like the Project Site and areas to the east and south of the Project Site, contain conditions that are favorable to wildfire spread. The three major components of the fire environment are topography, vegetation, and climate. The makeup of each of these components and their interactions with each other determines the potential characteristics and behavior of a fire at any given moment.

### Topography

Topography influences fire risk by influencing fire spread rates. Typically, steep terrain results in faster fire spread upslope and slower spread down slope. Terrain that forms a funneling effect, such as canyons, chimneys, chutes, or saddles on the landscape can result in especially intense fire behavior. Conversely, flat terrain often has little effect on fire spread, resulting in fires that are influenced more so by vegetation and wind.

The topography within the Project Site consists of rolling hills and several steep sided hilltops and ridgelines located in the eastern and western portions of the Project Site. The Project Site is situated along Deer Canyon, which drains to the north towards the Santa Ana River with canyon walls ascending to the east and west (Group Delta 2023a). The Santa Ana River is located approximately 1/8 mile north of the Project Site, which contains areas of dense vegetation, some of which has burned during past wildfire events.

### Vegetation

The vegetation within an area affects fire behavior. For example, vegetation communities that are dominated with non-native grass species often become seasonally prone to ignition. These vegetation communities produce lower intensity, higher spread rate fires. In

comparison, sage scrub can produce higher heat intensity and higher flame lengths under strong, dry wind patterns, but does not typically ignite or spread as quickly as light, flashy grass fuels.

A variety of vegetation types occur in the Project Site, including the following vegetation communities: sagebrush – black sage scrub; sagebrush – black sage scrub/ruderal; coyote brush scrub; toyon – sumac chaparral; toyon – sumac chaparral/ruderal; ruderal; disturbed ruderal; coastal freshwater marsh; poison oak scrub; southern willow scrub; mulefat scrub; southern coast live oak riparian forest; Mexican elderberry woodland; non-native woodland; xeric cliff face; developed areas; and disturbed areas (Psomas 2024c). To varying degrees, the vegetation communities within the Project Site are prone to burn during wildfire events.

Within the Project Site the orientation of the landscaping results in differences in vegetation types. For example, the north aspect of hills in the Project Site receives less direct sunlight and therefore retains more moisture which leads to thicker vegetation. South aspects of hills in the Project Site are the exact opposite, moisture is limited, and growth is sparser (Fire Safe Planning and Solutions 2024a).

### Climate

The Project Site and vicinity, like all of Southern California and Orange County, is subject to seasonal weather conditions that can increase the likelihood of fire ignition. The climate at the Project Site is influenced by the Pacific Ocean and a seasonal, migratory subtropical high-pressure cell known as the “Pacific High.” Wet winters and dry summers with mild seasonal changes characterize the Southern California climate. This climate pattern is occasionally interrupted by extreme periods of hot weather, winter storms, or dry, easterly Santa Ana winds.

In addition to climatic conditions that are already favorable to promoting wildfire, global climate change is also playing an increasing role in the local, regional, and statewide fire dynamics. California has experienced an increase in extreme wildfire behavior in recent years, which has led to substantial loss of life and property. Wildfire events in California are becoming larger and more severe. Some portion of this change in wildfire behavior is attributable to climate change (Brown et al 2023a). New research has found that the area burned by wildfires during summer in California has increased fivefold since 1971 because of more arid conditions caused by climate change (Harvey 2023a). Looking into the future, by 2100 temperatures are expected to increase in California by an average of somewhere between 5.6 and 8.8 degrees Fahrenheit from 2019 baseline conditions (California EPA 2024a).

### Wildfire Scenario Modeling

In accordance with applicable CEQA requirements, as further discussed by relevant case law such as *League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022) 75 Cal.App.5th 63, the wildfire scenario modeling described in this Draft EIR and attached appendix provides a reasonable explanation under modeled circumstances of how the Project would affect the ability of Project residents, employees, visitors and other users

to evacuate and emergency responders' ability to access the Project Site vicinity. It also takes into appropriate account emergency access and evacuation considerations in the cumulative context.

During the preliminary design of the Project, wildfire scenario modeling was conducted for the Project (Fire Safe Planning Solutions 2024a). The results of the wildfire scenario modeling were used to develop the Project's Preliminary Fire Protection Plan, which is discussed in more detail below as well as in Section 4.18, Wildfire, of this Draft EIR.

The inputs and the scenarios that were modeled included a variety of reasonable worst-case fire conditions, including a variety of ignition points, and strong off-shore and on-shore wind events during times of the year when vegetation near the Project Site would be dry and humidity would be low. In addition, the modeling incorporated a conservative estimate as to occupancy and cumulative conditions.

Before the modeling was conducted, the technical assumptions and other relevant inputs for the fire modeling were provided to staff from Anaheim Fire and Rescue and the City for review and approval. As discussed further therein, below and in Section 4.18, Wildfire, the Preliminary Fire Protection Plan provides assessment results and objective defensible space criteria for the Project that are equal to or greater than the risk encountered in a reasonable worst-case scenario related to wind, ignition point, and vegetation conditions (Fire Safe Planning Solutions 2024a).

## **4.8.2 REGULATORY SETTING**

### **Federal**

#### ***Resource Conservation and Recovery Act***

The United States Environmental Protection Agency (USEPA) is responsible for implementing and enforcing federal laws and regulations pertaining to hazardous materials. The Federal Resource Conservation and Recovery Act (RCRA) was enacted in 1976 and mandated a national waste management program. Under the RCRA regulations, as established by the USEPA, hazardous wastes must be tracked from the time of generation to the point of disposal. The RCRA program sets standards for hazardous waste treatment, storage, and disposal, which is intended to have hazardous wastes managed in a manner that minimizes the present and future threat to the environment and human health. At a minimum, each generator of hazardous waste must register and obtain a hazardous waste activity identification number. If hazardous wastes are stored for more than 90 days, or treated or disposed of at a facility, any treatment, storage or disposal unit must be permitted under RCRA. USEPA has largely delegated responsibility for implementing the RCRA program in California to the Department of Toxic Substances Control (DTSC), an agency within Cal/EPA, which implements this program through the California Hazardous Waste Control Law (discussed below).

## ***Toxic Substances Control Act***

The Toxic Substances Control Act of 1976 (15 USC Section 2601) gives the USEPA the ability to track 75,000 industrial chemicals currently produced in or imported into the United States. The USEPA repeatedly screens these chemicals and requires reporting or testing of those that may pose an environmental or human health hazard. The USEPA also has the ability to ban the manufacture and import of chemicals that pose an unreasonable risk. The USEPA tracks thousands of new chemicals that are developed each year with either unknown or dangerous characteristics. The production, importation, use, and disposal of these toxic substances is regulated by the USEPA, as necessary, to protect human health and the environment.

## ***Accidental Release Prevention Program***

Title 40, Part 68, of the Code of Federal Regulations (CFR) is the federal Accidental Release Prevention Program that lists regulated toxic and flammable substances and sets requirements concerning the prevention of accidental releases. It sets threshold quantities of regulated substances at which owners or operators of a stationary source are required to prepare Risk Management Plans. These Risk Management Plans must contain an assessment of the risks for accidental release, prevention measures, emergency response procedures, employee training, record keeping, and incident investigations.

## ***Federal Occupational Safety and Health Act***

Federal worker safety and health laws contain provisions with respect to hazardous materials management. The applicable federal law is the Occupational Safety and Health Act of 1970, as amended, which is implemented by the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor (29 United States Code [USC], sec. 651-678). Federal OSHA requirements, set forth in 29 Code of Federal Regulations Section 1910, et. seq., are designed to promote worker safety, worker training, and worker right-to-know and do so by implementing and enforcing federal laws and regulations that address worker health and safety. OSHA requires specific training for hazardous materials users and handlers, provision of information (procedures for personal safety, hazardous materials storage and handling, and emergency response) to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets from materials manufacturers. For example, a significant component of the federal OSHA regulations is the requirement that specified employers implement the OSHA Hazard Communication Standard (HCS), to provide information to employees about the existence and potential risks of exposures to hazardous substances in the workplace. As part of the HCS, employers must (1) obtain material safety data sheets (MSDSs) from chemical manufacturers which describe the risks as well as identify the types and handling requirements of hazardous materials used in given areas; (2) make the MSDSs available to their employees; (3) label chemical containers in the workplace; (4) develop and maintain a written hazard communication program; (5) and develop and implement programs to train employees about hazardous materials. Employee training must include response and remediation procedures for any hazardous materials releases and exposures.

### ***Superfund Amendments and Reauthorization Act (SARA) and the Emergency Planning and Community Right-to-Know Act (SARA Title III)***

The Superfund Amendments and Reauthorization Act (SARA) relates primarily to emergency management of accidental releases and requires annual reporting of continuous emissions and accidental releases of specified compounds that are compiled into a nationwide Toxics Release Inventory. The Emergency Planning and Community Right-to-Know Act of 1986 (42 USC Section 11001, *et seq.*)(SARA Title III) was created to help communities plan for chemical emergencies. It requires facilities to report on the storage, use, and releases of hazardous substances to federal, State, and local governments. The Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment by requiring formation of state and local emergency planning committees that are responsible for collecting material handling and transportation data for use as a basis for planning and provision of chemical inventory data to the community at large under the "right-to-know" provision of the law.

### ***Comprehensive Environmental Response Compensation and Liability Act***

The Comprehensive Environmental Response Compensation and Liability Act, 42 USC Section 9601, *et. seq.* (CERCLA) was enacted in 1980, and principally sets forth a framework for the identification and remediation of hazardous waste disposal sites and other contaminated sites that pose a significant environmental health threat. CERCLA provides that generators and transporters of hazardous substances, and owners and operators of facilities at which there has been a release of hazardous substances, are liable for the costs of the removal and remedial actions and can be ordered to perform the actions.

### ***Hazardous Materials Transportation Act***

The Hazardous Materials Transportation Act administered by the U.S. Department of Transportation (USDOT) governs the transport of hazardous materials on water, rail, highways, through air, or in pipelines, such as contaminated soil, asbestos, or lead-containing materials. The California Department of Transportation implements Title 49 of the CFR, enacted pursuant to the Hazardous Materials Transportation Act, and enforces these regulations created to protect human health and the environment and to reduce potential impacts by creating hazardous materials packaging and transportation requirements. It also includes provisions for material classification, packaging, marking, labeling, placarding, and shipping documentation. The USDOT provides hazardous materials safety training programs and supervises activities involving hazardous materials. In addition, the USDOT develops and recommends regulations governing the multimodal transportation of hazardous materials.



## **State**

### ***California Health and Safety Code***

As noted above, “hazardous waste” is any hazardous material that is abandoned, discarded or recycled, as defined by Sections 25117 and 25124 of the California Health and Safety Code. In addition, hazardous waste may occasionally be generated by actions that change the composition of previously nonhazardous materials. The criteria used to characterize a material as hazardous include ignitability, toxicity, corrosivity, reactivity, radioactivity, or bioactivity.

Specifically, the California Health and Safety Code (Health and Safety Code [HSC] Section 25141)<sup>18</sup> defines hazardous waste as a waste or combination of waste that may: . . . because of its quantity, concentration, or physical, chemical, or infection characteristics:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation-reversible illness.
- (2) Pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of or otherwise managed.

These regulations establish criteria for identifying, packaging, and labeling hazardous wastes; prescribe management practices for hazardous wastes; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous waste that commonly would be disposed of in landfills.

Under both the RCRA and the HWCL, hazardous waste manifests must be retained by the generator for a minimum of 3 years. The generator must match copies of the manifests with copies of manifest receipts from the treatment, disposal, or recycling facility.

In accordance with Chapter 6.11 of the California Health and Safety Code (HSC Section 25404, et seq.), local regulatory agencies enforce many federal and State regulatory programs through the CUPA program (discussed further below), including:

- Hazardous Materials Business Plans (HMBP) (HSC Section 25501, et seq.);
- Uniform Fire Code requirements (Uniform Fire Code [UFC] Section 80.103, as adopted by the State Fire Marshal pursuant to HSC Section 13143.9);
- Underground storage tanks (HSC Section 25280, et seq.);
- Aboveground storage tanks (HSC Section 25270.5(c)); and
- Hazardous Waste Generator requirements (HSC Section 25100, et seq.).

The Environmental Health Division of the Orange County Health Care Agency (OCHCA) was designated as the Certified Unified Program Agency (CUPA) is the CUPA for Orange County

(which includes Anaheim). As the CUPA, the Environmental Health Division enforces State statutes and regulations through the Hazardous Materials Unified Program Agency (HMUPA). The HMUPA oversees aboveground petroleum tanks; generation of hazardous materials; storage and treatment; USTs; generation of medical waste; the Accidental Release Prevention Program; and the Local Oversight Program (LOP), which interfaces with the State Water Board and the Santa Ana RWQCB (Region 8) on LUSTs and UST release sites. An HMBP must be submitted if a facility ever handles any individual hazardous material in an aggregate amount equal to or greater than 55 gallons (liquids), 500 pounds (solids), or 200 cubic feet (gases). An HMBP must include:

- Details that include facility floor plans and identify the business conducted at the site;
- An inventory of hazardous materials handled or stored on the site;
- An emergency response plan; and
- A training program in safety procedures and emergency response for new employees who may handle hazardous materials, with an annual refresher course in the same topics for those same employees.

### ***California Occupational Safety and Health***

The California Occupational Safety and Health Administration (CalOSHA) is responsible for enforcing State health and safety standards and implementing federal OSHA regulations. CalOSHA has regulations to protect worker safety, including during potential exposure to lead and asbestos under Title 8 of the California Code of Regulations (CCR; Section 1529, Asbestos and Section 1532.1, Lead). Asbestos is regulated as a potential worker safety hazard under the authority of CalOSHA. These rules and regulations prohibit emissions of asbestos from asbestos-related demolition or construction activities, require medical examinations and monitoring of employees engaged in activities that could disturb asbestos, specify precautions and safe work practices that must be followed to minimize the potential for release of asbestos fibers, require notice to federal and local government agencies prior to beginning renovation or demolition that could disturb asbestos, and preparation of emergency action and fire prevention plans. Demolition that could result in the release of asbestos and lead must be conducted according to CalOSHA standards. These standards were developed to protect the general population and construction workers from respiratory and other hazards associated with exposure to these materials. Young children, the elderly, and people in poor health may be more susceptible to adverse health effects from exposure to asbestos released to the environment. Cal/OSHA also enforces hazard communication program regulations, including procedures for identifying and labeling hazardous substances, and requires that safety data sheets be available for employee information and training programs. Cal/OSHA standards are generally more stringent than federal regulations. Federal and State OSHA regulations require a supervisor who is certified in identifying existing and predictable lead hazards to oversee air monitoring and other protective measures during demolition activities in areas where LBP may be present. Special protective measures and notification of Cal/OSHA are required for highly hazardous construction tasks related to lead, such as manual demolition, abrasive blasting, welding, cutting, or torch burning of structures, where LBP is present.

## ***California Hazardous Waste Control Act***

The California Hazardous Waste Control Act (HWCA), California Health and Safety Code (see Division 20, Chapter 6.5, Article 2, Section 25100, *et seq.*), is the primary hazardous waste statute in the State of California and implements RCRA as a “cradle-to-grave” waste management system for handling hazardous wastes in a manner that protects human health and the environment and reduces potential resulting impacts of hazardous waste. Specifically, the Act authorizes the California State DTSC and local Certified Unified Program Agencies (CUPA) to regulate facilities that generate or treat hazardous waste. The HWCL specifies that generators of hazardous waste have the primary duty to determine whether their waste is hazardous and to ensure proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous waste used or reused as raw materials. The law exceeds federal requirements by mandating source reduction planning and a much broader requirement for permitting facilities that treat hazardous waste. In addition, it regulates several types of waste and waste management activities that are not covered by federal law.

The HWCA authorizes CUPAs to perform the following actions:

- Conduct inspections of any factory, plant, construction site, waste disposal site, transfer station, establishment, or any other place or environment where hazardous wastes are stored, handled, processed, disposed of, or being treated to recover resources;
- Maintain records of compliance with the HWCA;
- Require hazardous waste generators as provided herein, to pay inspection and administration fees to cover the costs of administering the provisions in this Act. Fees may include but shall not be limited to the costs of inspection, document development and processing, recordkeeping, enforcement activities, and informational materials development and distribution;
- Issue authorization for on-site treatment of hazardous waste to persons eligible to operate pursuant to permit-by-rule, conditional authorization, or conditional exemption; and
- Enforce against violations of the HWCA.

## ***California Code of Regulations Title 22, Division 4.5***

California Code of Regulations, Title 22, Division 4.5 contains the Environmental Health Standards for the Management of Hazardous Waste, which includes California waste identification and classification regulations. California Code of Regulations, Title 22, Chapter 11, Article 3, “Soluble Threshold Limits Concentrations/Total Threshold Limits Concentration Regulatory Limits,” identifies the concentrations at which soil is determined to be a California hazardous waste. California’s Universal Waste Rule (22 CCR Section 66273) provides an alternative set of management standards in lieu of regulation as hazardous wastes for certain common hazardous wastes, as defined in California Code of Regulations, Title 22, Section 66261.9. Universal wastes include fluorescent lamps, mercury

thermostats, and other mercury-containing equipment. Existing structures may contain fluorescent light ballasts that could contain mercury or lead. The Alternative Management Standards for Treated Wood Waste (22 CCR Section 67386) were developed by the DTSC to allow for disposal of treated wood as a nonhazardous waste, to simplify and facilitate the safe and economical disposal of such waste. Chemically treated wood can contain elevated levels of hazardous chemicals (e.g., arsenic, chromium, copper, pentachlorophenol, or creosote) that equal or exceed applicable hazardous waste thresholds. The Alternative Management Standards provide for less stringent storage requirements and extended accumulation periods, allow shipments without a hazardous waste manifest and a hazardous waste hauler, and allow disposal at specific nonhazardous waste landfills.

### ***California Accidental Release Prevention Program***

The California Accidental Release Prevention Program (CCR, Title 19, Division 2) merged the Federal Accidental Release Prevention Program and California Risk Management and Prevention Program to eliminate the need for two separate programs addressing the prevention of accidental releases of regulated toxic and flammable substances. Businesses using regulated substances exceeding a threshold quantity are evaluated under this program to determine the potential for and impacts of accidental releases. Depending on the potential hazards, business owners may be required to develop, submit and obtain approval of a Risk Management Plan.

### ***California Green Building Standards Code***

The 2022 California Green Building Standards Code (24 CCR, Part 11), also known as the CALGreen code, contains mandatory requirements and voluntary measures for new residential and nonresidential buildings (including buildings for retail, office, public schools, and hospitals) throughout California) (CBSC 2023a).

New construction in any FHSZ must comply with California Building Standards Code (CBSC) Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure. CBSC Chapter 7A sets forth requirements pertaining to roofing; vents (covered with metal wire mesh or other materials with openings no larger than 0.125 inch); exterior coverings; floor projections; underfloor protection; exterior windows, skylights, and doors; decking; accessory structures; and use of ignition-resistant materials. (DGS 2018a).

The 2022 California Green Building Standards Code (24 CCR, Part 11), also known as the CALGreen Ccode, contains mandatory requirements and voluntary measures for new residential and nonresidential buildings (including buildings for retail, office, public schools, and hospitals) throughout California) (CBSC 2023a). The development and implementation of the CALGreen Code is intended to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the following construction practices: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) environmental quality. In short, the Ccode is established to reduce construction waste; make buildings more

efficient in the use of materials and energy; and reduce environmental impact during and after construction.

### ***California Building Code***

The State of California provided a minimum standard for building design through the 2019 California Building Standards Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations. The current CBC is based on the relevant International Building Code, but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan checked by local City and County building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in all new high-rise buildings and residential buildings; the establishment of fire resistance standards for fire doors, building material; and specific types of construction.

### ***California Public Resources Code***

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that use an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire prone areas.

These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (PRC Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period—from April 1 to December 1 (PRC Section 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain the appropriate fire suppression equipment (PRC Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (PRC Section 4431).

### ***California Environmental Protection Agency***

Cal/EPA was formed in 1991 as the State's primary environmental authority. Cal/EPA has a mission to ensure public health, environmental quality, and economic vitality while working to restore, protect, and enhance the environment. Cal/EPA oversees several State agencies, including these agencies that handle hazardous materials: Air Resources Board (asbestos) and the DTSC (lead and polychlorinated biphenyls).

### ***California Department of Transportation/California Highway Patrol***

Hazardous materials are routinely transported in the region by truck or rail. The USDOT, Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials, as outlined in Title 49 of the Code of Federal Regulations and implemented by Title 13 of the CCR. Transportation of hazardous materials along any city or State roads within or near the Project Site is also subject to all hazardous materials transportation regulations established by the California Highway Patrol pursuant to the California Vehicle Code. In addition, universal waste handlers are subject to Title 22 of the CCR (Section 66273.30 through Section 66273.39 and Section 66273.70 through Section 66273.77), which identify standards for hazardous waste handlers and authorization requirements for universal waste handlers who treat hazardous wastes.

### ***State Water Resources Control Board***

The State Water Board enforces, among other regulations, those regulations pertaining to implementation of underground storage tank programs. It also allocates monies to eligible parties who request reimbursement of State funds to clean up soil and groundwater pollution from LUSTs. The State Water Board also enforces the Porter-Cologne Act through its nine regional boards, including the Santa Ana Regional Water Quality Control Board (Region 8), described below.

### ***California Air Resources Board***

The California Air Resources Board (ARB) is responsible for coordination and oversight of State and local air pollution control programs in California, including implementation of the California Clean Air Act of 1988. CARB has developed State air quality standards and is responsible for monitoring air quality in conjunction with the local air districts.

### ***California Fire Code***

The California Fire Code, California Code of Regulations, Title 24, Part 9 includes requirements for the installation of fire sprinkler; building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures within wildfire hazard areas. In addition, the California Fire Code addresses fire flow requirements, fire hydrant spacing, and access road specifications.

California Fire Code Chapter 49, Requirements for Wildland-Urban Interface Fire Areas, sets forth requirements for hazardous vegetation and fuel management and defensible space and requires compliance with construction methods mandated in CBSC Chapter 7A (CBSC 2022a).

### ***California Emergency Response Plan***

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the

California Governor's Office of Emergency Services, which coordinates the responses of other agencies. The Orange County Emergency Management Division provides emergency management and preparedness services coordinates response to emergencies to the unincorporated areas of Orange County and supports the efforts of the Orange County Operational Area."

## **Local**

### ***South Coast Air Quality Management District***

The South Coast Air Quality Management District (SCAQMD) regulates exposure to asbestos. Because it is a hazardous air pollutant, asbestos is subject to regulation by the SCAQMD under Rule 1403. The purpose of Rule 1403 is to specify work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos containing materials (ACMs).

### ***City of Anaheim General Plan – Safety Element***

The Safety Element of the City of Anaheim General Plan addresses fire hazards, geologic and seismic hazards, flood hazards, risk-reduction strategies, hazard abatement measures, and potential hazard locations throughout the City (City of Anaheim 2023a). An analysis of Project consistency with the goals and policies from the Safety Element that are related to hazards and hazardous materials and that are applicable to this analysis are provided in Table 4.10-1 in Section 4.10, Land Use.

## **4.8.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim's Environmental Checklist, the Project would result in significant impacts related to hazards and hazardous materials if it would:

- 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?

#### **4.8.4 IMPACT ANALYSIS**

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

**Less Than Significant With Mitigation Incorporated.**

##### **Construction**

During construction, the Project would be expected to involve the routine transport, use, and disposal of hazardous materials, such as diesel and gasoline fuels, aerosols, and paints, which are typical for this type of mixed-use developments. It should be noted that a residential use on portion(s) of the Project Site could be operational during the construction of other Project components. Among other things, the Project would require the removal of an existing paved roadway and an existing storm drain inlet with headwall and wing walls. Given the age of these existing facilities, it is possible asbestos and/or lead-based paint could be present in these demolition materials. If present, such substances would require specialized removal, handling, and disposal in accordance with all applicable regulatory requirements to ensure there is no significant impact in this regard, as required by **MM HAZ-1**, which would minimize, to the extent feasible, potential for hazard to the public and the environment. More generally, throughout construction, the Project would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local laws and regulations (delineated further above) that would reduce and limit the associated risks.

As explained above, the Phase I ESA did not note any RECs that would create a significant environmental concern. Any handling, transporting, use, or disposal of hazardous materials would be required to comply with applicable laws, policies, and programs set forth by various federal, State, and local agencies and regulations, including the EPA, RCRA, California Department of Transportation (Caltrans), and HMP. For example, the abandoned light-duty pickup truck that is located within the Project Site would be removed and disposed of in accordance with all applicable requirements and standards. Moreover, the Project would incorporate standard CARB Airborne Toxic Control Measures (ATCMs) that would further reduce fugitive dust, as described in more detail in section 4.2, Air Quality, of this Draft EIR. Also, as discussed in Section 4.9, Hydrology and Water Quality, of this Draft EIR, the Project would be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to and throughout construction. The SWPPP would be designed to ensure that erosion, siltation, and flooding are prevented or minimized to the maximum extent feasible during construction. In addition, the SWPPP would include both structural (physical devices or measures) and operational (timing of construction)

In summary, with respect to construction-related impacts, with adherence to the robust regulatory framework that addresses the removal, handling and disposal of hazardous materials, combined with implementation of MM HAZ-1, impacts would be reduced to a less than significant level.

### **Operation**

The Project's proposed land uses consist of residential, commercial, and open space land uses. The Project would not include any industrial or manufacturing land uses, which would routinely utilize large quantities of hazardous materials.

That said, the Project's proposed land uses would result in the on-site handling of materials that are common in similar residential and commercial developments, such as commercial cleansers, solvents, and other janitorial use materials; paints; diesel and gasoline, and landscape fertilizers and pesticides. While many such common materials are labeled as hazardous, the presence of such materials is common in a residential and commercial environment and the quantities of these materials would be relatively limited consistent with standard practices and would not represent a significant hazard to the public or the environment. Furthermore, these materials would be required to be transported, used, stored, and disposed of in accordance with all applicable regulatory requirements, as further assured by implementation of **MM HAZ-1**.

In summary, with respect to operation-related impacts, with adherence to the robust regulatory framework that addresses the removal, handling and disposal of hazardous materials, combined with implementation of **MM HAZ-1**, the Project would result in a less than significant impact related to this threshold.

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

**Less Than Significant With Mitigation Incorporated.**

### **Construction**

Project construction activities would involve the use and handling of limited volumes of commonly used hazardous materials, such as petroleum (fuel), paints, adhesives, and solvents. In addition, as described above, given the age of the existing paved road and other facilities to be removed from within the Project Site, it is reasonable to assume that ACM and/or LBP may exist within these structures. Removal of these existing structures could potentially create a significant hazard to construction workers on the Project Site. Furthermore, there is some residential arsenic in the soils that, when exposed in connection with earth-moving activity, could be released and thus pose a risk to construction workers. Also, a residential use on portion(s) of the Project Site could be operational during the construction of other Project components.

Therefore, during construction, there is a limited risk of spills and/or accidental release of hazardous materials that are used for the operation and maintenance of construction equipment. However, as specified in **MM HAZ-1**, the Project would be required to comply with all applicable federal, State and local laws and regulations, which would ensure that on-site temporary handling, storage, and usage of these materials would be conducted in accordance with all applicable regulatory requirements.

During the Project Site visit that was conducted as part of the preparation of the Project's Phase I ESA, an abandoned pick-up truck was observed that is located in a remote portion of the east-central part of the Project Site. Based on aerial imagery and other observations, the truck appears to have been abandoned for approximately 19 years. No fuel odors were apparent to the surveyors during the Project Site visit. Therefore, as determined in the Phase I ESA, the pick-up truck does not represent a REC, meaning it does not likely contain any hazardous substances. During Project grading, the pick-up truck would be removed and disposed of pursuant to all applicable laws and regulations, as set forth in the Phase I ESA recommendation. To minimize potential impacts related to the potential release of fuel or other hazardous materials during truck removal, **MM HAZ-2** would be implemented. As required by **MM HAZ-2**, if there is any fuel or other hazardous materials that are released during removal of the abandoned pick-up truck, or if odors or soil discoloration are observed on the ground beneath the truck when it is being removed, the Property Owner/Developer would be required to hire a specialized environmental professional to assess and properly address the extent of any subsurface contamination and to identify remediation measures, for which the Property Owner/Developer would be required to implement. If needed, any potential contaminated soil would be removed and disposed of off-site at a permitted disposal facility pursuant to all applicable laws and regulations.

Five, 55-gallon "non-hazardous waste" drums were observed during the Project Site visit for the Phase I ESA that presumably contained soil cuttings and mud left over from a geotechnical borings that were collected at the Project Site. The drums have since been removed and disposed of in accordance with regulatory requirements.

A small area of approximately 15 feet by 10 feet of deposited discolored soil was observed during the Project Site visit; however, the soil did not appear to contain any petroleum nor was there any evident chemical odors coming from the soil. Therefore, the Phase I ESA concluded this area of discolored soil does not represent a REC requiring further testing.

The Project Site was not identified on any hazardous material-related California and Federal databases, including facilities that were LQGs of hazardous waste, holders of stormwater and wastewater discharge permits, and sites with USTs and ASTs. In addition, the Phase I ESA concluded that nearby sites listed on the databases did not present any RECs of concern that would pose a substantial risk of potential for contaminating the Project Site.

Historical aerial photographs from 1938 to 2016 were reviewed to determine past land uses that may have impacted the Project Site in the past through the use, storage, or disposal of hazardous substances and/or petroleum. No conditions were observed on the aerial photographs that would suggest the potential presence of RECs on the Project Site or adjoining or nearby properties, except for past agricultural uses which are discussed below.

Based on review of aerial photographs, the Phase I ESA Report identified that the northern portion of the Project Site was intermittently used for agricultural purposes. Thus, there is a potential that agricultural-related chemicals such as pesticides, herbicides, and fertilizers, may have been used and stored on the Project Site. Agricultural uses (i.e., orchards) were present on the northwestern portion of the Project Site in the past. As discussed above, in 2023 soil sampling was conducted in the Project Site to assess whether there was any residual concentration from the potential past use of organochlorine pesticides and arsenic during agricultural activities in the Project Site. Five soil samples were collected and submitted to a State-certified laboratory for evaluation. Low concentrations of organochlorine pesticides were detected in four of the soil samples. The detectable concentration of 4,4'-DDT and its two degradation products (4,4'-DDD and 4,4'-DDE) in soils suggest that organochlorine pesticides were used during agricultural activities on the Project Site decades ago. However, there were no detected concentration of organochlorine pesticides in any of the samples that were collected that exceeded its DTSC-SL; therefore, the residual concentrations do not appear to be a health risk according to the analyses conducted by J2 Environmental (J2 Environmental 2024a). Arsenic was detected in three of the soil samples. These samples all exceed the arsenic DTSC-SL by two to three times. Therefore, exposure to arsenic may result from earthmoving activities if soils in the northern portion of the Project Site are not handled appropriately. Therefore, as required by **MM HAZ-3**, prior to issuance of the Project's first grading permit additional soil sampling would be conducted for arsenic in the northern portion of the Project Site. A soil management plan would be required to be developed based on the results of the soil sampling to specify the appropriate handling, transport, and disposal procedures for the soils within the Project Site to minimize potential exposure in accordance with State and Federal regulations.

In summary, with respect to construction-related impacts, with adherence to the regulatory framework that addresses the handling, storage and disposal of hazardous materials, combined with implementation of **MM HAZ-1**, **MM HAZ-2**, and **MM HAZ-3**, construction of the Project would result in a less than significant impact related to this threshold.

## **Operation**

During operation, Project residents, visitors, employees and other users may use potentially hazardous substances that are typical for this type of mixed-use development, including diesel and gasoline, common household cleaners, lubricants, hydraulic oils, and other substances. While small quantities of hazardous materials would be used on-site during operation of the Project, this would not occur in sufficient quantities to create significant hazard in the unlikely event of upset or accident. These types of materials are common in such mixed-use development and represent a low risk to people and the environment when used and handled as intended and would not be expected to result in the release of hazardous materials into the environment. The handling, transport, and disposal of such substances would be required to comply with all applicable laws and regulations, which would reduce risks of accident conditions.

As such, operational impacts related to this threshold would be less than significant.

## **Conclusion**

In conclusion, with implementation of **MM HAZ-1**, **MM HAZ-2**, and **MM HAZ-3**, the Project would result in a less than significant impact related to this threshold.

***b) Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

**Less Than Significant With Mitigation Incorporated.** There are no existing or proposed schools that are located within one-quarter mile of the Project Site. The closest existing school is El Rancho Charter School, which is located approximately 0.65 mile west of the Project Site.

During construction and operation of the Project, additional vehicular and truck trips would occur on Santa Ana Canyon Road that would not occur otherwise. Santa Ana Canyon Road is adjacent to El Rancho Charter School and Canyon High School. As such, the Project would result in a minor increase in the amount of additional nitrogen oxides, carbon monoxide, and particulate matter within the air that would not occur otherwise without the Project. However, such air quality effects would be minor as described in more detail in the air quality analyses contained in Section 4.2 of this Draft EIR.

As noted above under threshold 4.8(a), and as required by **MM HAZ-1**, hazardous materials utilized during Project construction and operation would be stored, transported, used, and disposed of according to applicable regulatory requirements.

With implementation of **MM HAZ-1**, the Project would result in a less than significant impact related to this threshold.

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

**Less Than Significant Impact.** As noted above, Section 65962.5 requires the development of a hazardous waste and substances site list, also known as the Cortese List, which provides the location of known hazardous materials release sites.

According to the database record searches that were conducted as a part of the Phase I ESA, the Project would not be located on a site that is included on the Cortese List, and therefore, the Project would not create a significant hazard to the public or the environment in this regard. There is one Cortese List property 0.5 miles northeast of the Project Site, which is the Chevron Service Station located at 8000 Santa Ana Canyon Road. This property was listed in various UST databases related to the installation and use of three, 12,000-gallon gasoline USTs, which were considered “active” beginning as of May 1993. A leak was reported, and a LUST case was later opened in September 2009, but the case was closed in October 2010, with No Further Action (NFA) required by the regulatory agencies, indicating the LUST was

repaired and remediated. Due to the distance and the closure with NFA of the LUST, this property does not represent a significant environmental threat to the Project Site.

Therefore, the Project would have a less than significant impact related to this threshold and no mitigation is required.

***d) Would the Project be 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 Project would not be located within an airport land use plan or within two miles of a public airport or public use airport. The nearest public airport is the Corona Municipal Airport, which is located in the City of Corona approximately 10 miles northeast of the Project Site. Fullerton Municipal Airport and Los Alamitos Joint Forces Training Base are more than 12.50 and 14.25 miles west of the Project Site, respectively. Therefore, because of the foregoing, the Project would not result in a safety hazard or excessive noise for people residing or working in the Project area (Google Maps 2024a).

Therefore, the Project would have no impact related to this threshold and no mitigation is required.

***e) Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

**Less Than Significant With Mitigation Incorporated.**

**Emergency Operations Plan**

The City of Anaheim's Emergency Operations Plan was adopted by the Anaheim City Council on May 9, 2017. The Emergency Operations Plan provides an overview of potential hazards affecting the City, as well as general policy-level guidance related to future development within the City (Anaheim 2017a). The Emergency Operations Plan contains an overview of the City and the hazards that the City is exposed to including wildfires, flooding, earthquakes, disease outbreak events, aircraft incidents, civil unrest events, terrorism, train derailments, and other situations. The Emergency Operations Plan also includes a chapter describing the response structure for emergency operations in the City, which includes the methods by which the City would collect, analyze, and disseminate information in an emergency as well as the method by which an emergency operations center would be established and operated.

The Project would not impair implementation of or physically interfere with the Emergency Operations Plan because there is nothing within the Emergency Operations Plan that is specific to the Project Site or its nearby vicinity. Also, the Emergency Operations Plan does not include any policies that apply directly to individual projects.

Therefore, the Project would not impair implementation of or physically interfere with the City's Emergency Operations Plan

## **Local Hazard Mitigation Plan**

The City's Local Hazard Mitigation Plan, which is referred to as the "Be Ready Anaheim" plan, was approved by the City in 2022 (City of Anaheim 2022b). The Be Ready Anaheim plan includes policies that seek to foster a more resilient community, so that when hazard events do ultimately occur, the community suffers minor damage and can recover more quickly and effectively. The Be Ready Anaheim plan includes an overview of the City's setting, a hazard assessment, a vulnerability assessment, and mitigation strategies.

The Be Ready Anaheim plan identifies eastern Anaheim as susceptible to wildfires due to its topography and because of the relatively high temperatures, low humidity, and low precipitation that often occur in this area of the City during summer. The Be Ready Anaheim plan states that fires in eastern Anaheim are also exacerbated in the fall by Santa Ana winds and that the City's wildfire modeling has determined that the wildland-urban interface in eastern Anaheim has the highest risk of wildfire out of all areas within the City. The Be Ready Anaheim plan contains a list of mitigation actions, all of which are the responsibility of the City and none of which apply to the Project directly. Therefore, the Project would not directly conflict with any aspects of the Be Ready Anaheim plan.

## **Know Your Way**

"Know Your Way" is a City initiative that provides guidance on primary and secondary evacuation routes in case of wildfire, flood, or earthquake events in the eastern portion of the City. Know Your Way consists of a website that contains maps that cover east Anaheim. The maps designate evacuation zones within east Anaheim as well as primary and secondary evacuation routes for each evacuation zone to use during a typical evacuation event. The maps also designate where APD would typically close or divert traffic; however, APD takes an adaptive approach to evacuations. Therefore, APD may implement different traffic controls from what is shown in Know Your Way maps during an evacuation event based upon the particular details of that event. Generally, the Know Your Way maps direct motorists to take local arterial streets to get to SR-91, and then to travel west on SR-91.

As part of Know Your Way, students from schools within an evacuation zone would be evacuated to Orange High School during evacuation events to avoid creating additional congestion in east Anaheim that could hinder emergency response and/or evacuation. During future evacuation events, horses and livestock from affected evacuation zones would be temporarily evacuated to the Orange County Fairgrounds or to other stables in the County.

The Project Site is within Know Your Way Evacuation Zone 8, which is also referred to as the "Sycamore" zone. According to the evacuation map for this zone, individuals should generally evacuate the Project Site and the rest of Evacuation Zone 8 for most evacuation events by going to the east via Santa Ana Canyon Road, then by turning north on Weir Canyon Road, then going west on SR-91. However, as discussed further below and in Section 4.18, Wildfire, of this Draft EIR, as shown in the Evacuation Travel Time Analysis report that was prepared for the Project and as determined in consultation with the City and APD, for a specific wildfire



event occurring in the undeveloped areas immediately east and/or south of the Project Site, APD would instead likely direct evacuees from the Project Site (a portion of Evacuation Zone 8<sup>3</sup>) and from Evacuation Zones 9 and 10 to the west via Santa Ana Canyon Road towards Imperial Highway (LLG 2024c). For most other evacuation events not involving a wildfire in the undeveloped areas east and/or south of the Project Site, Zones 8, 9, and 10 would still evacuate east to Weir Canyon Road and then north to SR-91 consistent with the Know Your Way evacuation maps. Based on coordination with APD and Anaheim Fire and Rescue staff, there are no changes needed to the Know Your Way maps to accommodate the Project. APD and Anaheim Fire and Rescue stated that in existing conditions, if a fire were to break out in the Project Site or Deer Canyon Park Preserve, APD would direct individuals from Zones 8, 9, and 10 to the west along Santa Ana Canyon Road towards Imperial Highway as they would with implementation of the Project and as modeled in the Evacuation Travel Time Analysis report. However, for most other wildfire events, APD confirmed that they would generally direct individuals eastbound on Santa Ana Canyon Road to Weir Canyon Road and then westbound on SR-91. The Project's circulation plan would enable this evacuation strategy and not conflict with or impair implementation of Know Your Way, nor does the Project necessitate any changes to Know Your Way. Furthermore, as noted above, the Project would incorporate numerous features to enable emergency access to the Project Site, and would enhance the wildfire resilience of the Project Site and neighboring communities. In doing so, this would help to decrease the risk of emergencies related to wildfire, thereby reduce the need for evacuation in the first instance.

### **Analysis of Construction Effects Related to Evacuation Plan Consistency**

Project construction would result in a temporary increase in traffic on local roads related to construction employees, material deliveries, and haul trucks when compared to existing conditions. During Project construction there would be limited instances where there would be temporary closures of up to one lane in each direction on Santa Ana Canyon Road. These temporary lane closures would be needed to allow for roadway and utility improvements that are required to accommodate the Project. These typical temporary closures and additional construction traffic could potentially impair implementation of emergency access and evacuation if an evacuation event were to occur during construction while said closures were in place. Therefore, as required by **MM HAZ-4**, the Project would minimize potential effects to local circulation and to emergency response times and to evacuation through the preparation and implementation of a City-approved Construction Management Plan that would specify the methods by which traffic would be maintained along Santa Ana Canyon Road and other local roads throughout the Project's construction process.

### **Analysis of Operational Effects Related to Evacuation Plan Consistency**

Given that the Project Site is currently vacant, there are no vehicles that need to evacuate from the Project Site during evacuation events in existing conditions. However, during operation of the Project, the Project would result in additional vehicles entering and leaving

---

<sup>3</sup> During a wildfire east and/or south of the Project Site, the portion of Evacuation Zone 8 that contains the Festival Shopping Center would still evacuate to the east to Weir Canyon Road, then north on Weir Canyon Road to westbound SR-91.

the Project Site that would need to evacuate the area during a wildfire or other evacuation event. The multiple-family residential component of the Project would provide approximately 958 parking spaces. The proposed commercial uses would provide approximately 320 parking spaces. The six single-family residential lots would result in approximately 15 parking spaces in total. The foregoing parking space figures are relevant approximations to be used in this analysis in terms of the number of vehicles that should conservatively be assumed to need to evacuate in a reasonable worst-case scenario.

As part of the CEQA analysis of the Project and as described above and in the Preliminary Fire Protection Plan that is provided as Appendix R to this Draft EIR, wildfire modeling has been conducted to evaluate a variety of potential wildfire scenarios that could occur in the future involving the undeveloped open space areas to the east and south of the Project Site. The wildfire modeling was informed, in part, by available information on past wildfire events that have occurred in the vicinity of the Project Site.

Due to the additional vehicles that would need to evacuate the Project Site, when compared to conditions without the Project, it was determined that approximately 24 additional minutes would be required for vehicles to evacuate from the Project Site and from nearby neighborhoods during an evacuation event. With the Project, it would take approximately 210 minutes to fully evacuate the Project Site and other properties in the evacuation zone that was analyzed in the Project's Evacuation Study, instead of the approximately 186 minutes it would take to fully evacuate these areas without the Project (LLG 2024c).

Under actual emergency circumstances, evacuation events are typically more strategic, surgical, and phased than the mass evacuation scenarios that were conservatively modeled in the evacuation scenario modeling for the Project. For example, APD typically focuses on evacuating smaller areas that are at highest risk using situational awareness rather than evacuating an entire zone. Wildfire evacuations are managed to move smaller populations in a successive phased manner to minimize traffic surges. Populated areas are typically evacuated based on their proximity to the wildfire event and their risk levels. APD has the capability to designate small areas in a more surgical approach that can target neighborhoods or individual streets for alert messaging.

Therefore, the evacuation scenarios in the modeling were conservative in that they did not account for APD controlling intersections and directing traffic as is typically implemented during an evacuation event. Traffic control would result in prioritization of the most at risk residents and increase efficiency of the evacuation, thereby reducing evacuation time.

Nevertheless, the Project would result in additional congestion during evacuation events for several neighborhoods that do not have alternative access points other than Santa Ana Canyon Road, as discussed below.

Under existing and future conditions with implementation of the Project, the intersection of Santa Ana Canyon Road and Eucalyptus Drive does not have a signal or stop sign. During most anticipated wildfire events, individuals from Eucalyptus Drive and tributary roads would evacuate eastbound on Santa Ana Canyon Road by turning right at Eucalyptus Drive and Santa Ana Canyon Road. The Project would result in increased delays during these

eastbound evacuations for residents of Eucalyptus Drive and others from Know Your Way Zones 8, 9, and 10 that would also be traveling eastbound. However, for a wildfire that is directly east/south of the Project Site and/or in Deer Canyon Park Preserve, Eucalyptus Drive and tributary roads would evacuate westbound. This traffic movement would potentially create a delay for individuals trying to evacuate from Eucalyptus Drive and other tributary roads since these vehicles would not have right-of-way priority. As such, Eucalyptus Drive would likely queue up longer than in existing conditions. Local roads that would likely be congested during such an evacuation event that do not have another outlet except for Eucalyptus Drive include Eucalyptus Way, Autry Drive, Eucalyptus Way, Silver Dollar Lane, and Trish Court. These local roads would all likely be backed up to a greater extent than in pre-Project evacuation conditions waiting to evacuate without implementation of traffic controls or other measures. Vehicles evacuating from these streets would have to queue up and make a left turn onto Santa Ana Canyon Road where they would then need to merge with vehicles evacuating from the Project Site and from the self-storage land use across the street from the Project Site.

Also, during evacuation events requiring the Project Site and Zones 8, 9, and 10 to evacuate westbound on Santa Ana Canyon Road, such as a fire south or east of the Project Site, neighborhoods that outlet to Santa Ana Canyon Road via Martin Road and Mohler Drive would also experience increased vehicular delays as a result of the Project. Similar to Eucalyptus Avenue, there are locations along Mohler Drive that could expose individuals to direct harm from flames and/or smoke due to the immediate adjacency of undeveloped parcels containing flammable vegetation. However, these hazards are existing conditions that would only be altered through the increased evacuation times.

While additional congestion would occur during an evacuation event, as discussed above, various Project design features actually enhance emergency access and the wildfire resilience for the Project Site and surrounding neighborhoods, thereby decreasing the need for evacuation in the first instance.

Moreover, to improve the City's ability to more effectively manage traffic along Santa Ana Canyon Road during a future evacuation, the Project would be required to include implementation of **MM HAZ-5**, which requires that prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer would be required to fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.

Also, as required by **MM HAZ-9**, prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of "Know Your Way" evacuation planning and protocols. The community education and outreach for the larger eastern portion of the City would help to improve the Community's understanding of "Know Your Way", which will better facilitate more efficient and safer future evacuation events.

In summary, although the Project would result in additional congestion that would result in a potential extension of time to evacuate (by approximately 24 minutes), given the Project's numerous design features that enhance wildfire resilience and facilitate emergency access (described further below), combined with adherence to all applicable laws and regulations as well as local policies and programs and implementation of **MM HAZ-4**, **MM HAZ-5**, and **MM HAZ-9** the Project would not impair implementation of or physically interfere with the City's Emergency Operations Plan, Be Ready plan or its Know Your Way initiative. Know Your Way does not contain any goals, policies, or other metrics that the Project can be compared against.

With implementation of **MM HAZ-4**, **MM HAZ-5**, and **MM HAZ-9** the Project would result in a less than significant impact related to this threshold.

***f) Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?***

**Less Than Significant With Mitigation Incorporated.** The Project would result in an anticipated population increase of approximately 1,664 new City residents and new structures within the Project Site. Similar to surrounding areas, the Project Site is located within a VHFHSZ and is prone to wildfire based on topography, fuels, and meteorological patterns affecting the Project Site.

There would be a significant increase in impervious surfaces and a concomitant reduction in vegetation in those portions of the Project Site where the residential and commercial components would be developed. This reduction of vegetation would help decrease existing wildfire risk. Moreover, the Project would be designed to meet all applicable Fire Code requirements and other standards, thereby facilitating emergency access, introducing sprinklers and fire hydrants, as well as hardening structures, fuel modification zones, etc., all of which would help to reduce the risk of loss, injury and death involving wildland fires. Furthermore, the Project would help to enhance wildfire resilience for the surrounding existing communities as discussed below.

Nevertheless, given the significant open space component of the Project, much of the existing vegetation within the Project Site would remain with implementation of the Project, which has the potential to act as fuel during a wildfire event.

Also, wind-blown embers, or firebrands can float miles ahead of a wildfire that could lead to spot fires in areas miles from a wildfire event. Embers can ignite structure fires by landing on dry vegetation and through blowing into ventilation ducts or other openings into attics and crawl spaces of buildings (Zhou et al 2024a). Therefore, embers from wildfire events could also expose buildings in the Project Site to risk of fire when future wildfire events occur in the region.

## **Human Presence and Fire Ignition**

As noted above, the Project would introduce additional residents, employees, and visitors to a Project Site that is within the urban wildland interface and designated as a VHFHSZ. Recent

research has shown that the risk of wildfire along with the intensity of wildfires increase relative to a corresponding increase in human activity/presence within an area (Hantson 2022a). Research has shown that bringing more people into or near flammable wildlands can in some cases lead to more frequent, intense, destructive, costly, and dangerous wildfires (Attorney General 2022a)

However, the Project Site is already subject to human-induced wildfire risk from existing developed neighboring properties and highly trafficked local roads including Santa Ana Canyon Road and SR-91. For example, under existing conditions, individuals regularly utilize the access road in the Project Site to access Deer Canyon Park Preserve.

Although humans are the main cause of igniting wildfires, humans can also be a part of the solution. For example, the wildfire risk for an existing community can be significantly reduced when fire protection is implemented at the project level and a project uses ignition-resistant building materials, infrastructure improvements, and landscape design (Newman et al., 2013). When wildfire is planned for and incorporated into the building design, such as with the Project, it can not only withstand wildfire, but prevent it. This prevention benefits the Project and the surrounding areas by reducing the landscape-level fire risk.

### **Common Ignition Sources**

Common ignition sources for wildfires in southern California include powerlines and vehicles.

The Project would underground the new powerlines in the Project Site that are necessary to serve the Project; therefore, this would not be a potential source of wildfire ignition. The Project would not alter the off-site power lines that are east of the Project Site; therefore, in the event of damage these existing power lines could be a potential source of wildfire ignition. However, this is an existing condition for which the Project would not exacerbate.

The Project would introduce new roads that could increase wildfire risks through the introduction of vehicles to new areas; however, if ignition were to occur on or near the Project interior roadways it is highly unlikely it would spread beyond the Project Site and due to the level of hardscape and the adjacent proposed fuel modifications areas. Moreover, these additional roads would facilitate emergency access and evacuation, thereby helping to balance out risks in this regard.

Furthermore, the Project would include a gate on Deer Canyon Road to prevent people from heading into the Deer Canyon Park Preserve after dark. Also, to avoid wildfire risk from individuals that may wish to park and loiter along the end of Deer Canyon Road, this portion of the road would be built to only contain through lanes and would not allow parking. In taking these steps, the Project would help to enhance security in the area generally and diminish unlawful and/or problematic activities that could increase ignition sources.

## **Density of Development and Fire Ignition**

As demonstrated in Syphard and Keeley (2015), development density directly influences susceptibility to fire because in higher density developments (like the Project), there is one interface (the Project perimeter) with the wildlands whereas lower density development creates more structural exposure to wildlands, less or no ongoing landscape maintenance (an intermix rather than interface), and consequently more difficulty for limited fire resources to protect well-spaced buildings. The intermix includes development amongst the unmaintained fuels whereas the proposed Project would convert all fuels within the development footprint and would provide wide, managed fuel modification zones separating buildings from unmaintained fuel and creating a condition that makes defense easier.

In summary, building and operating a more dense development such as the proposed Project actually enhances opportunities to appropriately manage and defend the space from wildfire as compared to a lower density development.

## **Designing for Wildfire Resilience**

Through the design process for the Project, Project-specific fire protection measures have been evaluated, accounted for and incorporated into the Project design, including requirements for adequate water supply, fuel modification and defensible spaces, access, building ignition and fire resistance, and fire protection systems. These topics are discussed in more detail below. These measures have been combined and formalized in a Preliminary Fire Protection Plan that was developed for the Project, which is provided as Appendix R of this Draft EIR (Fire Safe Planning Solutions 2024a). The Project would be required to adhere to this Plan during construction and operation.

As discussed above, the way that a project is developed within the landscape can determine to what extent it would influence wildfire risk. For example, topography affects the speed at which a wildfire spreads. According to FEMA, a wildfire moving up a slope causes hot gases to rise in front of it. The hot gases pre-heat and dry vegetation ahead of the wildfire, causing it to catch fire more rapidly. A grass fire can advance four times faster moving up a slope than on level ground (FEMA 2024a). Therefore, building at lower locations can help to reduce wildfire risk.

Here, the Project has been designed with this consideration in mind. Specifically, the tops of slopes within the Project Site are the locations that are most exposed to Santa Ana Wind gusts during the fall season. Therefore, the Project has been designed to generally develop buildings on the lower elevations of the Project Site, thereby working with the topography of the Project Site to minimize wildfire risks related to these physical phenomena.

In addition, the Project would result in several benefits that relate to the nearby community's overall wildfire resilience that would reduce the risk of loss, injury and death for future Project residents, visitors, and employees as well as the overall surrounding community. These aspects of the Project have been incorporated to minimize risks to the proposed

Project as well as to help ensure protection of existing communities. These benefits include the following:

- Once the Project is built, the on-site fire potential would be lower than its current conditions due to the incorporation of numerous fire safety requirements that would be implemented on the Project Site pursuant to applicable Fire Code and other requirements.
- The Project would develop the Project Site in a way that would improve wildfire resilience for the Project's residents, employees, visitors and other users, and buildings within the Project Site, as well as for neighboring off-site properties by enhancing the existing street network and by providing active fuel modification of fire-prone vegetation near structures to help prevent wildfire spread to neighboring communities.
- The Project would install numerous new fire hydrants and new fire access roads in the Project Site pursuant to applicable Fire Code and other requirements that could be used by first responders in the future during wildfire events. Currently there are no fire hydrants and no water service within the Project Site.
- Development of the Project would remove significant amounts of highly combustible vegetation from the Project Site and would replace it with fuel-modified slopes, landscaping, and new structures that would be built in compliance with the latest Fire Code and other requirements. By doing so, the Project would result in decreased wildfire exposure for existing private properties that are directly west of the Project Site as well as for motorists and cyclists using Santa Ana Canyon Road by developing the Project Site in a way that would slow the spread of fire in this area of the City.
- The Project's buildings would be built to the more rigorous requirements for materials and construction methods that are contained in the State's Wildland Building Code Requirements, thereby further helping to minimize risk of loss.
- The Project's multiple family residential building would be built according to the additional access and fire protection requirements that have been established by the California Building Code as amended in the AMC for "high-rise buildings", resulting in a fire-resistant structure, thereby further helping to minimize risk of loss, injury, and death.

With the conversion of much of the landscape in the Project Site to ignition-resistant development, wildfires may still encroach upon and drop embers on the Project Site in the future with implementation of the Project, but wildfire is not expected to burn through the developed portion of the Project Site or to produce sustainable spot fires due to the lack of available fuels and due to the fire suppression capabilities that would be available.

### **Fuel Modification Zones**

Proposed fuel modification zones (FMZs) for the Project are shown in Exhibit 3-13. The Project would be required to establish and consistently maintain these FMZs around all proposed buildings and around fire access roads.



These FMZs would provide managed buffer areas where fire spread would not be facilitated toward the Project or away from the Project into wildland areas. FMZs typically minimize the risk of surface fires but can also reduce the likelihood of canopy fires and lower ember cast. FMZs can also have a shadow effect on the untreated landscape by reducing the probability of burning and the potential fire size (Cochrane et al., 2012). Because of these factors, the risk of structures being damaged from a fire event is lower when FMZs and defensible space are implemented; such would be the case for the Project.

Also, defensible space next to structures limits the spread of fire from developed areas into vegetation off-site because these irrigated and maintained landscapes in the fuel modification zones do not readily facilitate vegetation ignition or fire spread. Research has shown that FMZ areas can function as fuel breaks which can be crucial in reducing fire risk and facilitating effective fire prevention (Wang et al., 2021).

Project FMZs would be required to be maintained a minimum of two times per year – once in middle to late spring, and again in early to middle fall. During maintenance activities, dead and dying vegetation would be removed, shrubs and trees would be trimmed, grasses would be cut back, undesirable/invasive plant species would be removed, and site observations would be recorded.

Zone A of the Project's proposed fuel modification plan consists of the "Setback Zone", which is a setback irrigated zone that is generally a 20-foot minimum width with level ground that extends from each of the building's foundations. The purpose of the Setback Zone is to provide a defensible space for fire suppression to occur and to protect structures from radiant heat and convective heat. No combustible construction would be allowed within the 20-foot Setback Zone. Also, this zone would be located on a level graded that is immediately adjacent to the protected buildings. Other requirements for this area include: automatic irrigation systems be provided to maintain healthy vegetation with high moisture content; pruning of foliage to reduce fuel load; removal of plant litter and dead wood; plants used in this zone would be highly fire resistant and selected from the approved fire-resistant plant list for the Setback Zone; all combustible plant species would be removed in this zone; this zone would be setback from the edge of a slope; no combustible construction would be allowed in this zone; and no wood or solid fuel burning fireplaces, fire pits, or similar fire features would be allowed in this zone. This area would be maintained by the Property Owner/Developer or a Homeowners Association pursuant to recorded Conditions, Covenants and Restrictions.

Zone B of the Project's proposed fuel modification zone, referred to as the "Wet Zone", would be a minimum 50-foot width (and up to 150-feet in width) from Zone A, and would consist of permanently irrigated landscaping. Zone B would be cleared of all combustible plant species and would be planted with plants from the approved fire-resistant plant list that are drought tolerant, deep rooted, and moisture retentive. Other requirements for Zone B would include requirements for minimum plant spacing. This area would be maintained by the Property Owner/Developer or a Homeowners Association pursuant to recorded Conditions, Covenants and Restrictions.

Zone C consists of the “Thinning Zone”, which would be up to 100-feet out from the outer edge of Zone B. Zone C would consist of non-irrigated plantings with adequate spacing. These areas would be actively thinned twice per year down to 50% native shrubs, and all combustible plant species shall be removed in this zone. This area would be maintained by the Property Owner/Developer or a Homeowners Association pursuant to recorded Conditions, Covenants and Restrictions.

In addition, the Project would be required to include the ongoing maintenance of Roadside Protection Zones, which would be up to 50-feet in width from the edge of the Project’s fire access roads. These areas would be required to meet the same requirements as fuel modification Zone B. This area would be maintained by the Property Owner/Developer or a Homeowners Association pursuant to recorded Conditions, Covenants and Restrictions.

There would be additional weed abatement areas that would be maintained annually by the City’s weed abatement requirements. This area would be maintained by the Property Owner/Developer or a Homeowners Association pursuant to recorded Conditions, Covenants and Restrictions.

### **Ignition Resistant Construction**

As depicted in the Project’s fuel modification plans provided as Exhibit 3-13, all of the Project’s proposed structures are considered to be within radiant heat construction zones. Therefore, all new structures within the Project Site would be constructed in compliance with the enhanced ignition-resistant construction standards of Chapter 7A of the California Building Code. These requirements address roofs, eaves, exterior walls, vents, appendages, windows, and doors and result in hardened structures that have been proven to perform at high levels (resist ignition) during the typically short duration of exposure to burning vegetation from wildfires. Adherence to these standards would provide a high level of protection to structures in the Project Site, as contemplated by the Building Code, thereby helping to reduce risk to people and structures as a result of wildfire.

The Project’s fuel modification zones have been designed to comply with the requirements of the AMC and other applicable requirements. Fuel modification mitigation strategies would be used throughout the Project Site in adherence to all applicable requirements and standards, including, among others, the installation and maintenance of fire protective Radiant Heat walls where required on the Project Site, thereby helping to reduce wildfire risk to the Project as well as existing nearby residential neighborhoods.

There are areas along the west side of the proposed multiple-family residential building and the north side of the proposed commercial component that would have reduced fuel modification zones and instead would incorporate alternate mitigation strategies applied. These areas would include a fire apparatus access roadway as shown in the Preliminary Fire Protection Plan sheets provided within Exhibit 3-20.

## **Fire Code High Rise Classification**

As determined in consultation with Anaheim Fire and Rescue staff, the multiple-family residential building would be constructed as a “high-rise” (i.e., Building Code designation) since there would be inhabited floors above 75’ from the lowest point of fire department access. This means that a number of additional safety features would be required to be incorporated into the Project design. For example, from an operational perspective, no floor would be permitted to exceed 75’ from adjacent street access and all of the aerial laddering access point on all side of the building would be required to be able to reach roofs of the portion of the structure which is immediately adjacent to the fire access roadway. This is due to the fact that the access elevation increase as the roadway progresses to the rear (terraced) which places portions of the structure below the surface at the rear (subterranean), mostly in the parking structure. Specifically, the multiple-family residential building would be required to meeting the additional safety requirements of Fire Code Section 9.14.3 for high-rise, which include:

- Secondary Water Supply in accordance with Fire Code Section 914.3.2.
- Fire Pump to service the secondary water supply.
- Smoke Detector system in accordance with Fire Code Section 907.2.13.1.
- Fire Standpipe system as required by Fire Code Section 905.3.3
- Emergency voice/alarm communications system in accordance with Fire Code Section 907.5.2.2
- Emergency communications coverage in accordance with Fire Code Section 510.
- Fire Command Center complying with Fire Code Section 508.
- Smoke Control system in accordance with Building Code Section 909.
- Standby power complying with Building Code Section 2702 and 3003 with power loads specified in Section 403.4.8.3.
- Emergency power complying with Building Code Section 2702 with power loads specified in Section 103.4.8.4.
- Stairway door simultaneous unlock from fire commend center if locked from the stair side.
- Where stairway doors are locked from the stair side, a telephone or other two-way communications system provided at not less than every fifth floor within the stairway capable of contacting the commend center or 911 center.
- Smokeproof enclosures in accordance with Building Code Sections 909.20 and 1023.11.
- Luminous egress path markings in accordance with Building Code Section 1025.
- Fire Service elevator access in accordance with Building Code Section 403.6.

## **Fire Sprinklers**

All of the structures within the Project would be required to be protected with automatic fire sprinklers. The single-family units would be NFPA 13D<sup>4</sup> unless construction and area thresholds are exceeded requiring additional protection. The commercial and multi-family structures (including parking structures) would be protected with full NFPA 13<sup>5</sup> systems and standpipe systems as required by code (Building and Fire Codes). In accordance with NFPA standards, all NFPA 13 systems would be supervised and monitored.

## **Radiant Heat Walls**

Radiant heat walls help protect structures from igniting by reducing the amount of radiant heat that is transmitted to structures during a fire event. Radiant heat walls are proposed at two locations in the Project Site adjacent to the proposed single-family residential uses where a full 170-foot-wide FMZ cannot feasibly be provided. As described in more detail in the Preliminary Fire Protection Plan, these areas are proposed to be avoided due to their biological resource value. These walls would be a minimum of 6-feet in height as depicted in Exhibit 3-13.

## **Emergency Evacuation**

As discussed above in response to threshold (f) above, the Project would result in some amount of additional delay for vehicles evacuating the Project Site and nearby neighborhoods during a future evacuation event.

As noted in comments provided during the NOP scoping process for this Draft EIR, an increase in delay for evacuees could result in direct and indirect effects to individuals that are trying to evacuate from the Project Site and nearby vicinity. For example, individuals in vehicles that are further delayed by the Project could be exposed to additional wildfire smoke, which is a public health hazard given that wildfire smoke is a major contributor to particulate air pollution (Black et al. 2017a). Wildfires produce fine (under 2.5 microns) and ultrafine (under 1 micron) particulate. Recent studies have shown that wildfire smoke exposure has led to instances of increased cardiovascular- and respiratory-related health effects (Black et al 2017a, Attorney General 2022a).

Also, the additional congestion during an emergency event could result in increased fear, anxiety, and other mental health impacts on individuals in these neighborhoods (Malhi and Marwaha 2023a, Lane 2021a).

Increased delays during evacuations can be especially harmful to certain populations that are already more vulnerable to wildfire risks including those aged over 65, those living with a disability, and households living under the poverty limit (City of Anaheim 2022b). For example, these populations could have difficulty receiving/accessing emergency messages.

---

4 NFPA 13D is a residential sprinkler design standard focused on one- and two- family dwellings and manufactured homes. The intent is to provide an affordable sprinkler system in homes while maintaining a high level of life safety.

5 The industry benchmark for design and installation of automatic fire sprinkler systems, NFPA 13 addresses sprinkler system design approaches, system installation, and component options to prevent fire deaths and property loss.

Similarly, some individuals in these populations may require additional time to evacuate due to mobility or other conditions. Near the Project Site, there are single-family residences as well as apartments where it is likely that individuals from these more vulnerable populations live, including the Overlook at Anaheim Hills Apartments which is exclusively for residents 55 years of age and older (Attorney General 2022a, Google Maps 2024a).

In some of the recent wildfire events in California and elsewhere in the United States, there have been instances where individuals have perished in their vehicles while trying to evacuate from a wildfire event (Guardian 2022a, Islands News 2022a). Although unlikely, there is potential that the additional evacuation time that would result from the Project could lead to additional vehicular back-up onto existing residential streets that would be greater than the back-up that would occur in existing conditions and in future conditions without implementation of the Project. That said, for many evacuees despite some potential additional delay as a result of congestion from Project traffic during an evacuation event, there would be limited direct risk from fire as the roads that these individuals would be traveling on are typically set back from vegetated open space areas and have sidewalks, emergency lanes, and curb and gutter areas that limit the potential for flames and radiant heat to reach and cause harm to vehicles on the roads.

However, due to the adjacency and limited setback from natural open space areas, vehicles evacuating northbound on Eucalyptus Drive would be at greater risk of direct threat from flames while evacuating. Specifically, approximately 650 feet south of Santa Ana Canyon Road, Eucalyptus Drive is directly adjacent to and at the top of a vegetated slope that occurs within APN 356-581-01, which is a part of the Project Site that would not be developed. During a wildfire event with a Santa Ana Wind condition blowing from the east flames could travel up this slope and could burn vegetation that is immediately adjacent to the road at this location which could result in risk of injury and death to individuals trying to evacuate along Eucalyptus Drive. Therefore, the Project would be required to implement **MM HAZ-6** to minimize these risks, which requires that the Property Owner/Developer conduct weed abatement along the entire western boundary of the Project Site, including at this location.

Based on coordination with staff from APD and Anaheim Fire and Rescue, the increased time it would take to evacuate the Project Site and vicinity would not result in any substantial delays for emergency response providers to fight a future wildfire event given that road closures would be implemented during any such evacuation event and half of Santa Ana Canyon Road would be available to first responders to access the Project Site and nearby properties (APD 2024a, Anaheim Fire and Rescue 2024a). Further, as noted previously, the new intersection and new roads within the Project Site would improve first responders' access to the Project Site. Moreover, as discussed above in detail, the Project would incorporate numerous features that actually decrease the risk of loss from fire and enhance wildfire resilience, for both the Project Site and surrounding communities, compared to existing conditions.

As described above in response to threshold (f), to minimize potential for the Project to result in vehicular congestion that would impair emergency access and/or evacuation, the Project would be required to implement **MM HAZ-4**, which requires the preparation and implementation of an approved Construction Management Plan that would specify the

methods by which traffic would be maintained along Santa Ana Canyon Road and other local roads throughout the Project's construction process.

To improve the City's ability to more effectively manage traffic along Santa Ana Canyon Road during a future evacuation, the Project would include implementation of **MM HAZ-5**, which requires that prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.

Also as described above in response to threshold (f), **MM HAZ-7** would be implemented which requires that the Property Owner/Developer develop and implement an approved wildfire evacuation and awareness plan.

### **Emergency Response**

As discussed in more detail in Section 4.13, Public Services, the Project would not negatively significantly impact emergency response capacity or on emergency response times for Anaheim Fire and Rescue or APD. Moreover, the Project would be required to pay applicable development impact fees, which would help to fund new equipment and hiring of firefighters to serve the Anaheim community more broadly pursuant to APD and Anaheim Fire and Rescue's master planning and capital improvement goals.

Further, the new roads that would be provided in the Project Site would provide improved and sufficient access for fire apparatus in a high fire risk area. The Project would be required to provide adequate water supply and fire flow which are critical resources in firefighting. The Project would be required to include defensible space areas that would allow firefighters to safely position to respond to future off-site wildfire events. Using the Project's fire protecting features, firefighters would be able to use the Project Site as a tactical resource for fighting on- and off-site fires.

To enhance emergency response times along Santa Ana Canyon Road the Project would be required to implement **MM HAZ-8**, which requires that prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer would be required to fund and implement emergency vehicle preemption at traffic signals on Santa Ana Canyon Road from Weir Canyon Road to Imperial Highway. Emergency vehicle preemption interrupts normal traffic signal timing to provide a green light to approaching emergency vehicles so that they can pass through intersections to get to emergencies more safely and more quickly. The goal with implementation of **MM HAZ-8** being that if emergency service providers can reach the scene of a wildfire more quickly, there would be greater potential to slow the spread of the wildfire and greater capacity for emergency service personnel to protect those individuals in the greatest need.

## **Community Education and Outreach**

As required by **MM HAZ-9**, prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of “Know Your Way” evacuation planning and protocols. The community education and outreach for the larger eastern portion of the City would help to improve the Community’s understanding of “Know Your Way”, which will better facilitate more efficient and safer future evacuation events.

## **Emergency Access**

Access roads to the Project Site would be required to be built and maintained to comply with applicable Anaheim Fire and Rescue requirements for road widths, vertical clearances, and connectivity. The Project’s roads have been designed and would be required to be built to allow for sufficient turning radii and slope grade requirements to enable adequate access for fire apparatus and other emergency vehicles as well as to enhance emergency evacuation for the Project as well as nearby neighborhoods.

Primary access to the Project Site would be provided from one new signalized intersection and one driveway from Santa Ana Canyon Road.

Vertical clearance of vegetation (lowest-hanging tree limbs), along roadways would be maintained at clearances of 13 feet, 6 inches to allow fire apparatus passage.

All internal roads would be required to be all weather roads with a maximum grade of 10%, and the roads would be required to be designed and maintained as fire apparatus access roads that are capable of supporting an imposed load of 78,000 pounds.

Any roads that have traffic lights would be required to have approved traffic pre-emption devices (Opticom) compatible with devices on the Fire Apparatus.

No parking would be allowed along any of the internal fire access roads in the Project Site. Signage would be required to be installed and vehicles would be towed to ensure adequate access is maintained.

The Project Developer/Owner would be responsible for long term funding and maintenance of internal private roads.

## **Emergency Evacuation of the Interior Areas of Multiple-Family Residential Building**

Pursuant to applicable requirements and standards, the proposed multiple-family residential building would contain a total of six stairwells that would allow for building occupants to readily access the exterior of the structure in cases of any emergency evacuation.



## **Water Supply and Fire Hydrants**

Water service for the Project would be provided by APW. Adequate water supply and fire water pressure have been confirmed for the Project during the preliminary design process, as discussed in more detail in Section 4.17, Utilities and Service Systems, of this Draft EIR.

Fire hydrants would be required to be installed throughout the Project Site as depicted in Exhibit 3-13 in accordance with the applicable requirements of the AMC and California State Building Code. Currently, there are no fire hydrants within the Project Site. Accordingly, the Project would be enhancing fire protection opportunities for the Project Site and surrounding neighborhoods as compared to existing conditions.

As detailed in Section 4.17, Utilities and Service Systems, of this Draft EIR, water supply and fire flow have been evaluated as part of the Project's engineering studies and this CEQA process. To begin, a Water Supply Assessment was prepared for the Project to determine the adequacy of available (both existing and planned) water supplies to serve the Project. To confirm existing water pressure at fire hydrants in the vicinity of the Project Site, hydrant flows were tested, and Hydrant Flow Test Reports were prepared in December 2022 (SoCal Flow Testing 2022a, 2022b). Also, the Public Utilities Department Water Engineering Division has provided several reviews of the proposed Project. During these reviews, City staff have provided their recommendations, suggested plan corrections, and requested additional information, which would be required to be included in the final design and building plans to ensure that potable water infrastructure is designed in accordance with the City's applicable requirements.

Booster stations are not anticipated to be required for the Project given that the existing static pressure of 125 pounds per square inch of flow is above the 20 pounds per square inch of flow that is needed for the Project.

## **Shelter In Place Capability**

Sheltering-in-place is the practice of going or remaining indoors during or following an emergency event. This procedure is recommended if there is little time for the public to react to an incident and in cases when it is safer for the public to stay indoors for a short time rather than travel outdoors. The Project would be in a position to implement this tactic to the extent directed to shelter in place by APD.

For example, the Project has been designed to include ignition-resistant structures through the use of non-combustible construction materials, defensible space, FMZs, ember protection, and other measures.

Sheltering in place has several advantages over evacuating because it can be implemented immediately, allowing people to remain in their familiar surroundings, and providing individuals with everyday necessities such as telephone, radio, television, food, and clothing.

Sheltering in place is also an option for emergency events that are not directly adjacent to the Project Site and that do not pose a direct threat to the Project Site itself. In these

situations, rather than issuing an evacuation order for the Project Site, APD may instead decide to evacuate other neighborhoods that are closer to the wildfire or other emergency event. An advantage to sheltering in place in an appropriately protected location is that there would be a proportional reduction in the number of evacuees that would need to be managed, allowing those evacuees at greater risk (i.e., in older, less protected communities) to more quickly evacuate.

### **Wildfire Risk Awareness Education**

As required by **MM HAZ-7**, the Property Owner/Developer would be required to develop and implement a wildfire awareness program to disclose the potential wildfire risk and the requirements contained in the Project's approved fire protection plan. The awareness program would be required to include information regarding the necessary landscape maintenance and structural-based fire protection features that need to be maintained in the Project Site. The awareness program would be required to include informational handouts, a community website, annual mailers, inspections, and/or seasonal reminders.

### **Construction Phase Wildfire Risk Management**

During construction of the Project, construction activities could result in increased wildfire risk associated with human presence, the operation of heavy equipment, etc.

To minimize these risks, as required by **MM HAZ-10**, the Property Owner/Developer would be required to prepare and implement a construction fire prevention plan that would designate specific fire safety measures that would be implemented by the Project's contractor to reduce the possibility of fires during the construction phase of the Project. The plan would be required to include requirements for adequate fuel breaks between areas with flammable vegetation and all grading, site work, and other construction activities. The plan would also be required to include the following measures: fire watch/fire guards during hot work and during use of heavy machinery; hose lines attached to hydrants or a water tender at multiple accessible locations throughout the construction site; Red Flag warning weather period work restrictions; required on-site fire resources; and other measures as determined to be necessary.

There is potential that staged materials could pose a fire risk temporarily during construction. As required by the Project's fuel modification plans, prior to the dropping of lumber at the Project Site, the Project Developer/Owner would be required to provide a fuel modified separation of combustible vegetation for a minimum distance of 100 feet from the location of the structures and lumber stockpile.

Also, prior to occupancy of any of the Project's buildings, a fuel modification inspection would be required to be conducted by the City to ensure that FMZs have been established and maintained and related requirements have been implemented.

With implementation of these measures, construction phase fire risk would be minimized.

## **Conclusion**

With implementation of **MM HAZ-4** through **MM HAZ-10**, the Project would result in a less than significant impact related to this threshold.

### **4.8.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects within the City of Anaheim. These related projects are described in more detail in Table 4-1, Cumulative Projects List, which is provided in Section 4.0.

The Project, along with other cumulative development, could increase the potential exposure of persons or the environment to hazards and hazardous materials, including common hazardous materials that would be used in the construction and operation of same; however, the use, transport, storage, and disposal of hazardous materials are regulated by numerous federal, State, and local laws and regulations including, but not limited to those set forth in or otherwise governed by the comprehensive regulatory framework detailed above, as well as applicable goals and policies of the General Plan, the Municipal Code, the City's Emergency Operations Plan, Be Ready plan, and Know the Way initiative (among others).

Furthermore, similar to the Project, other cumulative projects would be required to mitigate, to the extent necessary, any significant impacts in this regard on a project-by-project basis. With respect to potential impacts associated with impairment of or physical interference with an adopted emergency response plan or emergency evacuation plan, the Project, as well as other cumulative projects, would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to applicable goals and policies of the General Plan, the Municipal Code, the Emergency Operations Plan, the Be Ready plan and the Know the Way initiative. Regarding potential impacts associated with wildland fires, while the Project Site and vicinity is in an area of high threat to people and structures from wildland fire, each development would be required to mitigate such risks to the extent feasible on a project-by-project basis, similar to the above-described mitigation for the Project. In doing so, this could help reduce combustible fuel loads, harden structures, increase access roadways, and otherwise enhance wildfire resilience. In addition, cumulative development would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to applicable goals and policies of the General Plan, as well as applicable provisions in the Municipal Code and Fire and Building Codes.

To avoid potential effects related to known hazardous materials sites and contaminated soils, it is reasonably foreseeable that lead agencies for each of the cumulative projects would require the developer for each of these projects provide a Phase I Environmental Site Assessment or similar documentation that provides evaluation of hazardous waste sites nearby and which recommend additional studies and/or remediation that may be needed on each of these cumulative project sites. Therefore, with implementation of standard environmental review of each of these projects, less than significant impacts would result related to known hazardous materials sites.

None of the cumulative projects are located with an airport land use plan or within two miles of a public airport or a public use airport. Therefore, none of the cumulative projects have the potential to result in a safety hazard or in excessive noise for people residing or working in the Project Site or vicinity.

Particularly with respect to cumulative impacts associated with emergency access and evacuation, there are two cumulative projects that have the potential to increase evacuation traffic on Santa Ana Canyon Road, which are discussed below.

- DEV2023-00043 consists of a project that would include approximately 450 multiple-family residential units within the Anaheim Hills Festival Specific Plan area. This project site is currently developed as a movie theater; therefore, the existing land use generates some demand for emergency evacuation routes. Using a 2.5 car per unit assumption, which is the same as was used in the Project's Evacuation Travel Time Analysis report, this cumulative project could result in up to approximately 1,125 additional cars needing to evacuate the area during an emergency, which does not account for existing traffic/people on-site associated with the movie theater use. This cumulative project is near the center of the Anaheim Hills Festival shopping center and distant from natural open space areas, and is assumed to evacuate eastbound in the event of a wildfire event, while the Proposed Project would evacuate westbound, which is consistent with Know Your Way. Therefore, this cumulative project would not substantially add to evacuation travel time for individuals in the Project Site or in evacuation zones 8, 9, 10, or 13.
- DEV2020-00204 consists of a project that would include a 180-acre cemetery just east of Gypsum Canyon Road and Santa Ana Canyon Road. This project site is currently undeveloped and it therefore does not result in any evacuation demand. This cumulative project would result in visitors and employees at the cemetery site throughout each day of the week. Therefore, this project would increase demands for evacuation routes above existing conditions. Know Your Way does not cover this far east within the City of Anaheim; however, it is unlikely that users of the cemetery site would compete for evacuation routes with individuals coming from the Project Site or from other cumulative project sites given the proposed cemetery's location near the intersection of Gypsum Canyon Road and Santa Ana Canyon Road. During an evacuation event, it is likely that individuals would evacuate the cemetery by going north on Gypsum Canyon Road, then westbound on SR-91. Therefore, this cumulative project would not substantially add to evacuation travel time for individuals in the Project Site or in evacuation zones 8, 9, 10, or 13.

Except for DEV2020-00204, the cemetery project, the cumulative projects would not occur on project sites that are particularly prone to wildfire hazards. Therefore, based on the foregoing reasons, these cumulative projects would generally not result in a substantial direct fire risk to people, property, or structures. DEV2020-00204 would be required to develop any proposed structures using urban wildland interface best practices. Also, DEV2020-00204 would be required to implement fuel modification zones and other measures to minimize potential wildfire risk. Collectively, DEV2020-00204, other cumulative developments and the Project would increase demand for fire protection from

Anaheim Fire and Rescue during a future wildfire event; however, through coordination with Anaheim Fire and Rescue staff the Project's increased demand on fire department resources has been evaluated and was confirmed to not be significant. This conclusion is further supported by the above-described considerations.

Therefore, for the foregoing reasons, there would be less than significant cumulative impacts with respect to hazards and hazardous materials.

The Project would be required to implement identified mitigation to reduce impacts associated with hazardous materials, which would help to ensure that any such hazardous materials are not allowed to migrate off-site and combine with other hazardous materials handling operations. Furthermore, similar to the other cumulative developments, the Project would be required to adhere to all applicable laws, regulations, plans and policies, which would further ensure impacts in this regard are less than significant. As described above, development of the Project could increase the potential exposure of persons to hazardous materials, including hazardous building materials; however, the use, storage, and disposal of hazardous materials are regulated by various federal, State, and local laws and regulations including those described in detail above. Furthermore, the Project would be required to adhere to numerous mitigation measures and otherwise ensure compliance with all applicable laws and regulations governing hazards and hazardous materials. Moreover, the Project would be required to implement the above-described numerous design features and proactive planning and management tools intended to enhance wildfire resilience, increase safety and reduce risk to both persons and structures in the event of fire. In particular, these features, mitigation measures and programs, along with compliance with all applicable laws and regulations, would ensure that the Project would not make a cumulatively considerable contribution to this already less than significant cumulative impact, including, without limitation, those related to evacuation and emergency access.

#### **4.8.6 MITIGATION PROGRAM**

**MM HAZ-1** The Property Owner/Developer shall include appropriate contractual provisions in the agreement with the Project Contractor that obligates the Contractor adhere to the following requirements. First, the Contractor shall transport materials deemed as hazardous in compliance with the applicable requirements of Title 22, Division 4.5 of the California Code of Regulations, the U.S. Department of Transportation regulations in the Code of Federal Regulations (specifically, Title 49, Hazardous Materials Transportation Act and Title 40, Part 263, Subtitle C of Resource Conservation and Recovery Act), California Department of Transportation (Caltrans) standards, and Occupational Safety and Health Administration (OSHA) standards. To ensure implementation of these requirements, the Contractor shall complete the required tracking and reporting in accordance with applicable provisions of the EPA's Hazardous Waste Manifest System requirements. In addition, the Contractor shall ensure that City is copied on all reporting to regulatory agencies throughout the construction process. Prior to issuance of an occupancy permit, the Contractor shall submit to the City a log of all reporting

to regulatory agencies for review to document compliance with the foregoing requirements.

**MM HAZ-2** Prior to issuance of the Project's first grading permit, the Property Owner/Developer shall properly remove and dispose of the abandoned light-duty pickup truck located on the Project Site's east-central portion pursuant to applicable laws and regulations. If during truck removal, fuel or other hazardous materials are released or if odors or soil discoloration are observed on the ground, the Property Owner/Developer shall hire a specialized environmental professional to assess, address the extent of any subsurface contamination, and identify appropriate remediation pursuant to applicable laws and regulations, for which the Property Owner/Developer shall implement. After completion of the activities set forth in this **MM HAZ-2**, a memorandum shall be submitted to the City documenting the completion of **MM HAZ-2**.

**MM HAZ-3** Prior to issuance of the Project's first grading permit, the Property Owner/Developer shall submit reasonable documentation to the City that additional soil sampling has been conducted for arsenic in the northern portion of the Project Site where past agricultural uses occurred, the purpose of which is to confirm the levels of any residual arsenic. Based on the results of this additional soil sampling, the Property Owner/Developer shall develop and submit a soil management plan based on the results to specify the proper handling and transport procedures (if any) for the impacted soils within the Project Site to minimize potential exposure in accordance with applicable State and Federal laws and regulations. The soil management plan shall be provided to the relevant governing regulatory agency (e.g., DTSC, County, etc.) (or the City, if no other governing regulatory agency) for review pursuant to applicable laws and regulations, which shall be approved prior to the issuance of the applicable grading permit. The approved soil management plan shall be implemented by the Contractor during construction.

**MM HAZ-4** Prior to the issuance of each grading permit, a Construction Management Plan shall be prepared by the Property Owner/Developer for the review and approval of the City of Anaheim. The Construction Management Plan shall be prepared in accordance with the applicable requirements contained in the Manual on Uniform Traffic Control Devices (MUTCD). Construction activities shall comply with the approved Construction Management Plan to the reasonable satisfaction of the City of Anaheim. The Property Owner/Developer shall begin coordination with the City on the Construction Management Plan as soon as practicable during the final design process and in advance of construction so that effective measures can be developed to avoid, minimize, and mitigate, to the extent feasible, construction impacts to parking and circulation on-site and in the vicinity of the Project Site.

At a minimum, the Construction Management Plan shall:

- Describe the durations and locations of any temporary lane closures that are needed on Santa Ana Canyon Road.
- Describe the traffic control measures that would be implemented for any temporary lane closures or other disruptions to traffic that would result from Project construction.
- Identify the routes that construction vehicles shall utilize for the delivery of construction materials to access the Project Site and for egress from the Project Site.
- Identify the location of parking and materials storage for construction workers during all phases of construction. Parking for construction workers shall be provided on-site or at additional off-site locations that are not on public streets. Also see **MM BIO-13**.
- Identify emergency access points and emergency access routes to allow for adequate emergency access to/within the Project Site and to parcels to the south of the Project Site throughout all Project construction phases.
- Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.
- Requirements that the Contractor keep all haul routes reasonably clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Contractor shall take reasonable and diligent steps to clean adjacent streets of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. Also see **MM BIO-10**.
- The Property Owner/Developer shall obtain a transportation permit pursuant to applicable laws and regulations for oversized loads which will list the applicable haul routes and haul hours. All hauling or transport of oversized loads shall occur between the hours of 8:30 AM and 3:30 PM only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport shall be allowed during nighttime hours, weekends or Federal holidays.
- Include details on the reasonable maintenance of existing bicycle and pedestrian facilities and connectivity through the Project Site during construction to the reasonable satisfaction of the City Engineer.
- Require that haul trucks entering or exiting public streets shall at all times yield to public traffic, pedestrians, bicyclists, and other users.
- Provisions for the Contractor to repair existing pavement, streets, curbs, sidewalks, and/or gutters that may be damaged during Project construction. The repairs shall be completed in consultation with and to the reasonable satisfaction of the City Engineer.



- Require that all construction-related parking and staging of vehicles shall be kept out of the adjacent public roads and shall occur either on-site or on designated off-site parcels that would not adversely affect access to or parking for nearby residences or businesses.

**MM HAZ-5** Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.

**MM HAZ-6** To minimize wildfire risks to the residents of the existing residences west of the Project Site as they wait to evacuate their neighborhood during a future evacuation event, the Property Owner/Developer shall maintain a fuel modification zone along the entire western boundary of the Project Site. As with other fuel modification zones, these additional fuel modification areas shall be maintained twice annually and in perpetuity by the Property Owner/Developer, with this requirement being implemented by the Property Owner/Developer or a Homeowner's Association pursuant to recorded Conditions, Covenants and Restrictions (CC&Rs). The additional areas that are added to the Project's fuel modification zones by this measure are depicted in Exhibits 4.8-1 and 4.8-2 of the Draft EIR, which shall be incorporated into this **MM HAZ-6** by this reference.

**MM HAZ-7** Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall develop and implement a project-specific wildfire evacuation and awareness plan. The plan shall be subject to review and approval by the City of Anaheim Planning Department, APD, and Anaheim Fire and Rescue staff. The plan shall include the following minimum requirements:

- The plan shall be provided to all tenants along with all lease agreements for tenants.
- The plan shall include provisions and travel movements for evacuating the Project Site during a wildfire event that is located in the undeveloped areas immediately adjacent to the Project Site and for other events where the wildfire threat is further away.
- The plan shall include the development and dissemination of wildfire evacuation outreach materials. These materials shall be provided to residents and employees within the Project Site annually. The outreach materials shall depict evacuation routes to use in case of a wildfire event and shall provide other practical wildfire preparedness information.

- The plan shall include requirements for annual emergency evacuation drills for residents and employees in the Project Site.
- The plan shall include the development, implementation, and ongoing maintenance of a method for the Property Owner/Developer to quickly and effectively communicate evacuation instructions to individuals at the Project Site, such as through the installation and maintenance of a wireless Public Address (PA) system and/or wireless texting services.
- The plan shall include the provisions and ongoing maintenance of a camera. The camera would be oriented towards the southern edge of the Project Site with the primary purpose of providing additional information for emergency service providers to facilitate enhanced emergency response. The Property Owner/Developer shall provide a connection to the City's real-time crime center.

**MM HAZ-8** Prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement emergency vehicle preemption at traffic signals on Santa Ana Canyon Road from Weir Canyon Road to Imperial Highway.

**MM HAZ-9:** Prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of "Know Your Way" evacuation planning and protocols.

**MM HAZ-10** The Property Owner/Developer shall prepare and implement a construction fire prevention plan that shall designate fire safety measures that shall be implemented by the Project's contractor to reduce the possibility of fires during all construction phases of the Project. The plan shall include requirements for adequate fuel breaks between areas with flammable vegetation and all grading, site work, and other construction activities in accordance with applicable requirements and standards. The plan shall also include the following measures: fire watch/ fire guards during hot work and during use of heavy machinery; hose lines attached to hydrants or a water tender at multiple accessible locations throughout the construction site; Red Flag warning weather period work restrictions; required on-site fire resources; and other measures as determined to be necessary.

#### **4.8.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of mitigation measures **MM HAZ-1** through **MM HAZ-10**, potentially significant impacts related to hazards and hazardous materials would be reduced to less than significant levels.

*This page intentionally left blank*

## **4.9 HYDROLOGY AND WATER QUALITY**

### **4.9.1 EXISTING CONDITIONS**

#### **Project Site Topography and Hydrology**

The Project Site consists mostly of undeveloped lands. There is a private paved maintenance access road (“Deer Canyon Road”) that is located within the western portion of the Project Site that connects to Santa Ana Canyon Road in the north. There are also private dirt access roads throughout the Project Site. Therefore, the Project Site consists almost entirely of pervious surfaces.

Elevations within the Project Site range from approximately 600 feet above mean sea level in the southeast area of the Project Site to approximately 330 feet above mean sea level at the northwest boundary of the Project Site along Santa Ana Canyon Road. The topography within the Project Site consists of rolling hills and several steep sided hilltops and ridgelines located in the eastern and western portions of the Project Site. The Project Site is situated along Deer Canyon, which drains to the north towards the Santa Ana River with canyon walls ascending to the east and west (Group Delta 2023a). The Santa Ana River is located approximately 1/8 mile north of the Project Site.

The Project Site contains an existing 96-inch reinforced concrete pipe (RCP) storm drain that would need to be relocated as part of the Project. The existing storm drain is located within an existing 25-foot-wide easement. This storm drain was constructed in 1990 as a condition of the nearby “The Highlands” residential development. The existing storm drain receives runoff from the upper Deer Canyon drainage basin and “The Highlands” development, and conveys this runoff in a northerly direction, ultimately draining into the Santa Ana River.

The Project Site is not located within a 100-year flood zone. The Project Site is located within Flood Zone “X”, which is described as “Areas Outside the 0.2% Annual Chance Floodplain” per Flood Insurance Rate Map (FIRM) – Community Panel Number 06059C0157J, dated December 3, 2009 (FEMA 2021a). Also, a small sliver of the northeastern portion of the Project Site that is located along Santa Ana Canyon Road is shown in the FIRM as “Being Protected From The 1-Percent-Annual-Chance or Greater Flood Hazard By A Levee System. Overtopping Or Failure Of Any Levee System Is Possible.”

According to the Department of Water Resources, Division of Safety of Dams, the Project Site is not located within the dam inundation zone for the Walnut Canyon Reservoir, which is located approximately 1.25-miles to the south of the Project Site at a higher elevation. Due to the topography between Deer Canyon and the Walnut Canyon Reservoir, the Project Site is not located within the inundation zone for this dam. Prado Dam is located approximately 6.6 miles northeast of the Project Site.

Prado Dam is located approximately 2.5 miles east of the City limits, along the Santa Ana River in Riverside County. This dam facility poses the greatest risk to the City (and a majority of northern Orange County) in the event of a catastrophic failure, due to its size and the

amount of water impounded at full capacity. The lowest portions of the Project Site are located within the dam inundation zone for Prado Dam during the worst-case scenario, referred to as “Maximum High Pool Non-Breach”. Consequently, this northernmost portion of the Project Site is subject to potential for flooding as a result of a dam inundation in existing conditions (City of Anaheim 2022b).

Also, Diamond Valley Lake, which is located in Riverside County approximately 40 miles southeast of the City limits, is one of the largest reservoirs in Southern California. It has a capacity of over 800,000 acre-feet. If Diamond Valley Lake were to fail, flood waters would travel along the inundation path east of the City until it reached the Prado Dam area in Corona. The Be Ready Plan (described further below) assumed that this would cause an overfill and inundate the reservoir at Prado Dam, causing water to overflow down the spillway and travel toward the city. Although the northernmost portion of the Project Site is partially within the inundation limits for Prado Dam, the inundation mapping for an event at Diamond Valley Lake show that none of the Project Site would be inundated in such a dam failure event.

Also, according to the City’s “Be Ready Anaheim” plan, the City is susceptible to inundation from Carbon Canyon Dam, which would not affect the Project Site given its distance from this dam and due to intervening topography (City of Anaheim 2022b).

## **Groundwater**

The Project Site is located within the Coastal Plain of the Orange County Groundwater Basin (the Basin), which underlies the northern half of Orange County. This groundwater basin covers approximately 310 square miles and is bordered by the Coyote and Chino Hills to the north, the Santa Ana Mountains to the northeast, the San Joaquin Hills to the south, and the Pacific Ocean to the southwest; and terminates near the Orange County boundary to the northwest, where it connects to the Central Basin of Los Angeles.

The Basin consists of the Upper, Middle and Lower Aquifers, where porous and permeable sediments or rock readily transmit and hold water; they are segregated by materials with low permeabilities. The Upper Aquifer has an average thickness of about 800 feet and consists mostly of sand, gravel, and conglomerate with some silt and clay beds. It provides most of the irrigation water for the Basin. The Middle Aquifer has an average thickness of about 1,600 feet and is composed of sand, gravel, and minor amounts of clay. It provides approximately 90 to 95 percent of the groundwater for the basin. The Lower Aquifer is composed of sand and conglomerate that is about 350 to 500 feet thick and not used for groundwater production (DWR 2020a).

The total capacity of the Basin is estimated at 38 million acre-feet (af), with 37.7 million af of water in storage. Basin recharge occurs through percolation of Santa Ana River flow, infiltration of rainfall, injection into wells, and surface recharge of imported water and recycled water. Groundwater quality has high concentrations of sodium-calcium bicarbonate, with the average total dissolved solids content in 240 public supply wells at approximately 507 milligrams per liter. Sea water intrusion has occurred near the coast. Colored water — from natural organic materials in the Lower Aquifer and increasing levels

of salinity, nitrates, and methyl tertiary butyl ether (MTBE) — has been observed (DWR 2020a).

Groundwater, being perched and variable in depth, is not related to any major aquifer, and is likely 20 feet or more in depth below the existing ground surface within the Project Site (Group Delta 2023a). Based on the nearest surface water, the Santa Ana River, the general groundwater flow is estimated towards the northwest, although can locally follow ephemeral stream beds (Group Delta 2023a).

See Section 4.8, Hazards and Hazardous Materials, of this Draft EIR for additional information.

## **4.9.2 REGULATORY SETTING**

### **Federal**

#### ***National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973***

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 were enacted to reduce the need for flood protection structures and limit disaster relief costs by restricting development in floodplains. The National Flood Insurance Act established the National Flood Insurance Program (NFIP), which provides flood insurance, floodplain management, and flood hazard mapping data. The Federal Emergency Management Agency (FEMA), established in 1979, is responsible for predicting hazards from flooding events and forecasting the level of inundation under various conditions. As part of its duty to develop standards for delineating fluvial and coastal floodplains, FEMA provides information on Flood Insurance Rate Maps (FIRMs) about the potential for flood hazards and inundation and, where appropriate, designates regions as special flood hazard areas. Under this program, FEMA produces FIRMs that identify properties and buildings in flood risk areas. Flood hazards related to storm events are generally described in terms of 100- or 500-year floods. These are floods that, respectively, have a one percent and 0.2 percent chance of occurring every year.

Communities subject to flood hazards voluntarily participate in the NFIP by adopting and enforcing floodplain management ordinances to reduce the potential for flood damage. In turn, the NFIP offers federally funded flood insurance to homeowners, renters, and business owners in participating communities.

#### ***Clean Water Act***

The Clean Water Act (CWA) (33 United States Code [USC] § 1251, et seq.) is the major federal legislation governing the water quality aspects of construction and operation for the proposed project. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater) and waters of the State. The objective of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” The CWA establishes the basic structure for

regulating the discharge of pollutants into waters of the United States. The CWA authorizes the United States Environmental Protection Agency (EPA) to implement pollution control programs.

### ***NPDES Program***

In 1972, the CWA was amended to require National Pollutant Discharge Elimination System (NPDES) permits for the discharge of pollutants to “Waters of the U.S.” from any point source. Specifically, under the CWA, it is unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a National Pollutant Discharge Elimination System (NPDES) permit is obtained. The permit will contain limits on what the permittee can discharge, monitoring and reporting requirements, and other provisions to ensure that the discharge does not harm water quality or people's health. The NPDES permit specifies discharge prohibitions, effluent limitations, and other provisions, such as monitoring deemed necessary to protect water quality based on criteria specified in the National Toxics Rule (NTR), the California Toxics Rule (CTR), and the Basin Plan. In essence, the permit translates general requirements of the Clean Water Act into specific provisions tailored to the operations of each person discharging pollutants. The NPDES Permit for Anaheim is the Santa Ana Regional Water Quality Control Board Municipal NPDES Permit Order No. R8-2002-0010.

In 1987, the CWA was again amended to require that the U.S. Environmental Protection Agency (USEPA) establish regulations for permitting under the NPDES permit program for municipal and industrial stormwater discharges. The USEPA published final regulations regarding stormwater discharges on November 16, 1990. The regulations require that municipal separate storm sewer system (MS4) discharges to surface waters be regulated by an NPDES permit. MS4s are a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains), and are owned or operated by a public body that has jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes. The MS4s are designated or used for collecting or conveying stormwater only (i.e., not wastewater or combined sewage).

With respect to wastewater treatment plants specifically, discharge prohibitions and limitations in an NPDES permit are designed to maintain public health and safety, protect receiving water resources, and safeguard the water's designated beneficial uses. Discharge limitations typically define allowable effluent quantities for flow, biochemical oxygen demand, total suspended matter, residual chlorine, settleable matter, total coliform, oil and grease, pH, and toxic pollutants. Limitations also typically encompass narrative requirements regarding mineralization and toxicity to aquatic life. Under the NPDES permits issued to the city/county to operate the treatment plants, the city/county is required to implement a pretreatment program. This program must comply with the regulations incorporated in the CWA and the General Pretreatment Regulations (Code of Federal Regulations [CFR] Title 40,



---

### ***Section 303—Water Quality Standards and Total Maximum Daily Loads***

In addition, the CWA requires states to adopt water quality standards for surface water bodies, to be approved by the USEPA pursuant to Section 303(c)(2)(b). Water quality standards consist of designated beneficial uses for a particular water body (e.g., wildlife habitat, agricultural supply, fishing), along with water quality criteria necessary to support those uses. Water quality criteria are prescribed concentrations or levels of constituents, such as lead, suspended sediment, and fecal coliform bacteria, or narrative statements that represent the quality of water that supports a particular use. Because California has not established a complete list of acceptable water quality criteria, the USEPA has established numeric water quality criteria for certain toxic constituents in the form of the California Toxics Rule (see 40 Code of Federal Regulations Section 131.38), discussed further below. When designated beneficial uses of a particular water body are compromised by water quality, Section 303(d) of the CWA requires states and authorized Native American tribes to identify and list that water body (or segment(s) thereof) as impaired. Once a water body has been deemed impaired, a Total Maximum Daily Load (TMDL) must be developed for each impairing water quality constituent. The TMDL is a calculation of the total maximum daily load (amount) of a pollutant that a water body can receive daily and still safely meet water quality standards. TMDLs include waste load allocations for urban stormwater runoff as well as municipal and industrial wastewater discharges, with allocations apportioned for individual Municipal Separate Storm Sewer Systems (MS4s) and wastewater treatment plants, including those in Orange County. For stormwater, load reductions would be required to meet the TMDL waste load allocations within the 20 years required by the TMDLs. Where multiple uses exist, water quality standards must protect the most sensitive use. Water quality standards are typically numeric, although narrative criteria based on biomonitoring methods may be employed where numerical standards cannot be established or where they are needed to supplement numerical standards. There are no Section 303(d)-listed water bodies within the Project Site or to which waters from the Project Site flow. The Project Site is located within the Santa Ana River Watershed and is tributary to Reach 2 of the Santa Ana River. Currently, there is no approved Watershed Infiltration and Hydromodification Management Plan (WIHMP) for the Santa Ana River Watershed. There are currently no TMDLs established for the Santa Ana River downstream from the Project Site.

The State Water Board, RWQCBs, and EPA are responsible for establishing TMDL waste load allocations and incorporating approved TMDLs into water quality control plans, NPDES permits, and Waste Discharge Requirements (WDRs) in accordance with a specified schedule for completion.

### ***Section 401—Water Quality Certification***

Section 404 of the CWA regulates temporary and permanent fill and disturbance of wetlands and waters of the United States. Under Section 404, the discharge (temporary or permanent) of dredged or fill material into waters of the United States, including wetlands, typically must be authorized by the United States Army Corps of Engineers (USACE) through either the Nationwide Permit (general categories of discharges with minimal effects) or the Individual Permit. Section 401 of the CWA requires compliance with State water quality standards for

actions within State waters. Under CWA Section 401, an applicant for a Section 404 permit (to discharge dredged or fill material into waters of the United States) must first obtain a certificate from the appropriate agency stating that the fill is consistent with the State's water quality standards and criteria. In California, the State Water Board delegates authority to either grant water quality certification or waive the requirements to the nine RWQCBs. The California Regional Water Quality Control Board – Santa Ana Region 8 is the applicable water quality control board for the Project.

### ***River and Harbors Act — Section 10***

Section 10 of the Rivers and Harbors Act of 1899 requires that regulated activities conducted below the ordinary high-water elevation of navigable waters of the United States be approved and permitted by the USACE. Regulated activities include the placement or removal of structures, work involving dredging, disposal of dredged material, filling, excavation, or any other disturbance of soils/sediments or modification of a navigable waterway. Navigable waters of the United States are those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high-water mark and/or are presently used, or have been used in the past, or may be susceptible to use, to transport interstate or foreign commerce. Section 10 also regulates tributaries and backwater areas that are associated with navigable waters of the United States and are located below the ordinary high-water elevation of the adjacent navigable waterway. A project proponent can apply for a permit/letter of permission for work regulated under Section form. An application for a USACE permit will serve as an application for both Section 404 and Section 10 permits.

### ***Federal Antidegradation Policy***

The federal antidegradation policy is designed to protect existing water uses, water quality, and national water resources. The federal policy directs states to adopt a Statewide policy that includes the following primary provisions:

- Existing instream uses and the water quality necessary to protect those uses shall be maintained and protected.
- Where existing water quality is better than necessary to support fishing and swimming conditions, that quality shall be maintained and protected unless the state finds that allowing lower water quality is necessary for important local economic or social development.
- Where high-quality waters constitute an outstanding national resource, such as waters of national and state parks, wildlife refuges, and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

### ***National Toxics Rule (NTR)***

In 1992, the EPA promulgated the NTR under the CWA to establish numeric criteria for priority toxic pollutants for 14 states to bring all states into compliance with the

requirements of CWA Section 303(c)(2)(B). The NTR established water quality standards for 42 pollutants not covered under California's Statewide water quality regulations at that time. As a result of the court-ordered revocation of California's Statewide basin plans in September 1994, the EPA initiated efforts to promulgate additional federal water quality standards for California. In May 2000, the EPA issued the CTR (discussed further below), which includes all the priority pollutants for which the EPA has issued numeric criteria not included in the NTR.

### ***Executive Order 11988***

Executive Order 11988, "Floodplain Management," directs all federal agencies to avoid, to the extent possible, long- and short-term adverse impacts of occupancy and modification of floodplains, and to avoid supporting development in a floodplain either directly or indirectly wherever there is a practicable alternative. Compliance requirements are outlined in 23 Code of Federal Regulations 650, Subpart A, "Location and Hydraulic Design of Encroachment on Floodplains." If a project involves significant encroachment into the floodplain, the final environmental document must include:

- The reasons why the proposed action must be located in the floodplain,
- Alternatives considered and the reasons they were not practicable, and
- A statement indicating whether the action conforms to applicable state or local floodplain protection standards.

### **State**

#### ***Porter-Cologne Act***

The federal CWA places the primary responsibility for the control of water pollution and for planning the development and use of water resources with the states. California's primary statute governing water quality and water pollution issues is the Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act). The Porter-Cologne Act grants the State Water Resource Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs) broad powers to protect water quality and is the primary vehicle for implementing California's responsibilities under the Federal CWA. The Porter-Cologne Act grants the SWRCB and the RWQCBs authority and responsibility to (1) adopt plans and policies; (2) regulate discharges to surface water and groundwater; (3) regulate waste disposal sites; and (4) require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, and oil or petroleum products.

Each RWQCB must formulate and adopt a water quality plan (or Basin Plan) for its region. The regional plans conform to the policies set forth in the Porter-Cologne Act and those established by the SWRCB in its State Water Policy, including establishing beneficial uses, water quality objectives, and implementation programs for each of the nine regions in California.

The Porter-Cologne Act also requires waste dischargers to notify the RWQCBs of their activities by filing reports of waste discharge; and authorizes the State Water Board and RWQCBs to issue and enforce WDRs, NPDES permits, CWA Section 401 water quality certifications, and other approvals. The Porter-Cologne Act also enables the RWQCBs to include water discharge prohibitions applicable to particular conditions, areas, or types of waste within its regional plan. The RWQCBs are also authorized to (1) enforce discharge limitations; (2) take actions to prevent violations of these limitations from occurring; and (3) conduct investigations to determine the status of the quality of any “Waters of the State.” Civil and criminal penalties are imposed on persons who violate the requirements of the Porter-Cologne Act or any SWRCB/RWQCB orders. The RWQCBs are also authorized to issue waivers to reports of waste discharge and WDRs for broad categories of “low threat” discharge activities that have minimal potential to cause adverse water quality effects when implemented according to prescribed

### ***California Toxics Rule and State Implementation Policy***

The California Toxics Rule (CTR) is a federal regulation that is issued by the USEPA and provides numeric water quality criteria for numerous potentially toxic constituents in receiving waters with human health or aquatic life designated uses in California. The CTR criteria are regulatory criteria adopted for inland surface waters, enclosed bays, and estuaries in California that are on the CWA Section 303(c) list for contaminants. Human health criteria (water- and organism-based) apply to all waters with a municipal and domestic water supply beneficial use designation as indicated in the basin plans. CTR criteria are applicable to the receiving water body and therefore must be calculated based upon the probable hardness values of the receiving waters for evaluation of acute (and chronic) toxicity criteria. At higher hardness values for the receiving water, copper, lead, and zinc are more likely to bind with components in the water which, in turn, reduces the bioavailability and resulting potential toxicity of these metals. The Basin Plan objectives and the CTR criteria do not apply directly to discharges of urban runoff, but rather to specified receiving waters.

The Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, also known as the State Implementation Policy, was adopted by the State Water Board in 2000. It establishes provisions for translating CTR criteria, NTR criteria, and Basin Plan water quality objectives for toxic pollutants into:

- NPDES permit effluent limits,
- Effluent compliance determinations,
- Monitoring for 2,3,7,8-tcdd (dioxin) and its toxic equivalents,
- Chronic (long-term) toxicity control provisions,
- Site-specific water quality objectives, and
- Effluent compliance exceptions.

The goal of the State Implementation Policy is to establish a standardized approach for permitting discharges of toxic effluent to inland surface waters, enclosed bays, and estuaries throughout the State.

### ***California Code of Regulations (Wetlands and Waters Definition)***

The State Water Board indicates that no single accepted definition of wetlands exists at the State level and that the RWQCBs may have different requirements and levels of analysis regarding the issuance of water quality certifications. According to the State Water Board, an area is a wetland if, under normal circumstances:<sup>10</sup>

- (1) The area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both;
- (2) The duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and
- (3) The area's vegetation is dominated by hydrophytes or the area lacks vegetation.

Under California State law, waters of the State mean "any surface water or groundwater, including saline waters, within the boundaries of the state." As such, water quality laws apply to both surface water and groundwater. After the U.S. Supreme Court decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (53 USC 159), the Office of Chief Counsel of the State Water Board released a legal memorandum confirming the State's jurisdiction over isolated wetlands. The memorandum stated that under the Porter-Cologne Act, discharges to wetlands and other waters of the State are subject to State regulation, and this includes isolated wetlands. In general, the State Water Board regulates discharges to isolated waters in much the same way as it does for waters of the United States, using the Porter-Cologne Act rather than CWA authority.

### ***NPDES Implementation***

The NPDES permits all involve similar processes, which include submitting notices of intent for discharging to water in areas under the jurisdiction of Santa Ana RWQCB (Region 8) and implementing Best Management Practices (BMPs) to minimize those discharges. The Santa Ana RWQCB (Region 8) may also issue site-specific WDRs, or waivers to WDRs, for certain waste discharges to land or waters of the State.

### ***Construction Activity***

The State Water Board stormwater general permit for construction activity (Order 2009-009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) applies to all construction activities that would disturb 1 acre of land or more. Construction activities subject to the general construction activity permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters. Through the NPDES and WDR processes, the State Water Board seeks to ensure that the conditions at a project site during and after construction do not cause or contribute to direct or indirect impacts on water quality (i.e.,

pollution and/or hydromodification) upstream and downstream. To comply with the requirements of the Construction General Permit, a project applicant must file a Notice of Intent (NOI) with the State Water Board to obtain coverage under the permit; prepare a Storm Water Pollution Prevention Plan (SWPPP); and implement inspection, monitoring, and reporting requirements appropriate to the project's risk level as specified in the SWPPP.

The SWPPP includes a site map, describes construction activities and potential pollutants, and identifies BMPs that will be employed to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources, such as petroleum products, solvents, paints, and cement. The permit also requires the discharger to consider using post-construction permanent BMPs that will remain in service to protect water quality throughout the life of the project. All NPDES permits also have inspection, monitoring, and reporting requirements.

### ***Industrial General Stormwater Permit***

The Statewide stormwater NPDES permit for general industrial activity (Order 2014-0057-DWQ, superseding Order 97-03-DWQ) regulates discharges associated with 10 broad categories of industrial activities, such as operation of wastewater treatment works, and with recycling facilities. The industrial general permit requires the implementation of Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to achieve performance standards. The permit also requires development of a SWPPP that identifies the site-specific sources of pollutants and describes the measures at the facility applied to reduce stormwater pollution. A monitoring plan is also required.

## **Local**

### ***Drainage and Flood Control***

Major regional drainage facilities are designed to provide protection against major loss of life and property for a 100-year storm event. Intermediate facilities include smaller channels and detention facilities. The regional and intermediate drainage facilities serving the City of Anaheim are owned and maintained by Orange County Public Works.

The City of Anaheim owns and maintains local drainage facilities, which include those with watersheds less than 640 acres. Improvements to local drainage and flood-control structures are subject to review and approval by the City Engineer. These facilities must be designed to meet all applicable standards and requirements, including accommodating a 25-year frequency storm event, as outlined in the Orange County Hydrology Manual.

### ***Orange County Water District Act***

The Orange County Water District Act was amended by the State Legislature in 1953, authorizing a replenishment assessment to be charged to all groundwater pumpers and requiring that all pumpers report semi-annually the amount of groundwater they extract. By knowing the total amount of groundwater extraction in the Orange County Groundwater Basin, the Orange County Water District (OCWD) could estimate the amount of

replenishment water needed to offset the annual overdraft, as well as reduce the accumulated overdraft (OCWD 2024a). This has allowed the OCWD to reverse the trend of groundwater depletion. OCWD is entrusted to manage and replenish the region's groundwater basin, which provides water to approximately 2.5 million people (OCWD 2015a, 2024a).

### ***Santa Ana River Basin Plan***

The Water Quality Control Plan for the Santa Ana River Basin (also the Basin Plan for the Santa Ana Region, hereafter referred to as the “Basin Plan”) seeks to preserve and enhance water quality and to protect the beneficial uses of water bodies in the Santa Ana River Watershed (Santa Ana RWQCB 2019a). The Basin Plan discusses the existing water quality, beneficial uses of the groundwater and surface waters, and local water quality conditions and problems within the Santa Ana River watershed. The Basin Plan provides water quality standards for water resources in the Santa Ana River and its watershed. Also, the Basin Plan includes an implementation plan to maintain these standards. The standards serve as the basis for the basin’s regulatory programs.

Basin Plan implementation occurs primarily through issuance of Waste Discharge Requirements (WDRs); discharge prohibitions; water quality certifications; programs for salt management, non-point sources, and stormwater; and monitoring and regulatory enforcement actions, as necessary.

### ***Municipal Separate Storm Sewer System Permit***

Pursuant to Section 402 of the CWA, the Santa Ana RWQCB issued a renewal of the MS4 permit (Order No. R8-2009-0030) to the County, the OCFCD, and the northern Orange County cities, including the City of Anaheim (collectively “the Co-permittees”). This Municipal Separate Storm Sewer System (MS4) Permit regulates stormwater discharges to the MS4 in northern Orange County and details the requirements for new development and significant redevelopment projects, including specific sizing criteria for treatment Best Management Practices (BMPs).

To implement the requirements of the MS4 Permit, each of the Co-permittees (including City of Anaheim) has committed to the continued implementation of a Storm Water Management Program and Local Implementation Plan (LIP). Inspections, monitoring and reporting activities are also required, including implementation of the Water Quality Management Plans for new development and significant redevelopment projects within its respective jurisdiction as part of the development plan and entitlement approval process. The Water Quality Management Plan must identify permanent source-control BMPs, Site Design BMPs, and low impact development (LID) BMPs or treatment-control BMPs that would be implemented to treat, infiltrate, or filter first flush runoff from individual development sites.



## ***National Pollution Discharge Elimination System General Construction Activities Permit***

Pursuant to CWA Section 402(p), which requires regulations for permitting of certain stormwater discharges, the SWRCB has issued a Statewide NPDES General Permit for Storm Water Discharges Associated with the Construction and Land Disturbance Activities (Order No 2022-0057-DWQ, NPDES No. CAS 000002) (Construction General Permit), adopted by the SWRCB on September 8, 2022 is currently in effect. Construction activities subject to this permit include clearing, grading, and ground disturbances such as stockpiling or excavation, but do not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

Under the Construction General Permit, stormwater discharges from construction sites with a disturbance area of one acre or more are required to either obtain individual NPDES permits for stormwater discharges or be covered by the Construction General Permit. Coverage under the Construction General Permit is obtained by completing and filing a Notice of Intent (NOI) with the SWRCB and preparing a Storm Water Pollution Prevention Plan (SWPPP) prior to any land disturbance. The SWPPP identifies erosion control, sediment control, tracking control, wind erosion control, waste management, and non-stormwater management BMPs that would be implemented during the construction phase to reduce or eliminate pollutants entering the storm drain system.

## ***City of Anaheim General Plan***

### **Public Services and Facilities Element**

The Public Services and Facilities Element of the City's General Plan addresses public services and infrastructure, such as fire protection, law enforcement, parks, schools, water, sewer, and storm drain systems (City of Anaheim 2004f). The Element discusses and shows the storm drain system map and existing deficiencies in the system. Applicable goals and policies from the Public Services and Facilities Element that relate to storm drainage and are relevant to this analysis are provided in Section 4.10, Land Use and Planning, with a project consistency analysis.

### **Green Element**

The Green Element of the City's General Plan is a single, comprehensive plan to add more green areas throughout the City and to protect and enhance its natural and recreational resources (City of Anaheim 2004b). It addresses ways to protect water quality of the City's surface water and groundwater resources. Applicable goals and policies from the Green Element that are related to hydrology and water quality and that are relevant to this analysis are provided in Section 4.10, Land Use and Planning, along with a project consistency analysis.

### Safety Element

The Safety Element of the City's General Plan, referred to as "Be Ready Anaheim", is described by the City as a hazard mitigation plan. The plan addresses the following: natural and man-made hazards in the City; ways to reduce fire hazards, geologic and seismic hazards, and flood hazards; and includes City-wide disaster preparedness measures. It identifies flood and inundation hazards and programs to protect the City from these hazards (City of Anaheim 2024d). Applicable goals and policies from the Safety Element that are related to flood hazards and that are relevant to this analysis are provided in Section 4.10, Land Use and Planning, with a project consistency analysis.

### ***Anaheim Municipal Code***

#### Landscape Water Efficiency Ordinance

Chapter 10.19 of Title 10 of the Anaheim Municipal Code (AMC) is the Landscape Water Efficiency Ordinance. This ordinance establishes an alternative ordinance acceptable under Executive Order B-29-15 as being at least as effective as the State Model Water Efficient Landscape Ordinance and promotes the design, installation, and maintenance of landscaping in a manner that conserves regional water resources by ensuring that landscaping projects are not unduly water-needy and that irrigation systems are appropriately designed and installed to minimize water waste.

### ***Local National Pollutant Discharge Elimination System Regulations***

Chapter 10.09, National Pollution Discharge Elimination System (NPDES), of the AMC, outlines the City's regulations for complying with the NPDES and its MS4 Permit. It identifies the following: (1) prohibitions on illicit connections to the storm drain system; (2) prohibited discharges; (3) controls on urban runoff from new development and significant redevelopment through preparation of Water Quality Management Plans; (4) local discharge permits for non-stormwater discharges into the storm drain system; and (5) the City's inspection and enforcement responsibilities.

## **4.9.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim's Environmental Checklist, the Project would result in significant impacts related to hydrology and water quality if it would:

- 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 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 offsite;
  - (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.

#### 4.9.4 IMPACT ANALYSIS

- a) *Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

**Less Than Significant Impact.** This section discusses the Project's potential construction- and operational-related water quality impacts.

##### **Construction-Related Water Quality Impacts**

The Project could result in short-term construction impacts to surface water quality from demolition, grading, building construction, paving, utility installation, and other construction-related activities. For example, construction would require the use of gasoline and diesel-powered heavy equipment, such as bulldozers, backhoes, water pumps, and air compressors. Stormwater runoff from the Project Site during construction could contain soil and sediments from these activities. Also, an accidental release (in the form of spills or leaks) from heavy equipment and machinery, construction staging areas, and/or building sites could also enter runoff and typically would include petroleum products such as gasoline, diesel fuel, lubricating oil and grease, hydraulic oil, automatic transmission fluid, paints, solvents, glues, heavy metals and other substances, which could degrade receiving waters. As discussed above, the SWRCB has issued the Statewide NPDES General Permit for Storm Water Discharges Associated with the Construction and Land Disturbance Activities (Order No 2022-0057-DWQ, NPDES No. CAS 000002), adopted by the State Water Resources Control Board (SWRCB) on September 8, 2022) (Construction General Permit). Under this Construction General Permit, an individual NPDES permit or Construction General Permit coverage must be obtained for discharges of stormwater from construction sites with a disturbed area of one or more acres. Since the development area within the Project Site is approximately 32.79 acres, coverage under the Construction General Permit for Discharges

is required. To obtain coverage, the Project Developer would be required to retain the services of a certified Qualified SWPPP consultant to prepare and obtain approval of a SWPPP for the Project that adheres to all applicable requirements and standards. The SWPPP would outline and implement site-specific stormwater quality control measures (such as BMPs) during construction activities to prevent pollutants from entering downstream waterways. The Project Developer, or the contractor if specifically delegated, would electronically submit permit registration documents prior to beginning construction activities in the Storm Water Multi-Application Report Tracking System, which would consist of a Notice of Initiation (NOI), Risk Assessment, Post-Construction Calculations, a site map, the proposed SWPPP, a signed certification statement, and the first annual fee. Once approved, the Project would be required to adhere to the SWPPP, including implementation of identified BMPs.

Project construction would also be required to adhere to all applicable rules pursuant to authority of the South Coast Air Quality Management District, including its Rule 402 (Nuisance) and Rule 403 (Fugitive Dust) to help minimize, to the extent feasible, dust from leaving the Project Site during construction.

Adherence to applicable robust regulatory requirements would ensure that the Project's short-term impacts to surface water quality during construction would be less than significant, and no mitigation measures are required.

Groundwater, being perched and variable in depth, is not related to any major aquifer, and is likely 20 feet or more in depth below the existing ground surface (bgs) within the Project Site (Group Delta 2023a). Given that the proposed Project grading and excavation activities would be greater than 20 feet bgs, groundwater may be encountered during excavations or grading operations, which then may require dewatering. Any groundwater encountered would be treated through the use of Baker Tanks or by similar means in accordance with the applicable requirements of the Construction General Permit. Therefore, this would avoid any substantial degradation of groundwater quality in the event of dewatering or otherwise. Therefore, the Project would result in a less than significant impact related to groundwater quality during construction, and no mitigation measures are required.

### **Operational Water Quality Impacts**

A Preliminary Hydrology and Hydraulic Study and a Preliminary Water Quality Management Plan were prepared for the Project to serve as the basis of the Project's drainage system design and have been utilized in this analysis (Hunsacker 2024a and 2024b), attached as Appendix K. As discussed more fully in the Preliminary Water Quality Management Plan, general pollutants that may result from Project operations, which are also known as project priority pollutants of concern, and are typical of this type of mixed use residential development include suspended solids/sediment, nutrients, heavy metals, pathogens (bacteria/virus), pesticides, oil and grease, toxic orange compounds, and trash and debris (Hunsaker & Associates 2024b). As detailed in the Project Description within Section 3 of this Draft EIR, the Project would install a local on-site stormwater collection system that would collect stormwater and would convey it to a City owned and operated stormwater collection facility within Santa Ana Canyon Road. These drainage improvements have been

incorporated into the Project design based on the recommendations of the Preliminary Water Quality Management Plan to minimize impacts, to the extent feasible, related to stormwater quality generated from Project implementation. The City has reviewed the PWQMP for consistency with applicable provisions of the Orange County Drainage Area Management Plan; the intent of the non-point source NPDES Permit for Waste Discharge Requirements for the County of Orange; applicable Orange County Flood Control District requirements; additional applicable City of Anaheim requirements; and all other applicable standards and requirements. The Property Owner/Developer would be required to demonstrate that BMPs have been designed and implemented as specified in the Preliminary Water Quality Management Plan and the future Final WQMP, which would be approved by the City pursuant to applicable laws and regulations. Construction and operation of these improvements, including identified stormwater BMPs, would adequately convey and treat stormwater runoff that would be generated within the Project Site.

Accordingly, the Project would be required to adhere to all applicable federal, State and local laws and regulations, programs, standards and other requirements, including, but not limited to, those set forth by the CWA, the Porter-Cologne Act, the Basin Plan, and applicable goals, policies, and actions provided in the General Plan, and applicable provisions of the AMC (including Section 10.09, which outlines the City's regulations for complying with the NPDES and its MS4 permit) to address post-construction impacts on stormwater. Adherence to the foregoing laws, regulations, programs, standards and requirements would minimize the potential to degrade water quality in downstream water bodies to the maximum extent feasible and prevent seepage of pollutants into the groundwater basin.

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation measures are required.

***b) Would the Project 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.**

***Groundwater Supply Impacts***

As detailed more fully in the Water Supply Assessment (WSA), the Project Site is within APU's existing service area, and would be served with potable water service provided by APU.

As discussed in more detail in Section 4.17, Utilities & Service Systems, of this Draft EIR and in the WSA, the City relies on a combination of imported surface water, local groundwater, and recycled water (to a limited degree) to meet its water needs. The City works together with two primary agencies, Metropolitan Water District of Southern California (Metropolitan or MWD) and OCWD to ensure a safe and reliable water supply that will continue to serve the community in periods of drought and shortage. The sources of imported water supplies include the Colorado River and the State Water Project (SWP) provided by Metropolitan (Psomas 2024b). The City's main source of water supply is groundwater from the Orange

County Groundwater Basin (Basin). The City has historically relied on approximately 70 percent groundwater (previous 10-year average) and 30 percent imported water under normal conditions. Over the 25-year planning period of the 2020 UWMP, groundwater supplies are anticipated to increase to between 80 and 85 percent of total water use. Recycled water represents less than 0.2 percent of the City's total water supply.

Accordingly, the primary source of water for the City is the Basin. OCWD is responsible for the protection of water rights to the Santa Ana River in Orange County as well as the management and replenishment of the Basin. OCWD replenishes and maintains the Basin at safe levels while increasing the Basin's annual yield by utilization of the best available technology. Other than recycled water, OCWD primarily recharges the Basin with water from the Santa Ana River and to a lesser extent with imported raw water purchased from Metropolitan. OCWD continues to develop new replenishment supplies, recharge capacity, and basin protection measures to meet projected production from the Basin during average/normal rainfall, during drought periods, and in planning for climate change.

On January 1, 2017, the OCWD, City of La Habra, and Irvine Ranch Water District submitted the Basin 8-1 Alternative to the California Department of Water Resources (OCWD 2017a). The Project Site is located in the "Santa Ana Canyon Management Area" portion of the Basin, as identified in the Basin 8-1 Alternative. The Santa Ana Canyon Management Area covers the easternmost extent of Basin 8-1. The water resources in the Santa Ana Canyon Management Area include the Santa Ana River. In this area of the County, groundwater is primarily located in a thin alluvial aquifer that is 90 to 100 feet thick and is a combination of infiltrated surface water and groundwater inflow from the adjacent foothills (OCWD 2017a). OCWD monitors surface water flow and quality as well as groundwater levels and quality throughout the Santa Ana Canyon Management Area. According to OCWD, groundwater pumping in the Santa Ana Canyon Management Area is primarily used for irrigation with a minimal amount used for potable purposes. The amount of groundwater pumping that occurs in this area of the County is small relative to the large volumes of flow in the canyon provided by the Santa Ana River and monitoring indicates there are no depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water (OCWD 2017a). OCWD has determined that long-term reduction in groundwater levels in the Santa Ana Canyon Management Area are not foreseeable given the high volume of Santa Ana River flow relative to the amount of groundwater production and the high rate at which the shallow groundwater formations recharge as a result of surface flow in the Santa Ana Canyon. As discussed in the Basin 8-1 Alternative document, there are currently no groundwater withdrawals within the areas of the Santa Ana Canyon Management Area that are covered by the Cities of Anaheim, Chino Hills, and Yorba Linda; Riverside County; and Yorba Linda Water District (OCWD 2017a). The Sustainability Goal for the Santa Ana Canyon Management Area in the Basin 8-1 Alternative document is to continue monitoring sustainable conditions and monitor to ensure that no significant and unreasonable results occur in the future. The Project would not inhibit OCWD from continuing to monitor conditions within the Santa Ana Canyon Management Area of the groundwater basin or otherwise impair OCWD's effort in this regard. Furthermore, there is no evidence that the Project would result in any significant or unreasonable groundwater conditions, as described in the Basin 8-1 Alternative document.

While the Project would not involve any direct withdrawals of groundwater (e.g., does not involve drilling a new well), it would be served by APU, which relies primarily on groundwater for APU's water supply. The WSA concludes that water demand associated with the Project would not significantly constrain APU's supply over the long-term and can be assumed to be accounted for in the APU demand projections. As discussed more fully in the WSA and in Section 4.17, Utilities & Service Systems, of this Draft EIR, APU would have sufficient water supplies to serve the Project as well as other existing and reasonably foreseeable future development within APU's service area during normal, single-dry and multiple-dry years.

Based on the foregoing, the Project would not directly or indirectly exacerbate groundwater overdraft (to the extent that it exists) or otherwise conflict with sustainable groundwater management of the Basin. Therefore, the Project would not substantially decrease groundwater supplies and impacts in this regard would be less than significant; no mitigation measures would be required.

### ***Groundwater Recharge Impacts***

With respect to groundwater recharge, due to the soil type, the steep terrain, and the high groundwater table in the Project Site, there is limited groundwater recharge that currently occurs within the Project Site, despite the fact that it is almost entirely pervious surface (Hunsaker & Associates 2024b).

The Project would substantially increase the amount of impervious surface within the Project Site by from approximately 1.22 acres in existing conditions to 17.6 acres with the Project, which would further reduce the amount of limited groundwater recharge occurring within the Project Site (Hunsaker & Associates 2024b). That said, impervious areas were minimized to the extent feasible in Project design through the provision of landscaping, planter areas, etc. Also, the Project has been designed to include and would be required to incorporate biotreatment BMPs including bioretention with underdrains and proprietary vegetated biotreatment systems that would help to facilitate some amount of groundwater recharge.

In 2014, the California Sustainable Groundwater Management Act (SGMA) was passed. The law provides authority for agencies to develop and implement groundwater sustainability plans or alternative plans that demonstrate the basin is being managed sustainably. The Project Site would obtain potable water during operations from APU. As discussed above, APU obtains groundwater from the Basin, which is managed by OCWD. OCWD adopted its first Groundwater Management Plan in 1989, which was last updated in 2015 (OCWD 2015a). The Groundwater Management Plan sets forth basin management goals and objectives and describes how the basin is managed. The Project would not result in any conflicts with goals and objectives of this plan since none of the goals or objectives are applicable to specific projects. Furthermore, the Project would not conflict with any of the recharge or groundwater replenishment activities that the OCWD is undertaking since none of OCWD's recharge facilities are within or near the Project Site.



Based on the foregoing, including the limited recharge opportunities provided by the Project Site in its current condition, the Project's design that sought to facilitate recharge to the extent feasible, and its consistency with the broader groundwater sustainability efforts being pursued by OCWD, the Project would not interfere substantially with groundwater recharge and would not impede sustainable groundwater management of the Basin.

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation measures are required.

***c) Would the Project substantially alter the existing drainage pattern of the site or area, including 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.** As described above under threshold (a) of this section, with the introduction of new impervious surfaces and the construction of proposed structures and improvements, the Project would alter the existing drainage pattern in a manner that could result in erosion and siltation during construction, and thus the potential for polluted runoff. However, the Project's adherence to all applicable laws and regulations, including, among others, requirements under the Construction General Permit such as the preparation and implementation of a SWPPP for the Project. The SWPPP would be designed to ensure that erosion, siltation, and flooding are prevented or minimized to the maximum extent feasible during construction. In addition, the SWPPP would include both structural (physical devices or measures) and operational (timing of construction) BMPs that would prevent the discharge of pollutants directly or indirectly into waterbodies. This would ensure that potential effects related to erosion and siltation would be a less than significant during construction.

The Project would involve mass grading within the Project Site to clear area for building pads and other Project improvements. As described in more detail above under threshold (a) of this section, a system of stormwater BMPs have been incorporated in the Project's design, which would reduce potential for erosion and siltation during Project operations. Also, slopes adjacent to the developed portion of the Project Site would be landscaped and would include terrace drains and v-gutters to minimize, to the extent feasible, erosion on the hillsides. Also, existing off-site stormwater flows would be collected into the Project's storm drain systems to route off-site flows through the Project Site, thereby utilizing the Project's water quality basins, which would attenuate post-construction flows to below existing conditions as well as address water quality issues. As discussed in threshold (a) of this section, during operation, the Project would be required to comply with applicable laws and regulations, programs, and standards, including goals, policies, and actions provided in the General Plan as discussed in more detail in Section 4.10, Land Use and Planning, of this Draft EIR. Furthermore, the Project would be subject to Section 10.09 of the AMC, which outlines the City's regulations for complying with the NPDES and its MS4 Permit, such as: (1) prohibitions on illicit connections to the storm drain system; (2) prohibited discharges; (3) controls on urban runoff from new development and significant redevelopment through preparation of Water Quality Management Plans; (4) local discharge permits for non-

stormwater discharges into the storm drain system; and (5) the City's inspection and enforcement responsibilities.

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

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

### **Less Than Significant Impact.**

Regarding construction-related impacts, as described above, with the introduction of new impervious surfaces and grading changes has the potential for altering the existing drainage pattern in a manner that could result in a substantial increase in the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. The Project would increase the amount of impervious surface within the Project Site from approximately 1.2 acres in existing conditions to 17.6 acres with the Project (Hunsaker & Associates 2024b). As such, the Project would increase peak stormwater runoff from the Project Site by approximately 21.6 percent when compared to existing conditions (Hunsaker & Associates 2024b). Also, the Project would involve grading within the Project Site that would change the way that stormwater drains within the Project Site. However, the Project's adherence to all applicable laws and regulations, including, among others, requirements under the Construction General Permit such as the preparation and implementation of a SWPPP for the Project. The SWPPP would be designed to ensure that erosion, siltation, and flooding are prevented or minimized to the maximum extent feasible during construction. This would ensure that potential effects related to on- or off-site flooding would be less than significant during construction.

In terms of potential operational-related impacts, as part of the analyses contained in the Project's Preliminary Water Quality Management Plan, hydrologic conditions of concern (HCOC) with respect to downstream flooding, erosion potential of natural channels, downstream, impacts of increased flows on natural habitat, and other topics were considered (Hunsaker & Associates 2024b). A HCOC is a combination of upland hydrologic conditions and stream biological and physical conditions that present a condition of concern for physical and/or biological degradation of streams. A potential HCOC impact was identified in the Preliminary Water Quality Management Plan related to the Project's proposed discharge of stormwater to a natural drainage to the northeast of the Project Site. To address HCOC impacts for the Project's discharge to the natural area to the northeast, runoff discharging to the northeast point of compliance would be mitigated via the basins located within DMAs 1 and 2 (Hunsacker & Associates 2024b). Applicable hydromodification control performance criteria have been established for the Project as follows:

- "Post-project runoff discharge volume for the 2-year frequency storm does not exceed that of the predevelopment condition by more than 5% and time of concentration of post-development runoff for the 2-year storm event is not less than that for the predevelopment condition by more than 5% (Hunsacker & Associates 2024b)."

Since the rate and amount of surface runoff would be increased, the Project would be required to incorporate a system for stormwater capture and conveyance that meets all applicable requirements and standards, including, among others, the performance criteria noted above and in the PWQMP. In general, the Project's drainage area and flow direction would be consistent with pre-Project conditions. Runoff would be conveyed as surface flow to gutters in the Project Site that would discharge to catch basins. The Project's main storm drain system would then receive all flows and would convey them to a realigned portion of the existing 96" storm drain line that would be upsized to a 108" pipe. Runoff from the Project Site would be conveyed northerly to the Santa Ana River as in pre-Project conditions. To satisfy the Project's requirements for low impact development and to address runoff pollutants of concern for the Project, the Project would be required to use biotreatment BMPs including bioretention with underdrains and proprietary vegetated biotreatment systems.

With implementation of the drainage design and operational water quality BMPs that are proposed for the Project, and adherence to all other applicable standards and requirements set forth in the governing laws and regulations, the Project would not result in a substantial increase in the rate or amount of surface runoff in a manner that would result in flooding on- and off-site would be avoided. In addition, the foregoing would ensure no significant impact related to HCOCs. Therefore, the Project would result in a less than significant impact relative to this threshold, and no mitigation measures are either required.

***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 above, stormwater runoff from the Project would be captured on-site in a stormwater system that would adhere to all applicable requirements, standards and performance criteria. This stormwater would ultimately be conveyed to City storm drain facilities that ultimately drain north to the Santa Ana River (Hunsacker & Associates 2024b). Moreover, this system has been designed to capture and convey existing off-site flows from an adjacent residential subdivision as well. The Project's drainage system would serve to slow, reduce, and meter the volume of runoff leaving the Project Site in accordance with applicable standards (e.g., post-development flows being equal to or less than predevelopment flows) and would ensure that downstream storm drainage facilities are not inundated with Project-related stormwater.

Based on Anaheim Public Works' review and approval of the Project's Preliminary Hydrology and Hydraulic Study, the Project would not create or contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems (Hunsacker & Associates 2024a and 2024b). Rather, the Project's runoff can be accommodated within existing stormwater drainage systems. Moreover, the Project would be required to be designed and implemented in such a way to prevent any substantial additional sources of polluted runoff.

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

***iv) impede or redirect flood flows?***

**Less Than Significant Impact.** The Project Site is not located within a FEMA designated 100-year flood zone and is not in an area that is prone to flooding. As described in further detail under threshold (d) below, the project site is not susceptible to inundation from flood hazards. Also, the Project Site is not located within the dam inundation zone for the Walnut Canyon Reservoir. Prado Dam is located approximately 6.6 miles northeast of the Project Site. The lowest portions of the Project Site are located within the dam inundation zone for Prado Dam during the worst-case scenario, referred to as “Maximum High Pool Non-Breach”. Consequently, this portion of the Project Site is subject to potential for flooding during a potential failure of Prado Dam. The Project’s structures are proposed to be constructed at higher elevations than the dam inundation zone for Prado Dam. Therefore, the Project would not impede or redirect any flood flows.

The Project Site contains natural drainage features as shown in Exhibit 4.3-5. The Project’s stormwater drainage system would include culverts and catch basins that would intercept Project flows as well as these off-site flows and would convey them to the north to an existing storm drain line within Santa Ana Canyon Road and to a drainage to the northeast of the Project Site, each of which have been confirmed to have adequate capacity to accommodate the Project’s stormwater flows. As such, the Project has no potential to impede or redirect flood flows (Hunsacker & Associates 2024b).

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

***d) Would the Project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?***

**No Impact.** The Project Site is not located within a FEMA designated 100-year flood zone. Also, the Project Site is not located within the dam inundation zone for the Walnut Canyon Reservoir. Prado Dam is located approximately 6.6 miles northeast of the Project Site. The lowest portions of the Project Site are located within the dam inundation zone for Prado Dam during the worst-case scenario, referred to as “Maximum High Pool Non-Breach”. Consequently, this small area of the Project Site is subject to potential for flooding during a catastrophic failure of Prado Dam. Accordingly, the Project’s structures are proposed to be constructed at higher elevations than the dam inundation zone for Prado Dam.

The Project Site is not near the ocean or other large, enclosed water body with the potential to be at risk of seismically -induced tidal or seiche phenomena.

Therefore, the Project would result in no impact related to this threshold and no mitigation is required.

***e) Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

**Less Than Significant Impact.** In terms of a potential conflict with a water quality control plan, as discussed above, the Santa Ana RWQCB (Region 8) prepares, maintains and implements the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan). The Basin Plan sets water quality standards in the Santa Ana River Basin by establishing beneficial uses for specific water bodies and designating numerical and narrative water quality objectives. The Basin Plan sets water quality objectives for the participating jurisdictions including Anaheim (which would include the Project Site) and the surrounding areas. Water quality thresholds identified in the Basin Plan are intended to reduce pollutant discharge and ensure that water bodies are of sufficient quality to meet their designated beneficial uses. The Project would not conflict with the water quality standards outlined in the Basin Plan or worsen water quality conditions in any 303(d)-listed water body. As discussed above in response to threshold (a) within this section, pollutant discharge during construction would be avoided through compliance with the robust regulatory framework, including, among others, requirements and standards of the Construction General Permit including the preparation and implementation of a SWPPP. Once the Project is constructed, the Project would consist of a mixed-use residential and commercial development. Pollutants generated during Project operations would be typical in nature, and treated using biotreatment BMPs including bioretention with underdrains and proprietary vegetated biotreatment systems, as specified in the Project's Preliminary Water Quality Management Plan (Hunsaker & Associates 2024b). The Project would be required to adhere to all applicable laws and regulations, including adherence to NPDES permitting mandates, which are enforced by several public agencies, including the City via its authority under Section 10.09 of the AMC. Therefore, the Project would not result in a significant source of pollutants for downstream water bodies and the Project would thereby not conflict with or obstruct implementation of the Basin Plan.

With respect to a potential conflict with a sustainable groundwater management plan, as discussed previously in response to threshold (b) in this section, the Project would not result in conflicts with any goals or policies related to the Santa Ana Canyon Management Area of the Basin. OCWD has determined that long-term reduction in groundwater levels in the Santa Ana Canyon Management Area are not foreseeable given the high volume of Santa Ana River flow relative to the amount of groundwater production and the high rate at which the shallow groundwater formations recharge as a result of surface flow in the Santa Ana Canyon. As discussed in the Basin 8-1 Alternative document, there are currently no groundwater withdrawals within the areas of the Santa Ana Canyon Management Area that are covered by the Cities of Anaheim, Chino Hills, and Yorba Linda; Riverside County; and Yorba Linda Water District (OCWD 2017a). The Sustainability Goal for the Santa Ana Canyon Management Area in the Basin 8-1 Alternative document is to continue monitoring sustainable conditions and monitor to ensure that no significant and unreasonable results occur in the future. The Project would not inhibit OCWD from continuing to monitor conditions within the Santa Ana Canyon Management Area of the groundwater basin or otherwise impair OCWD's effort in this regard. Furthermore, there is no evidence that the Project would result in any significant or unreasonable groundwater conditions, as

described in the Basin 8-1 Alternative document. See also, the WSA's detailed discussion regarding the ability to serve the Project without

The WSA concludes that water demand associated with the Project would not significantly constrain APU's supply over the long-term and can be assumed to be accounted for in the APU demand projections. As discussed more fully in the WSA and in Section 4.17, Utilities & Service Systems, of this Draft EIR, APU would have sufficient water supplies to serve the Project as well as other existing and reasonably foreseeable future development within APU's service area during normal, single-dry and multiple-dry years.

Therefore, for the reasons described above, the Project would not conflict with or obstruct implementation of a sustainable groundwater management plan.

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

#### **4.9.5 CUMULATIVE IMPACTS**

Cumulative impacts related to hydrology and water quality occur within a defined watershed. The Santa Ana River would be the receiving waters for the Project, combined with other cumulative developments in the watershed. Projects considered in the cumulative impact analysis consist of past, present and reasonably foreseeable future projects within this geographic scope, including those described in more detail in Table 4-1, Cumulative Projects List, which is provided in Section 4.0.

Collectively, the cumulative projects and the Project would result in increased development that would have the potential to collectively increase demand for stormwater conveyance and increase risks associated with polluted runoff, during both construction and operation. However, federal, state, regional and local laws and regulations are robust in this regard. For example, NPDES permit requirements have become more stringent over the years and now require new development and redevelopment projects to manage and treat all significant sources of stormwater pollutants and runoff, which would result in a reduction in runoff and overall pollutant loads in stormwater in the relevant areas over time, thereby reducing impacts in this regard.

Accordingly, the Project as well as other cumulative development would be required to adhere to all applicable mandates, standards and performance criteria during construction and operation, including, among other things, developing hydrology and hydraulic studies and water quality management plans to avoid and minimize potential for runoff, to the extent feasible, and thus limit or avoid erosion, sedimentation, flooding, and related issues. For example, each project would be required to develop and implement a SWPPP to control stormwater runoff, and each would be required to incorporate adequately sized storm drainage features that accommodate runoff in order to prevent polluted runoff entering into receiving waters as well as on- and off-site flooding. Furthermore, there is a comprehensive regulatory framework governing groundwater management, to which the Project and other cumulative developments would be required to ensure their respective development proposals would not obstruct or impair sustainable groundwater management planning.

Therefore, cumulative impacts related to hydrology and water quality would be less than significant.

The Project's contribution to this already less than significant cumulative impact would not be cumulatively considerable. It would be required to adhere to the Construction General Permit, the applicable NPDES permit mandates during operation, and all other applicable federal, State, regional and laws and regulations, programs, and standards, including, without limitation, goals, policies, and actions provided in the General Plan and Section 10.09 of the AMC. Additionally, the Project would install an on-site storm drainage system that would include basins intended to promote percolate of runoff into the soil and ensure that post-development flows were equal to or less than predevelopment flows.

Based on the forgoing, the Project would have a less than significant cumulative impact with respect to hydrology and water quality and no mitigation measures would be required.

#### **4.9.6 MITIGATION PROGRAM**

No significant impacts pertaining to hydrology and water quality were identified; therefore, no mitigation measures are required.

#### **4.9.7 SIGNIFICANCE AFTER MITIGATION**

Project impacts related to hydrology and water quality would be less than significant; therefore, no mitigation measures are required.



*This page intentionally left blank*

## **4.10 LAND USE AND PLANNING**

### **4.10.1 EXISTING CONDITIONS**

#### **Existing General Plan Land Use and Zoning Designations**

The Project Site contains a mix of General Plan land use designations which consist of Estate Density Residential; Low Density Residential; and Open Space.

The northerly portion of the Project Site is currently zoned as “Transition (T)” and the southerly portion of the Specific Plan Area is currently zoned as Single-Family Residential (7,200-sf min. lot size) (RS-2) and “Open Space” (OS).

#### **Existing Conditions Within the Project Site**

The Project Site consists mostly of undeveloped lands. There is a private paved maintenance access road (“Deer Canyon Road”) that is located within the western portion of the Project Site that connects to Santa Ana Canyon Road in the north. There are also private dirt access roads throughout the Project Site.

According to historic aerial imagery going back to 1938 and other data sources evaluated, it does not appear that the Project Site has been previously developed with urban uses. The northwestern portion of the Project Site appears to have been used as an orchard and/or for agricultural purposes commencing about 1938 and continuing for decades, until at least 1960 (J2 Environmental 2023a). The groves were subsequently removed and these areas of the Project Site were regraded.

Elevations within the Project Site range from approximately 600 feet above mean sea level in the southeast area of the Project Site to approximately 330 feet above mean sea level at the northwest boundary of the Project Site along Santa Ana Canyon Road.

The topography within the Project Site consists of rolling hills and several steep sided hilltops and ridgelines located in the eastern and western portions of the Project Site. The Project Site is situated along Deer Canyon, which drains to the north towards the Santa Ana River with canyon walls ascending to the east and west (Group Delta 2023a).

Historical aerial photographs indicate previous grading was performed along the eastern boundary of the Project Site, in the vicinity of the dirt access road, which appears to be associated with realigning Santa Ana Canyon Road to facilitate space for the SR-91.

No buildings are currently located within the Project Site.

The Project Site is visible from SR-91, which is designated as a State Designated Scenic Highway. Also, the Project Site is within and visible from the City’s Scenic Corridor Overlay Zone.

A variety of vegetation types occur in the Project Site, including the following vegetation communities: sagebrush – black sage scrub; sagebrush – black sage scrub/ruderal; coyote brush scrub; toyon – sumac chaparral; toyon – sumac chaparral/ruderal; ruderal; disturbed ruderal; coastal freshwater marsh; poison oak scrub; southern willow scrub; mulefat scrub; southern coast live oak riparian forest; Mexican elderberry woodland; non-native woodland; xeric cliff face; developed areas; and disturbed areas (Psomas 2024c).

A portion of the Project Site was previously subdivided in 2005 as part of the Stonegate Project (Tentative Tract Map. No. 16440)<sup>1</sup> and was approved to allow for a total of 34 single-family homes, which were never developed.

## **4.10.2 REGULATORY SETTING**

### **Regional**

#### ***Connect SoCal 2024***

On April 4, 2024, Southern California Association of Government's (SCAG) Regional Council voted to approve and fully adopt Connect SoCal 2024, the 2024-2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS or Plan) (SCAG 2024a). SCAG is one of 18 Metropolitan Planning Organizations (MPOs) in the State of California and covers the following counties: Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. Connect SoCal 2024 is a long-range regional transportation plan that provides a vision for regional transportation investments, integrated with land use strategies, over a 20-year period. Connect SoCal 2024 includes a vision and goals for the region. Key components include a growth forecast and regional development pattern based on population, household, and employment growth projections for the SCAG region through the year 2050 as well as a transportation network including a list of transportation projects and investments. The Plan also identifies Regional Planning Policies and Implementation Strategies that the region could pursue over the Plan horizon. Other components include financial assumptions and expenditures, key transportation investments, and an evaluation of the Plan's performance. As part of Connect SoCal 2024, SCAG developed the Local Data Exchange (LDX) process to form the basis for the regional growth forecast by engaging local partners to obtain information needed to fulfill state planning requirements. This included information on land use, transportation, priority development areas (PDAs), geographical boundaries, resource areas, and growth that was shared and exchanged through a combination of one-on-one meetings and data submissions with local jurisdictions. In consultation with the Technical Working Group (TWG), SCAG developed growth forecast guiding principles to ensure that the regional growth forecast yields a technically robust forecasted regional development pattern which meets its statutory objectives, which are incorporated as part of the SCS.

---

<sup>1</sup> On CEQAnet, this prior project is called the Deer Canyon Estates Project and is identified as SCH No. 2004021044.

## ***Regional Housing Needs Assessment***

Local housing production is enshrined in state law as a matter of “vital statewide importance” and, since 1969, the State of California has required that all local governments (cities and counties) adequately plan to meet the housing needs of all residents in their respective communities. To meet this requirement, each city or county must develop a Housing Element as part of its General Plan (the local government’s long-range blueprint for growth) that shows. To that end, the Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local housing elements of the General Plan. RHNA quantifies the need for housing within each jurisdiction during specified planning periods. Communities use RHNA in land use planning, prioritizing local resource allocation, and in deciding how to address identified existing and future housing needs resulting from population, employment, and household growth. RHNA does not necessarily encourage or promote growth, but rather allows communities to anticipate growth, so that collectively the region and subregion can grow in ways that enhance quality of life, improve access to jobs, promotes transportation mobility, and addresses social equity and fair share housing needs. On March 4, 2021, the SCAG Regional Council adopted the 6th Cycle Final RHNA Allocation Plan, which assigns housing need for each jurisdiction in the SCAG region for the October 2021 through October 2029 planning period. The City’s RHNA housing need allocation is 17,453 units as detailed below in Table 4.10-1 (SCAG 2021a).

**TABLE 4.10-1  
REGIONAL HOUSE NEEDS ALLOCATION FOR CITY OF ANAHEIM  
FOR THE 6TH CYCLE**

Number of Units	Category	Income Requirements	Qualifying Income*
3,767	Very Low Income	0–50% of Area Median Income	\$0–\$40,902
2,397	Low Income	50–80% of Area Median Income	\$40,903–\$65,444
2,945	Moderate Income	80–120% of Area Median Income	\$65,445–\$98,167
8,344	Above Moderate Income	120% or more of Area Median Income	\$98,167 and above
17,453	Total Number of Units		
Source: SCAG 2021a; United States Census Bureau 2023a.			
* The qualifying income ranges were calculated using median household income data of \$81,806 per household for 2017–2021 according to the United States Census Bureau.			

## ***City of Anaheim General Plan***

Adopted in May 2004, the City’s General Plan provides a road map for growth and development within the City’s municipal boundaries and its sphere of influence.

### Land Use Element

The Land Use Element of the City's General Plan serves as a guide for Anaheim's future development. This Element designates the distribution and general locations of land uses, such as residential, commercial/office/retail, industrial, open space, recreation, and public uses. The Land Use Element also addresses the permitted density and intensity of the various land use designations as reflected on the City's General Plan Land Use Map.

The Land Use Element groups land uses throughout the City into nine broad categories: Residential, Commercial/Office, Entertainment/Lodging, Industrial/Manufacturing, Quasi-Public/Governmental, Parks/Open Space, Water Uses/Waterways, and Agriculture/Vacant Lands. Many of these categories are divided into multiple designations and provide a range of allowable densities and intensities of development within the City.

According to Figure LU-4 in the Land Use Element, the Project Site contains land use designations of Estate Residential, Low Density Residential, and Open Space. The Estate Residential designation provides for the development of large-lot single-family residences with a custom character. The permitted density range is from zero up to 1.5 dwelling units per gross acre. The Low Density Residential designation provides for the development of conventional single-family detached houses. The permitted density range is from zero up to 6.5 dwelling units per gross acre. Over half of all residential land in Anaheim is Low Density Residential. The Open Space designation includes those areas intended to remain in natural open space; utility easements that will provide recreational and trail access to Anaheim's residents; heavily landscaped freeway remnant parcels, and land areas surrounding major water features.

The Land Use Element identifies nine community policy areas: the Hill and Canyon Area; West Anaheim; North Euclid Street; East Anaheim; North Central Industrial Area; The Colony and Downtown; South Anaheim Boulevard; The Platinum Triangle; and Anaheim Canyon. The Land Use Element includes policies that are meant to create, preserve and enhance these community policy areas.

The Project Site falls within the Hill and Canyon Area. The City's Land Use Element states the following about the Hill and Canyon Area of the City:

- *"Since the 1960s, the Hill and Canyon Area has become home to thousands of hillside residents and one of Orange County's most desired communities. Scenic views, well-planned residential development, access to a variety of natural, scenic and recreational resources like the Santa Ana River, Deer Canyon Park Preserve and the Anaheim Hills Golf Course, all contribute to the sense of pride felt by area residents. The General Plan seeks to preserve those characteristics that make the Hill and Canyon Area a special place and to provide current and future residents with adequate community services and facilities. It is further intended to encourage and maintain living areas which preserve the amenities of hillside living and retain the overall lower density, semi-rural, uncongested character of the Santa Ana Canyon Area."*

The land use-related goals and policies of the Land Use Element of the City's General Plan that are relevant to this analysis, as well as a project consistency analysis, are provided in Table 4.10-3 of this section.

### Circulation Element

The Circulation Element of the City's General Plan describes the existing circulation system and serves as an infrastructure plan that addresses the mobility of people, goods and services, energy, water, sewage, storm and drainage, and communications. The Element is purposed towards meeting the current and future needs of Anaheim residents and visitors by creating and improving a circulation system within the City. The City's 'Planned Roadway Network', provided as Figure C-1 of the Circulation Element, provides a visual overview of the City's roadway classifications.

The classifications of the roadways nearest and adjacent to the Project Site boundaries include:

- Weir Canyon Road, Scenic Expressway;
- Santa Ana Canyon Road, Primary Arterial;
- Fairmont Boulevard, Hillside Secondary Arterial;
- Serrano Avenue, Hillside Secondary Arterial;
- Canyon Rim Road, Hillside Secondary Arterial.

The Project Site is visible from SR-91, which is designated as a State Designated Scenic Highway. The Project Site is also within the City's Scenic Corridor Overlay Zone. There are public views of the Project Site from Santa Ana Canyon Road, SR-91, the Santa Ana River Trail, Yorba Regional Park, and Deer Canyon Park Preserve. Existing traffic conditions in the Project vicinity are described in Section 4.15, Transportation, and existing views and related aesthetic impacts are discussed in Section 4.1, Aesthetics, of this Draft EIR. The goals and policies identified in the Circulation Element that are relevant to the analysis are provided in Table 4.10-3 of this section.

### Green Element

The City of Anaheim General Plan's Green Element addresses the provision of open space, conservation, recreation, and landscaping resources. It includes existing parks and open space, and potential recreational opportunities such as schools, utility easements, water uses, and vacant land.

Per Section 17.08.250 of the Anaheim Municipal Code (AMC), the City currently maintains park dedication standards that require new development in the City to ensure that two acres of parkland would be developed for each 1,000 residents. The dedication may be in the form of improved land, the payment of fees in lieu of dedication, or a combination of both.

The Green Plan (provided as Figure G-1 in the Green Element) provides a visual overview of the City and land use as it relates to parks and recreational facilities. 'Park Deficiency Areas'

are areas within the City that lack recreational facilities due to population pressures and limited park opportunities, and the identification of these areas aid the City in future development decision making. The Project Site is not located within or near any Park Deficiency Areas, nor is it located within the boundaries of any existing or proposed parks. Small portions of the Project Site are designated as open space according to Figure G-1 of the Green Element. The Green Element identifies natural slopes as one of the primary aesthetic resources in the Hill and Canyon Area, and development on hillsides within the Hill and Canyon Area require careful siting, grading, and design in order to minimize exposure to hazards and to maintain and enhance the scenic quality of the area.

The Project Site is located approximately 825 feet (0.16 mile) north of the Deer Canyon Park Preserve which is a 103-acre wilderness area owned and managed by the City of Anaheim. This preserve contains trails for hiking, bicycling, and horseback riding. Trails within Deer Canyon Park Preserve connect to the “Four Corners Trail” and to the Oak Canyon Nature Center. The “Four Corners Trail” also connects Deer Canyon Park Preserve to Hidden Canyon Trail and to Weir Canyon Trail to the east of the Project Site. Further analysis and discussion of Deer Canyon Park Preserve and related recreational facilities associated with Project impacts are in Section 4.14, Recreation, of this Draft EIR.

The northern portion of the Project Site that is adjacent to Santa Ana Canyon Road is identified as a “(Groundwater) Protection Zone” in Figure G-2 of the Green Element. According to the Green Element, with the goal of protecting current and future groundwater resources, the City has established a groundwater protection zones for the recharge area. The primary emphasis within these areas is to provide educational outreach materials to inform businesses and residents how to properly manage materials and waste.

The goals and policies identified in the Green Element that are relevant to the analysis are provided in Table 4.10-3 of this section.

#### Public Services and Facilities Element

The Public Services and Facilities Element outlines the City’s goals and policies concerning fire protection and emergency services, police services, electric and water utilities, sewer and storm drain systems, schools and libraries, and other utilities and services. The goals and policies identified in this element help guide the City’s provision of new and expanded public facilities to support the continued growth of the City.

The Public Services and Facilities Element contains several maps showing the locations of public facilities and utility systems (Figure PSF-1, PSF-6, PSF-7, and PSF-9). See Section 4.13, Public Services, for additional information regarding updated locations of public service facilities and analyses of impacts related public service facilities. Also, see section 4.17, Utilities and Service Systems, for the latest locations and analyses of utility systems. The goals and policies identified in the Public Services and Facilities Element that are relevant to the analysis are provided in Table 4.10-3.



### Growth Management Element

The Growth Management Element is intended to ensure that capital facilities planning meets the needs of current and future residents of Anaheim. This Element supplements and supports all other elements in the City's General Plan, with the main goal of reducing traffic congestion and ensuring adequate levels of traffic management and other public facilities and services to accommodate for future growth pursuant to the Countywide Traffic Improvement and Growth Management Component of Measure M.

The goals and policies identified in the Growth Management Element that are relevant to this analysis are provided in Table 4.10-3 of this section.

### Safety Element

The Safety Element of the City of Anaheim General Plan addresses fire hazards, geologic and seismic hazards, flood hazards, risk-reduction strategies, hazard abatement measures, and potential hazard locations throughout the City (Anaheim 2023a).





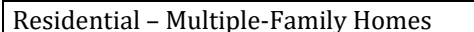



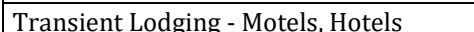



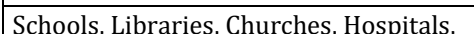



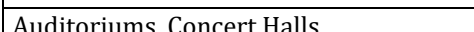



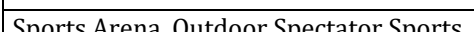

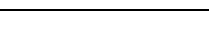

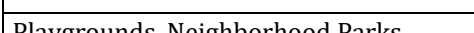

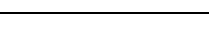

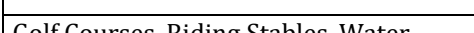





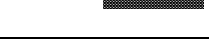







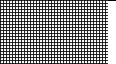

The Project Site is not located in any liquefaction prone areas, according to figure S-2 in the Safety Element. In addition, Figure S-5 and S-6 show that the Project Site is not located in any FEMA designated flood zones nor any dam inundation zones. Figure S-1 of the Safety Element shows that the Project Site is located within an area identified as having a shake potential (2 percent at 50 years) of 0.25g - 0.55g. The Project site is located within an area identified as having mild to moderate landslide susceptibility, as detailed in Figure S-3, as well as within a Very High Fire Hazard Severity Zone (VHFHSZ) shown in Figure S-4. The developed portions of Anaheim Hills are classified as a Special Protection Area by the Anaheim Fire Department. Project impacts related to landslides and geology are addressed in Section 4.6 Geology and Soils and impacts related to fire hazards are addressed in Section 4.18 Wildfire of this Draft EIR.

The goals and policies identified in the Safety Element that are relevant to this analysis are provided in Table 4.10-3 of this section.

### Noise Element

In the Noise Element of the City's General Plan, the City adopted land use-noise compatibility standards, which are shown in Table 4.10-2 (City of Anaheim 2004a). The land use compatibility standards are used to identify "normally acceptable", "conditionally acceptable", "normally unacceptable", and "clearly unacceptable" noise levels for varying land uses. The Noise Element identifies the following as sources of noise within the City of Anaheim: vehicular traffic, entertainment facilities, sports events, commercial and industrial activity, and periodic occurrences such as construction and aircraft travel.

**TABLE 4.10-2  
LAND USE COMPATIBILITY FOR NOISE EXPOSURE**

Land Use Category	Community Noise Exposure L <sub>dn</sub> or CNEL, dB						
	55	60	65	70	75	80	85
Residential – Low-Density Single-Family, Duplex, Mobile Homes							
Residential – Multiple-Family Homes							
Transient Lodging - Motels, Hotels							
Schools, Libraries, Churches, Hospitals, Nursing Homes							
Auditoriums, Concert Halls, Amphitheaters							
Sports Arena, Outdoor Spectator Sports							
Playgrounds, Neighborhood Parks							
Golf Courses, Riding Stables, Water Recreation, Cemeteries							
Office Buildings, Business, Commercial and Professional							
Industrial, Manufacturing, Utilities, Agriculture							
 Normally Acceptable	 Conditionally Acceptable	 Normally Unacceptable	 Clearly Unacceptable				
Specified land use is satisfactory based upon the assumption that any buildings involved are of normal, conventional construction, without any special noise insulation requirements.	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirement is made and needed noise insulation features are included in the design. Conventional construction, but with	New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation	New construction or development should generally not be undertaken. Construction costs to make the indoor environment acceptable would be prohibitive, and the outdoor				

**TABLE 4.10-2  
LAND USE COMPATIBILITY FOR NOISE EXPOSURE**

Land Use Category		Community Noise Exposure						
		L <sub>dn</sub> or CNEL, dB						
		55	60	65	70	75	80	85
	closed windows and fresh air supply systems or air conditioning, will normally suffice.		features included in the design. Outdoor areas must be shielded.			environment would not be acceptable.		
L <sub>dn</sub> : day-night noise level; CNEL: Community Noise Equivalent Level; dB: decibels								
Source: City of Anaheim 2004a.								

For single-family residential land uses impacted by construction, the “normally acceptable” and “conditionally acceptable” community noise levels according to the compatibility matrix would be 60 dBA and 70 dBA CNEL, respectively. If the noise levels from construction are below 65 dBA CNEL then no changes to the intended construction plans are required; however, if the levels are above 65 dBA CNEL then noise reduction measures may need to be considered to reduce the noise impact to the surrounding land uses.

Additionally, the City’s Noise Element has established goals and policies to appropriately consider and address noise levels within the City. The pertinent goals and policies that are relevant to this analysis are provided and analyzed for consistency with the Project in Table 4.10-3 in this section.

### Economic Development

The Economic Development Element serves as a guide for the City to continue maintaining and expanding the local economy. The goals outlined in this element are heavily tied into the goals and policies outlined in the Land Use Element.

The Project Site is not located within any redevelopment Project areas. The goals and policies identified in the Economic Element that are relevant to this analysis are provided in Table 4.10-3 of this section.

### Community Design Element

The goal of the City’s Community Design Element is to create a positive and strong community identity for the City of Anaheim. The Community Design Element provides policy guidance that respects this diverse context while seeking to unify the City through carefully crafted design policies. The City of Anaheim divides the City into nine design districts in order to understand the unique design conditions of each region in Anaheim.

Figure C-1 in the Community Design Element, displaying the community design districts within the City, shows that the Project site is located within the Hill & Canyon Area community design district. The Hill and Canyon Area design district is defined as having unique topography that requires special design attention. The Community Design Element

further characterizes this design district as natural and semi-rural, with residents in this region expressing their desire to preserve open space, views, and vistas. The following design guidelines for this district are outlined in this element.

- Reinforce the natural environment of the area through appropriate landscaping and preservation of open space.
- Preserve views and ridgelines.
- Incorporate natural aesthetics into design.
- Reinforce quality development standards and guidelines compatible with the hillside area.

Goal 21.1 of the Community Design Element is to “Preserve the Hill and Canyon Area’s sensitive hillside environment and the community’s unique identity”. The Project Site is located in the “Hill and Canyon Area” of the City as referenced in this goal of the Community Design Element. Policies under Goal 21.1 of the City’s Community Design Element consist of:

- Policy 1: (To) reinforce the natural environment of the area through appropriate landscaping and the preservation of open space.
- Policy 2: Require compliance with the Scenic Corridor Overlay Zone to reinforce quality development standards and guidelines compatible with the hillside area.
- Policy 3: Place entry monument signs at key locations into and out of the Hill and Canyon Area to strengthen its district identity.
- Policy 4: Encourage the siting of housing development below the existing ridgelines to preserve unimpeded views of existing natural contours.
- Policy 5: Use grading techniques that incorporate rounded slopes or curved contours to minimize disturbance to the site and to blend with the existing topography.
- Policy 6: Where grading has occurred, revegetate primarily with drought-tolerant native species to control erosion and create a more environmentally sound condition.
- Policy 7: Work with Caltrans to achieve enhanced landscaping within the Riverside (SR-91) Freeway right-of-way to enhance the image of the area as viewed from the freeway.

The goals and policies outlined in the Community Design Element that are relevant to this analysis are provided in Table 4.10-3 of this section along with a consistency evaluation. Additional information related to Project consistency with applicable development standards from the AMC is provided in Section 4.1, Aesthetics, in response to threshold (c).

### Housing Element

The Housing Element is a State-mandated chapter of the City’s General Plan that sets forth an eight year plan (housing cycle) to address the City’s identified housing needs. Since 1969, California has required that all local governments (cities and counties) adequately plan to

meet the housing needs of all residents in their respective communities. California's local governments meet this requirement by adopting housing plans as part of their general plan, which serve as the local government's "blueprint" for how the city and/or county will grow and develop and include eight elements: land use, transportation, conservation, noise, open space, safety, environmental justice, and housing.

California's Housing Element Law acknowledges that, in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development. As a result, housing policy in California rests largely on the effective implementation of local general plans and, in particular, local housing elements.

The Housing Element describes, identifies, and analyzes the City's housing needs, and addresses the maintenance and expansion of the housing supply to accommodate the households that currently live and/or are expected to live in Anaheim in the housing cycle. Through research and analysis, the Housing Element identifies available opportunity housing sites and establishes a Housing Policy Program to accommodate the City's state housing obligations as set forth in its RHNA allocation, as determined by the SCAG and approved by the California Department of Housing and Community Development (HCD). HCD found the City's Housing Element to be in compliance with State housing laws in 2009. The Anaheim City Council certified its Housing Element on August 11, 2009, incorporating the then-applicable RHNA target and the Anaheim Affordable Housing Strategic Plan goals. See Section 4.12, Population and Housing, for more information related to RHNA.

In accordance with State law, the City initiated an update to the City's Housing Element. The Draft Housing Element 6<sup>th</sup> Cycle 2021–2029 was initially submitted to the HCD on October 15, 2021, for review and certification. The City continues to address HCD's comments and seek Technical Assistance from HCD staff working diligently towards a finding of compliance (City of Anaheim 2024a). Housing Element goals and policies relevant to this analysis are identified in Table 4.10-3 in this section.

### Bicycle Master Plan

The Bicycle Master Plan is an appendix to the City's General Plan. The Bicycle Master Plan is the vision for the City's bikeways network. The City's Bicycle Master Plan states that the Anaheim Hills area south of Santa Ana Canyon Road and east of the SR-55 freeway, which includes the Project Site, is a hilly area which can be a hindrance to commuting and recreational cyclists but a welcomed challenge for bicycling enthusiasts. The Bicycle Master Plan identifies "Class II Existing" bicycle lanes on Santa Ana Canyon Road north of the Project Site. The Bicycle Master Plan does not identify any planned bicycle improvements on Santa Ana Canyon Road near the Project Site or within the Project Site itself.

## **Anaheim Municipal Code**

### Scenic Corridor Overlay Zone

The entire Project Site is within the City's Scenic Corridor Overlay Zone. The purpose of the Scenic Corridor Overlay Zone is to provide for and promote orderly growth in certain areas of the City designated as being of distinctive, scenic importance, while implementing local governmental agency actions for the protection, preservation, and enhancement of the unique and natural scenic assets of these areas as a valuable resource to the community. The City's Scenic Corridor Overlay Zone has been designated as an area of distinctive natural and rural beauty, characterized and exemplified by the interrelationship between such primary natural features as the rolling terrain, winding river, Specimen Trees, and the profusion of natural vegetation. Chapter 18.18 of the AMC provides regulations for parcels that are located within the City's Scenic Corridor Overlay Zone, which address requirements related to setbacks, parking location, height, and roof mounted equipment.

Tree preservation procedures for the City's Scenic Corridor Overlay Zone are provided in AMC Section 18.18.040 with the purpose of preserving the natural beauty of the Santa Ana Canyon environment, to increase the visual identity and quality of the area, and to protect the remaining natural amenities from premature removal or destruction. Also, Section 18.18.040 of the AMC includes provisions for issuance of tree removal permits and replacement tree planting.

The AMC defines specimen trees as "any tree of the *Quercus* varieties (Oak) with a trunk measuring twenty-five (25) inches or greater in circumference; or any tree of the *Schinus* varieties (Pepper) and *Platanus* varieties (Sycamore), with trunks measuring fifty (50) inches or greater in circumference; measurements of circumference shall be taken at a point four (4) feet above ground level."

As required by AMC Section 18.18.040, impacted specimen trees would require the issuance of a Specimen Tree Removal Permit by the City. As part of the permit process, the City requires that replacement trees be planted on the same parcel or in the public right-of-way located in the immediate vicinity, as directed by the City. Any replacement trees in the public right-of-way must be approved by the Department of Public Works. The replacement trees shall comply with the following provisions:

- The replacement trees shall be a minimum thirty-six (36) inch box size at time of planting, or larger if appropriate to the tree unless the City Arborist approves a twenty-four (24) inch box size based on feasibility and site characteristics.
- The number of replacement trees shall be as identified in Table 18-A of AMC Section 18.18.040. For impacted specimen trees that are under 38" in circumference<sup>2</sup>, one replacement tree is required per impacted specimen tree. For impacted specimen trees that are 38"-64" in circumference, two replacement trees are required per

---

<sup>2</sup> The circumference of trees is measured at four feet above ground level.

impacted specimen tree. For impact specimen trees that are over 64", three replacement trees are required per impacted specimen tree.

- Any replacement trees that are planted within the Project Site, which are subsequently removed, damaged, diseased and/or dies, shall be replaced in a timely manner in accordance with the provisions of the AMC.

### **Anaheim Parks Plan**

The Anaheim Parks Plan was developed by the City to guide improvement of the park system within the City (City of Anaheim 2018a). The Anaheim Parks Plan includes the following recommendations.

1. Execute more facility joint-use agreements with the seven school districts within Anaheim
2. Create sports complexes
3. Execute lease agreements with other public agencies
4. Pursue funding opportunities and increase park development fees
5. Acquire private land for park development.
6. Redesign existing parks to expand uses
  - a. Plant trees
  - b. Create access for all users
7. Enhance park maintenance
8. Allow for use of high school community swimming pools and plan for a new aquatic center
9. Update the general plan as needed
  - a. Add new park categories to the green element of the general plan
  - b. Protect parkland by ensuring that all parks are zoned appropriately
10. Complete a community services strategic plan

None of these recommendations directly relate to the Project or to the Project Site.

### **4.10.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim's Environmental Checklist, a project would result in significant impacts related to land use and planning if it would:

- a) Physically divide an established community; or
- 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.



It should be noted that the significance criteria Impact (b), above, is also separately analyzed in Section 4.11, Noise, to address potential impacts related to noise conflicts with land use plans, which would include Project-related conflicts to the noise land use compatibility standards of the General Plan and AMC.

#### 4.10.4 IMPACT ANALYSIS

***a) Would the Project physically divide an established community?***

**Less Than Significant Impact.** Implementation of the Project would have a significant environmental impact if it were configured in such a way as to create a physical barrier or other physical division within an established community. The physical division of an already established community typically refers to construction of a linear feature, such as an interstate, railroad tracks, or the removal of a means of access that would impact mobility within an existing community and an outlying area.

Implementation of the Project would not involve the creation of a physical barrier or other physical division within an established community. The Project site is undeveloped except for an existing access road within the western portion of the Project site. This existing access road provides access from Santa Ana Canyon Road to Deer Canyon Preserve and other areas and neighborhoods to the south. The access road is used by utility providers and Anaheim Fire, as well as by members of the community for recreational purposes.

The Project would result in the temporary closure of the existing access road, which would temporarily reduce connectivity for trail users. However, once Deer Canyon Road is constructed this connectivity would be restored.

The Project would include construction of a new roadway along a similar alignment as the existing road, which would include public sidewalks and a multi-use/equestrian trail.

The Project would not physically divide an established community.

Therefore, the Project would result in a less than significant impact related to this threshold, and no mitigation is required.

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

**Less Than Significant With Mitigation Incorporated.**

For purposes of CEQA, land use and planning impacts under this threshold (b) involves an evaluation of the Project's consistency with the applicable goals and policies set forth in the City's General Plan and other relevant plans, policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect.

---

## ***Connect SoCal 2024***

The Project Site has a mix of existing General Plan land use designations which consist of Estate Density Residential; Low Density Residential; and Open Space. The Project Site is currently zoned Single-Family Residential (RS-2), Open Space (OS), and Transitional (T) (City of Anaheim 2022a). The Connect SoCal 2024 plan was developed based on the maximum buildout of the land uses described above that were contemplated in the City's General Plan.

The Project would require the adoption of a General Plan amendment, adoption of a specific plan and re-zoning of a portion<sup>3</sup> of the Project Site to allow for a maximum total of 504 residential units (single- and multiple-family residential) as well as a maximum total of 80,000 sf of General Commercial use. As discussed in more detail in Section 4.12, Population and Housing, the Project would be anticipated to generate approximately 324 residents and 1,664 employees, at full buildout. While not expressly contemplated (since the land use designations would be amended as part of the Project), the RTP/SCS assumed a growth in the City's population to 416,800 residents by the year 2045 (SCAG 2020a). The new residents of the City of Anaheim would comprise an approximately 0.48 percent of the City's current population and approximately 0.45 percent of the City's projected 2045 population, which is nominal in nature and thus would not represent a substantial when compared to local and regional projections. Thus, the Project would result in a limited amount of population and employment growth that is nominal in nature. Also, this increase would be consistent with the overall population forecasts for the City. Furthermore, upon adoption of the general plan amendment, specific plan and re-zoning of the Project Site, the Project would thereafter be incorporated into future planning documents.

Therefore, the Project would have a less than significant impact related to consistency with the Connect SoCal 2024 plan.

## ***Regional Housing Needs Assessment***

As discussed in more detail in Chapter 4.12, Population and Housing, the new residential units developed as part of the Project would enhance the City's housing stock. While the Project would result in the development of higher density residential uses in an area where only lower density residential and other non-urban uses were previously contemplated, the potential increase would be consistent with the overall population projections relied upon in the City's General Plan. The Project would provide a maximum total of 504 total new housing units within the City. When compared to the current housing numbers within the City, which is approximately 112,351, the 504 total new housing units would not represent a substantial amount of new housing (DOF 2023a). SCAG's Connect SoCal 2024 plan assumes an increase in the City's number of households from 105,600 households in 2019 to 120,200 households by 2035 and 130,200 households by 2050 (SCAG 2024a). The maximum 504 new housing units within the City of Anaheim would comprise approximately 0.45 percent of the City's current mix of housing units and approximately 0.38 percent of the City's projected

---

<sup>3</sup> As described more fully in Section 3.0 (Project Description), the remaining portions of the Project Site would be designated and re-zoned for Open Space.

2050 mix of housing units, which is nominal in nature and thus would not represent a substantial increase or result in a significant impact when compared to local and regional projections. Additionally, the City is currently updating the Housing Element of its General Plan to meet the City of Anaheim's RHNA allocation for the Sixth Cycle Housing Element Update, which is a total of 17,453 units of total new construction. The Project would assist the City in achieving their Above Average Income housing units for the 6<sup>th</sup> RHNA cycle.

Therefore, the Project would have a less than significant impact related to consistency with the City's achievement of its RHNA allocation.

### ***City of Anaheim General Plan***

As explained above, the City's General Plan is the principal policy and planning document for guiding conservation, enhancement, and development in the City. The General Plan represents the blueprint for future development to achieve the City of Anaheim's Vision.

The Project's specific plan has been prepared to provide a comprehensive vision for development of the Project Site that serves as a link between the relevant goals, policies, and objectives of the General Plan and the development vision for the Project Site. By functioning as a planning and regulatory document, the specific plan implements the General Plan within the boundaries of the Project Site. In this regard, all development proposals and entitlements for the Project Site must be consistent with the relevant regulations, guidelines, and policies set forth in the specific plan.

According to state law, all specific plans must be consistent with the adopted general plan, and all subdivision and development activity must be consistent with the specific plan.

The Zoning chapter of the AMC (Zoning Code) is the primary regulatory document that implements the City's General Plan. The Zoning Code provides requirements and standards regarding permitted land uses, development regulations, and the land use entitlement process for land in the City of Anaheim.

The Specific Plan provides zoning and development standards for the uses within the Project Site in accordance with Section 18.72.070 of the AMC (allowing for different standards to govern within areas governed by specific plans).

The Project proposes to redesignate the Project Site under the City's General Plan as Low Density Residential (6.80 acres<sup>4</sup>); Medium Density Residential (14.17 acres); General Commercial (11.82 acres); and Open Space (43.22 acres) land uses.

To approve the Project, concurrent with the adoption of the Specific Plan for the Project the City Council would also need to reclassify the entirety of the Project Site as "Hills Preserve-Specific Plan" zoning designation, which would enable the implementation of the land use vision set forth in the Specific Plan. As detailed more fully in the Specific Plan, the Specific Plan would allow for land uses consisting of "Estate Residential", "Medium Density

---

<sup>4</sup> 1.5 acres of the 6.80 acres for single-family residential uses would be for dedicated private streets.

Residential”, “Open Space”, and “General Commercial”. The Project’s consistency with the City’s General Plan is evaluated in Table 4.10-3.

General plans, by their very nature, tend to have policies with differing emphasis. Local agencies, like the City, must try to accommodate a wide range of competing interests through an appropriate weighing and balancing of such interests when establishing and applying development proposals and standards. Thus, local agencies, such as the City, when conducting a consistency analysis, consider whether a project would further the overall objectives and policies of the general plan and not obstruct their attainment, recognizing that a proposed project may be consistent with the overall objectives of the general plan, but not with each and every policy thereof. In all instances, in making a determination of consistency, local agencies, such as the City, may use their discretion to balance and harmonize policies with other complementary or countervailing policies in a manner that best achieves the local agency’s overall goals.

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY’S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Land Use Element		
Goal 1.1	Preserve and enhance the quality and character of Anaheim’s mosaic of unique neighborhoods.	<p><b>Consistent.</b> The Project includes development of a mixed-use development that would have high quality architecture and exterior building materials/finishes, which would be clustered and located on lower elevations of the Project Site, in order to protect the visual and scenic resources of the area. Trees and other vegetation would need to be removed for the Project; however, the Project would replace trees that are removed and a landscaping plan would be implemented to minimize visual effects of the Project. The Project would include buildings that would be similar to other buildings along Santa Ana Canyon Road. As described in Chapter 4.1, Aesthetics, the Project has been designed to minimize visual effects to aspects of the visual environment that are important in this area of the City, which include views of ridgelines, slopes, and natural areas. The Project would generally retain public views of ridgelines, natural slopes, and natural areas in the upper portions of the Project Site. Also, approximately 43.22 acres of the Project Site would be re-zoned as Open Space.</p> <p>However, the Project would result in development on an undeveloped Project Site, which would represent change. This change would be more evident for the residents of the single-family residences to the west of the Project</p>
Policy 1	Actively pursue development standards and design policies to preserve and enhance the quality and character of Anaheim’s many neighborhoods.	
Policy 2	Ensure that new development is designed in a manner that preserves the quality of life in existing neighborhoods.	

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>Site and for those individuals that regularly traverse the now-vacant Project Site to access Deer Canyon Park Preserve who have more familiarity with these views and who spend a greater time observing these views of private property. These individuals may experience change including additional human activity that would occur, and certain traffic, noise, air quality, and other effects may result. In short, the existing conditions would not be preserved with implementation of the Project and development would occur. However, these effects have been evaluated in this Draft EIR and have been found to be less than significant with mitigation incorporated to the extent feasible. Although these effects may not be significant pursuant to CEQA, it is reasonable to assume that some existing residents in the Project vicinity would desire to keep enjoying the undeveloped portion of the Project Site. At the same time, the City has the obligation to preserve and enhance the quality and character of Anaheim's many neighborhoods, while taking into appropriate account its housing obligations under state law and other community interests.</p> <p>Development standards and design policies and guidelines have been developed in the Specific Plan that would guide future development in the Project Site. See Section 4.1, Aesthetics, for further information and analysis as to how the proposed Project standards, policies and guidelines would help to preserve and enhance the Project Site and vicinity.</p>
Policy 3	Encourage future development to provide functional public spaces that foster social interaction.	<p><b>Consistent.</b> Multiple functional public spaces have been included in the Project, including a rooftop deck and outdoor and indoor communal spaces, that would foster social interaction. Also, the Project would include a new sidewalk along Santa Ana Canyon Road and improved multi-use (pedestrian, bicycle and equestrian) trail connections to Deer Canyon Park Preserve, which would allow for residents to informally interact to a greater extent than in existing conditions and take better advantage of this regional recreational facility.</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Goal 2.1	Continue to provide a variety of quality housing opportunities to address the City's diverse housing needs.	<b>Consistent.</b> The Project would provide up to a maximum total of 504 residential units, most of which would be apartment units that would include a wide range of sizes (and thus price points). Near the Project Site, most residential units are single-family residential units; therefore, additional apartment units proposed by the Project would serve to further this goal of providing a variety of quality housing opportunities. The Project would be required to adhere to the development standards and design guidelines and policies to ensure a thoughtfully designed, high quality development.
Policy 1	Facilitate new residential development on vacant or underutilized infill parcels.	<b>Consistent.</b> Consistent with this policy, the Project would develop residential units on vacant land near other urban uses as well as major transportation corridors and existing City infrastructure.
Policy 6	Ensure quality development through appropriate development standards and by adherence to related Community Design Element policies and guidelines.	<b>Consistent.</b> The Project Site is located along a major corridor within the City, Santa Ana Canyon Road. Consistent with Goal 3.1, the Project would enhance the City's image by only developing in a clustered fashion on the lower elevations of the Project Site and maintaining the more visually significant ridgelines. The Project would also re-zone approximately 43.22 acres as open space, which would allow for the retention of these lands in their existing open space condition with their related aesthetic, scenic, and habitat qualities. The Project also has been designed to incorporate commercial uses, which would serve the Project's residents and employees as well as surrounding neighborhoods. It would also facilitate substantial pedestrian, bicycle and equestrian connectivity (including increasing access to the nearby Deer Canyon Park Preserve).  Development standards and design policies have been developed in the Specific Plan that would guide future development in the Project Site, which would ensure a thoughtful, high-quality site and building design that takes into appropriate account the surrounding topography and existing uses.  See Section 4.1, Aesthetics for additional information and analysis in this regard.
Goal 3.1	Pursue land uses along major corridors that enhance the City's image and stimulate appropriate development at strategic locations.	
Policy 3	Ensure quality development along corridors through adherence to established development standards and Community Design Element goals, policies and guidelines.	

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 4	Continue to pursue additional open space, recreation, and landscaping amenities along major transportation routes.	<b>Consistent.</b> Consistent with this policy, the Project would re-zone approximately 43.22 acres of the Project Site as open space on lands that are located along Santa Ana Canyon Road and near SR-91. This would allow for the retention of these lands in their existing open space condition with their related aesthetic, scenic and habitat qualities. The provision of multi-use trail connections near Santa Ana Canyon Road and SR-91 would facilitate and enhance access to Deer Canyon Park Preserve and other open space, recreational and landscaping amenities.
Goal 3.2	Maximize development opportunities along transportation routes.	<b>Consistent.</b> The Project would include high quality, thoughtfully designed development along a major existing transportation route, Santa Ana Canyon Road, which would be clustered and located in the lower elevations in order to maximize development opportunities while protecting important scenic and aesthetic resources.
Policy 3	Encourage and provide incentives for the consolidation of parcels to create development sites that are large enough to support quality development.	<b>Consistent.</b> The Project would merge 12 parcels and would subdivide the Project Site into 8 new parcels and four lettered lots with clustered development containing residential, commercial, and open space land uses. The consolidation of these lands would enable high quality thoughtfully designed development that takes into appropriate account the surrounding topography and existing uses.
Goal 4.1	Promote development that integrates with and minimizes impacts to surrounding land uses.	<b>Consistent.</b> Consistent with this goal, the Project would include a mix of land uses that are similar to and compatible with the land uses that occur within the vicinity of the Project Site and along Santa Ana Canyon Road, which would be clustered and located in the lower elevations in order to promote compatible development while protecting important scenic and aesthetic resources.  The Project would require adoption of a Specific Plan and re-zoning of the Project Site; therefore, the Project would not be developed in accordance with the City's land use plan and zoning code as currently adopted.  As discussed in response to Goal 21.1 of the Community Design Element in the table below, all
Policy 1	Ensure that land uses develop in accordance with the Land Use Plan and Zoning Code in an effort to attain land use compatibility.	
Policy 2	Promote compatible development through adherence to Community Design Element policies and guidelines.	



**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy	Consistency Analysis
	<p>of the applicable policies from the City's Community Design Element have been incorporated into the Project. Views of natural open space areas and ridgelines have generally been preserved. Also, approximately 43.22 acres of the Project Site would be zoned as open space. This would allow for the retention of these lands in their existing open space condition with their related aesthetic, scenic and habitat qualities. The provision of multi-use trail connections near Santa Ana Canyon Road and SR-91 would facilitate and enhance access to Deer Canyon Park Preserve and other open space, recreational and landscaping amenities.</p> <p>Nonetheless, while the Project would re-zone approximately 57% of the Project Site as open space, the remaining portions would be developed with much-needed housing as well as commercial uses. This would result in additional ground disturbance and human activity, and the concomitant environmental effect. In short, the existing conditions would not be preserved with implementation of the Project and development would occur. However, these effects have been evaluated in this Draft EIR and have been found to be less than significant with mitigation incorporated to the extent feasible. Although these effects may not be significant pursuant to CEQA, it is reasonable to assume that some existing residents in the Project vicinity would desire to keep enjoying the undeveloped condition of the Project Site. At the same time, the City has the obligation to promote compatible development, while taking into appropriate account its housing obligations under state law and other community interests.</p> <p>Development standards and design policies and guidelines have been developed in the Specific Plan that would guide future development in the Project Site. See Section 4.1, Aesthetics, for further information and analysis as to how the proposed Project standards, policies and guidelines would help to preserve and enhance the Project Site and vicinity including land use compatibility.</p>

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 3	Ensure that developers consider and address project impacts upon surrounding neighborhoods during the design and development process.	<b>Consistent.</b> Consistent with this policy, the Project's impacts are being considered in this Draft EIR and feasible mitigation measures are being incorporated for the Project. See Section 3.0, Project Description, of additional information as to Project design features/components, and Sections 4.1 through 4.18 for consideration and analysis of Project impacts and identified mitigation.
Policy 4	Require new or expanded uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.	<p><b>Consistent.</b> The Project's impacts have been considered, evaluated and disclosed in this Draft EIR and feasible mitigation measures have been incorporated for the Project. See Section 3.0, Project Description, of additional information as to Project design features/components, and Sections 4.1 through 4.18 for consideration and analysis of Project impacts and identified mitigation.</p> <p>Consistent with this policy, landscaping, building setbacks, and open space have been incorporated into Project design.</p> <p>In general terms, to minimize impacts to scenic resources, the Project's buildings have been sited to be clustered and located at the lower elevations, and the grading approach has been developed so that the more visually significant ridgelines and hilltops on the Project Site would not be altered. Instead, these upper elevations of the Project Site would be zoned as Open Space. The Project would generally preserve public views of existing backdrop ridgelines from off-site perspectives, with the addition of new structures at the lower elevations of the Project Site in the foreground of most of these views. This retention of the natural landscape outside of the development footprint would be accomplished through the export of soil from the Project Site and through the construction of retaining walls to lower the height of the building pad elevations.</p> <p>See Section 4.1, Aesthetics, for additional information and analysis in this regard.</p>

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 5	Discourage additional multiple-family development in existing single-family neighborhoods.	<b>Consistent.</b> The Project would not add any multiple-family residential development within any existing single-family neighborhoods given that the Project Site is vacant.
Policy 6	Require landscape and/or open space buffers to maintain a natural edge for proposed private development directly adjacent to natural, public open space areas.	<b>Consistent.</b> Landscaping (approximately 11.50 acres in total) and open space have been incorporated into the Project's design, including along the eastern and southern edges of the Project Site where natural open space would be retained. In total, approximately 57% of the Project Site would be re-zoned to open space, which would allow for the retention of these lands in their existing open space condition along with their related aesthetic, scenic and habitat qualities.
Goal 5.1	Create and enhance dynamic, identifiable places for the benefit of Anaheim residents, employees, and visitors.	<b>Consistent.</b> As detailed more fully in the Specific Plan, which sets forth the vision for the Project Site, the Project would result in an identifiable development within the eastern portion of the City of Anaheim. The Project would also provide new commercial uses to serve the Project's residents and employees as well as local neighborhoods. It would also increase pedestrian/bicycle/equestrian connections and community access generally to Deer Canyon Park Preserve for the benefit of the Anaheim community.  See Section 3.0, Project Description, for additional information in this regard.
Policy 4	Promote development that is efficient, pedestrian-friendly, and served by a variety of transportation options.	<b>Consistent.</b> The Project Site is accessible by personal vehicle and by rideshare via Santa Ana Canyon Road.  The Project would add sidewalks along Santa Ana Canyon Road, which would improve pedestrian connectivity for future residents and employees.  There are Class II bicycle lanes on Santa Ana Canyon Road north of the Project Site.  Also, the Project is within walking distance of OCTA Route 38, which has a stop near the intersection of Santa Ana Canyon Road and South Roosevelt Boulevard. The Project would include the addition of sidewalks from the Project Site to an existing sidewalk that connects to this bus stop

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		to facilitate ready access to available transit services provided by OCTA.
Goal 6.1	Enhance the quality of life and economic vitality in Anaheim through strategic infill development and revitalization of existing development.	<p><b>Consistent.</b> The Project would enhance the quality of life for future residents of the Project Site by providing access to an existing City park, a rooftop deck, and other amenities. The Project would also enhance the quality of life and economic vitality for the Anaheim community by developing strategically located commercial uses, as well as enhancing connectivity and public access to recreational facilities, including Deer Canyon Park Preserve. Also, the Project would promote new economic activity on an infill parcel of land that is currently not generating much property or sales tax revenue or jobs for the City.</p> <p>Nonetheless, while the Project would re-zone approximately 57% of the Project Site for open space, the remaining portions of the Project Site would be developed. This would result in additional human activity and ground disturbance, and concomitant environmental effects would result. In short, the existing conditions would not be preserved with implementation of the Project and development would occur. However, these effects have been evaluated in this Draft EIR and have been found to be less than significant with mitigation incorporated to the extent feasible. Although these effects may not be significant pursuant to CEQA, it is reasonable to assume that individuals residing in the Project vicinity would desire to keep enjoying the undeveloped condition of the Project Site. At the same time, the City has the obligation to enhance the quality of life and economic vitality in Anaheim through strategic development, while taking into appropriate account its housing obligations under state law and other community interests.</p>
Policy 2	Promote the assembly of parcels to allow for more efficient development patterns wherever adjacent neighborhoods are not adversely impacted.	<p><b>Consistent.</b> The Project would merge 12 parcels and would subdivide the Project Site into 8 new parcels and four lettered lots with clustered development containing residential, commercial, and open space land uses. The assemblage of these parcels would allow for more efficient development patterns, while also enabling high quality thoughtfully designed development that</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		takes into appropriate account the surrounding topography and existing neighborhood uses (e.g., by enabling approximately 57% of the Project Site to be re-zoned for open space and locating residential and commercial uses on the lower elevations).
Goal 7.1	Address the jobs-housing relationship by developing housing near job centers and transportation facilities.	<b>Consistent.</b> The Project would provide up to a maximum total of 504 residential units on an infill site, most of which would be higher-density apartment units, as well as commercial uses. Near the Project Site, most residential units are single family residential units; therefore, the additional apartment units proposed by the Project would allow for more individuals to live in Orange County instead of commuting out to Riverside County and San Bernardino County for housing. Furthermore, the Project would involve some degree of employment generation, and would be located near major transportation corridors, public transit and multi-use trail facilities. In so doing, the Project supports the City's effort to facilitate a balanced jobs-housing relationship.
Policy 2	Develop housing that addresses the need of the City's diverse employment base.	
Policy 4	Continue to pursue infill residential development opportunities at mid-block locations along the City's arterial streets as an alternative to underutilized commercial land uses.	
<b>Community Policy Areas</b>	<p><b>The Hill and Canyon Area.</b></p> <p>The City's Land Use Element states the following about the Hill and Canyon Area of the City:</p> <ul style="list-style-type: none"> <li>“Since the 1960s, the Hill and Canyon Area has become home to thousands of hillside residents and one of Orange County's most desired communities. Scenic views, well-planned residential development, access to a variety of natural, scenic and recreational resources like the Santa Ana River, Deer Canyon Park Preserve and the Anaheim Hills Golf Course, all contribute to the sense of pride felt by area residents. The General Plan seeks to preserve those characteristics that make the Hill and Canyon Area a special place and to provide current and future residents with adequate community services and facilities. It is further intended to encourage and maintain living areas which preserve the amenities of hillside living and retain the overall lower density, semi-rural, uncongested character of the Santa Ana Canyon Area.”</li> </ul>	<p><b>Consistent.</b> In general terms, to minimize impacts to scenic resources, the Project's buildings have been clustered and sited on the lower elevations of the Project Site, and the grading approach has been developed so that the more visually significant ridgelines and hilltops on the Project Site would not be developed. Instead, these upper elevations of the Project Site would be zoned as Open Space, which amount to approximately 57 percent of the Project Site.</p> <p>The Project would generally preserve public views of existing backdrop ridgelines from off-site perspectives, with the addition of new structures at the lower elevations of the Project Site in the foreground of most of these views. This retention of the natural landscape outside of the development footprint would be accomplished through the export of soil from the Project Site and through the construction of retaining walls.</p> <p>To minimize visual effects, slopes that would be disturbed during construction would be stabilized and re-planted in accordance with a</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Goal 8.1	Preserve natural, scenic and recreational resources; continue to ensure residential neighborhoods are safe, well-maintained, places to live; and continue to provide necessary community services and facilities.	landscaping plan to be reviewed and approved by the City in coordination with the Project's Specimen Tree Removal Permit requirements, which requires approximately 175 replacement trees be planted.
Policy 1	Encourage the preservation of scenic vistas and views through Green Element Policies and Zoning Code development standards.	<p>The Project would result in: reduced acreage of visible open space areas in the Project Site; reduced acreage of visible vegetated areas in the Project Site; and altered views of ridgelines, particularly for viewers at/near the intersection of Santa Ana Canyon Road at Deer Canyon Road who would no longer see certain ridgelines as they do in existing conditions. At the same time, while the foregoing changes would occur with the proposed development of currently vacant private property and the City has the obligation to encourage the preservation of scenic vistas and views, it also must take into appropriate account its housing obligations under state law and other community interests.</p> <p>The Project has been designed such that approximately 57% of the Project Site would be re-zoned as open space, which would allow for the retention of these lands in their existing open space use with their related aesthetic, scenic and habitat values. Moreover, the Project would provide new multi-use (pedestrian, bicycle and equestrian) trail connections to enhance access to natural, scenic and recreational resources, including the currently under-utilized Deer Canyon Park Preserve.</p> <p>The Project would be required to provide necessary community services and facilities to serve its residents, employees, visitors and users, and would be required to pay all applicable development impact fees to ensure the development "pays its own way".</p> <p>Additional information on the topic of scenic resources and visual effects is provided in Section 4.1, Aesthetics. See also Sections 4.13, 4.14, and 4.17 regarding the topic of public services, including parks and recreational resources, as well as utilities and service systems.</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 3	Provide adequate passive and active park and recreational resources through the goals and policies of the Green Element.	<b>Consistent.</b> As detailed in the Specific Plan and Section 3.0, Project Description, the Project would include a range of recreational amenities for residents, including indoor amenity space, outdoor amenity space, a fitness room, private balconies, and a rooftop deck with pool with other amenities. Also, the Project would include an improved multi-use trail connection to Deer Canyon Park Preserve and well as other trail improvements, enhancing opportunities for access to this important community recreational facility that is currently under-utilized. The Project would zone approximately 43.22 acres of the Project Site as Open Space, which would allow for the retention of these lands in their current open space condition along with their related aesthetic, scenic and habitat qualities. Finally, the Project would be required to pay applicable park dedication fees in accordance with the AMC in lieu of land dedication.
Policy 4	Ensure quality development through the policies and guidelines of the Community Design Element and Zoning Code development standards.	<p><b>Consistent.</b> Consistent with this policy, the Project would include a mix of land uses that are similar to and compatible with the land uses that occur within the vicinity of the Project Site and along Santa Ana Canyon Road, which would be clustered and sited at the lower elevations to protect scenic resources like ridgelines and hilltops.</p> <p>The Project would require adoption of a Specific Plan and re-zoning of the Project Site; therefore, the Project would not be developed in accordance with the City's land use plan and zoning code as currently adopted. It would be required to be developed in compliance with the development standards and design guidelines and policies set forth in the Specific Plan (which would serve as the zoning), which would ensure the Project is of high-quality and thoughtfully designed.</p> <p>Applicable policies from the City's Community Design Element have been incorporated into the Project. Views of natural open space areas and ridgelines have generally been preserved. Also, 43.22 acres of the Project Site would be zoned as open space. This would result in the retention of these lands in their existing open space condition</p>



**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		with their related aesthetic, scenic and habitat qualities.
<b>Circulation Element</b>		
Policy 3	Require that major new development proposals include traffic impact analyses that identify measures and financing to mitigate traffic impacts.	<p><b>Consistent.</b> Consistent with this policy, a Traffic Impact Analysis report was prepared for the Project, which is provided as Appendix L. Necessary transportation improvements have been identified therein, which would be installed and/or funded by the Developer to ensure the Project pays its proportionate fair share towards necessary improvements serving the Project and the broader community. This would include a new traffic signal at Santa Ana Canyon Road and Deer Canyon Road; widening and/or restriping of Santa Ana Canyon Road to provide an eastbound deceleration right-turn lane and a westbound left-turn lane.</p> <p>Internal and external circulation plans have been submitted for review and have been refined in coordination with City staff. Also, the Project would fund and install a sidewalk and a multi-use trail along Santa Ana Canyon Road and other transportation and trail improvements.</p> <p>See Section 3.0, Project Description, for additional information in this regard.</p>
Policy 6	Ensure the provision of needed transportation improvements through the site plan and environmental review process.	
Goal 2.1	Maintain efficient traffic operations on City streets and maintain a peak hour level of service not worse than D at street intersections.	
Policy 3	Install new warranted signals as funding permits, with minimum preferred spacing of 1,000 feet apart.	<p><b>Consistent.</b> As recommended in the Project's Traffic Impact Analysis report, the Project would fund and install a new traffic signal at the intersection of Santa Ana Canyon Road and Deer Canyon Road.</p>
Goal 2.2	Provide a safe circulation system.	<p><b>Consistent.</b> As detailed in the Specific Plan and described further in Section 3.0, Project Description, the Project would fund and install a new traffic signal, improvements to Santa Ana Canyon Road, driveways, internal streets, and sidewalks that would provide safe circulation within the Project Site.</p> <p>The Project would also fund and install provide a new sidewalk and multi-use trail along Santa Ana Canyon Road and a multi-use trail along Deer</p>
Policy 1	Promote the principle that streets have multiple uses and users, and protect the safety of all users.	

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>Canyon Road that would improve conditions for pedestrians, bicyclists and equestrian users.</p> <p>See Section 4.15, Transportation, for additional information and analysis in this regard.</p>
Policy 2	Discourage high speed, through traffic on local streets with appropriate traffic calming measures (e.g., traffic enforcement, bulb-outs, lane striping, chokers, etc.).	<p><b>Consistent.</b> As detailed in the Specific Plan and described further in Section 3.0, Project Description, the Project would include the installation of new internal local streets that would not generally permit high speeds by vehicles. Through traffic is not anticipated to be an issue for the Project given its location and as the Project's streets would not provide any time savings between routes.</p> <p>See Section 4.15, Transportation, for additional information and analysis in this regard.</p>
Policy 3	Design access onto major arterial streets in an orderly and controlled manner.	<p><b>Consistent.</b> As detailed in the Specific Plan and described further in Section 3.0, Project Description, the Project would include two new private street intersections. One intersection would have full access with a newly installed traffic signal, and the other intersection would be restricted to right turn in/right turn out movements with deceleration and acceleration lanes and full access for emergency vehicles. Both intersections have been designed per applicable City standards. Site distance, dimensions, grade, and other aspects of the site access points have been designed in consultation with Anaheim Fire and Rescue requirements. Access to the Project Site would be improved from existing conditions.</p> <p>See Section 4.15, Transportation, for additional information and analysis in this regard.</p>
Policy 4	Promote common driveways and reduce curb cuts along arterial highways to minimize impacts to traffic flows.	
Policy 5	Minimize disruptions to traffic and pedestrian/bicycle flow.	<p><b>Consistent.</b> The Project would result in additional traffic on local roadways.</p> <p>Project construction would result in a temporary increase in traffic on local roadways related to construction employees, material deliveries, and haul trucks when compared to existing conditions. Also, during Project construction there would be limited instances where there would be temporary closures of up to one lane in each direction on Santa Ana Canyon Road. These temporary lane closures would be needed to allow for roadway and utility improvements that</p>

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>are required to accommodate the Project. To minimize potential effects to local circulation and to emergency response times, a Construction Management Plan would be developed during final design and implemented during construction that shall specify the methods by which traffic would be maintained along Santa Ana Canyon Road and other local roadways throughout the Project's construction process.</p> <p>During operation of the Project, the Project's residents, employees, and other site users would result in additional vehicular traffic and delay on local roadways, when compared to conditions without the Project. However, this additional traffic would not result in any effects requiring mitigation based on the City's thresholds.</p> <p>Moreover, the Project would fund and install new multi-use (pedestrian, bicycle and equestrian) trail connections to facilitate pedestrian/bicycle flow.</p>
Policy 7	Implement street design features that discourage through traffic intrusion on residential streets.	<p><b>Consistent.</b> As detailed in the Specific Plan and described further in Section 3.0, Project Description, the Project would provide adequate access from two points of access along Santa Ana Canyon Road. Also, through traffic is not anticipated to utilize the roads in the Project Site given its location and because the roads on the Project Site would not provide any time savings between routes.</p> <p>See Section 4.15, Transportation, for additional information and analysis in this regard.</p>
Policy 10	Provide adequate sight distances for safe vehicular movement on roadways, at intersections and at driveways.	<p><b>Consistent.</b> Site distance has been incorporated into the design of the Project's signalized intersection and new driveway. More information on this is provided in the Project's Traffic Impact Analysis report as well as Section 4.15, Transportation.</p>
Policy 3	Support transit supportive land uses in new development.	<p><b>Consistent.</b> The Project, which would be located on an infill site within City limits near major transportation corridors and existing infrastructure, would support transit by providing a mix of land uses at a greater density of development than some nearby properties have been developed to. The new residents,</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>employees and other users of the Project Site would be potential users for existing and future transit routes near the Project Site.</p> <p>Moreover, the Project would be within walking distance of OCTA Route 38, which has a stop near the intersection of Santa Ana Canyon Road and South Roosevelt Boulevard. The Project would include the addition of sidewalks from the Project Site to an existing sidewalk that connects to this bus stop to facilitate ready access to available transit services provided by OCTA.</p> <p>The Project would also fund and install multi-use trail connections to facilitate alternative modes of transit.</p>
Goal 7.1	Protect and encourage bicycle travel.	<p><b>Consistent.</b> As detailed in the Specific Plan and described further in Section 3.0, Project Description, the Project would fund and install a sidewalk and a multi-use trail along Santa Ana Canyon Road and a multi-use trail that would improve access to currently under-utilized Deer Canyon Park Preserve. The multi-use trail facilities would also facilitate use of alternative modes of transit to other existing nearby uses, such as the Anaheim Hills Festival commercial center and other commercial and public-serving uses located nearby (e.g., grocery, big-box warehouse, restaurants, schools, and health club).</p> <p>The Project would provide sidewalks and pedestrian paths to provide internal circulation in the Project Site, and would incorporate commercial uses that would serve needs of Project residents and employees as well as the surrounding neighborhoods.</p> <p>See also Section 4.15, Transportation, for additional information and analysis in this regard.</p>
Goal 8.1	Protect and encourage pedestrian travel.	
Policy 1	Encourage and improve pedestrian facilities that link development to the circulation network and that serve as a transition between other modes of travel.	
Policy 2	Improve pedestrian and bicycle connections from residential neighborhoods to retail activity centers, employment centers, schools, parks, open space areas and community centers.	
Policy 6	When appropriate, walkways should include pedestrian amenities such as shade trees and/or plantings, trash bins, benches, shelters, and directional kiosks.	
Policy 7	Ensure that streets and intersections are designed to provide visibility and safety for pedestrians.	<p><b>Consistent.</b> As detailed in the Specific Plan and described further in Section 3.0, Project Description, the Project would provide parking as required by the AMC.</p>
Goal 12.1	Ensure adequate parking is made available to City residents, visitors, and businesses.	
Policy 1	Assess the adequacy of existing or proposed on- and off-street parking as needed, especially in urban and commercial areas, to ensure that an adequate supply is provided.	

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 5	Encourage the use of well-designed, aesthetically-enhanced parking structures as an alternative to large, expansive surface parking lots.	<b>Consistent.</b> As detailed in the Specific Plan and described further in Section 3.0, Project Description, the Project would include well-designed parking structures for the multiple-family residential and commercial uses that would be partially underground and that would otherwise be screened from public views to minimize aesthetic effect of the Project with vegetation and/or architectural elements.
<b>Green Element</b>		
Goal 1.1	Maintain strict standards for hillside grading to preserve environmental and aesthetic resources	<p><b>Consistent.</b> As detailed more fully in Section 3.0, Project Description, the Project would involve a substantial amount of grading activities and export of soil from the Project Site.</p> <p>Also, the Project would involve the removal of trees and other vegetation.</p> <p>However, the foregoing ground disturbance activities are necessary for the Project to avoid natural landforms and vegetation on the Project Site including ridgelines, natural open space areas, and several canyons. Disturbed portions of the Project Site would be re-planted with new trees and landscaping prior to the completion of construction. Moreover, the proposed uses would be clustered and located within the lower elevations; this would enable the Project to re-zone approximately 57% of the Project Site for open space, thereby allowing for the retention of natural landforms and natural vegetation within these lands.</p> <p>The Project would adhere to all applicable requirements of the City's Scenic Corridor Overlay regulations.</p> <p>Therefore, key visual components of the Project Site would be retained, and views would generally be maintained; however, there would be development and less visible, contiguous open space as a result of the Project as compared to existing conditions.</p>
Policy 1	Require that infill hillside development minimize alteration of the natural landforms and natural vegetation.	
Policy 2	Limit grading to the amount necessary to provide stable areas for structural foundations, street rights-of-way, parking facilities, and other intended uses.	<b>Consistent.</b> The Project's buildings have been clustered and sited and the grading approach has been developed so that the more visually significant ridgelines and hilltops on the Project Site would not be developed and so that the

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>overall grading footprint would be kept to a minimum to allow for the proposed buildings. Instead, the upper elevations of the Project Site – approximately 57% - would be zoned as Open Space, thereby enabling the retention of these lands in their existing open space condition along with their aesthetic, scenic and habitat qualities. The Project would generally preserve public views of existing backdrop ridgelines from off-site perspectives, with the addition of new structures at the lower elevations of the Project Site in the foreground of most of these views. This retention of the natural landscape outside of the development footprint would be accomplished through the export of soil from the Project Site and through the construction of retaining walls.</p> <p>See Section 3.0, Project Description, and Section 4.6, Geology and Soils for additional information and analysis in this regard.</p>
Policy 3	Minimize import/export associated with grading.	<p><b>Consistent.</b> The Project would involve a substantial amount of grading activities and export of soil from the Project Site.</p> <p>However, the amount of grading and the amount of soil needing to be exported has been reduced through the proposed construction of retaining walls.</p> <p>The Project's buildings have been clustered and sited and the grading approach has been developed so that the more visually significant ridgelines and hilltops on the Project Site would not be developed and so that the overall grading footprint would be kept to a minimum to allow for the proposed buildings. Instead, the upper elevations of the Project Site - approximately 57% - would be zoned as Open Space, thereby enabling the retention of these lands in their existing open space condition along with their aesthetic, scenic and habitat qualities. The Project would generally preserve public views of existing backdrop ridgelines from off-site perspectives, with the addition of new structures at the lower elevations of the Project Site in the foreground of most of these views.</p> <p>The Project would be required to adhere to the development standards and design</p>
Policy 4	Grading for infill projects should be kept to an absolute minimum, with developments following the natural contours of the land, and prohibited in steep slope areas.	
Goal 2.1	Preserve views of ridgelines, natural open space and other scenic vistas wherever possible.	
Policy 1	Control infill development on visually significant ridgelines, canyon edges and hilltops through sensitive site planning and appropriate landscaping to ensure development is visually unobtrusive.	

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		guidelines/policies in the Specific Plan, as well as the relevant provisions of the AMC such as the City's Scenic Corridor Overlay regulations. The foregoing would ensure that the Project incorporates thoughtful consideration and protection of visually sensitive ridgelines, canyon edges and hilltops, as well as sensitive site planning and appropriate landscaping to ensure development is visually unobtrusive. See Section 3.0, Project Description, and Section 4.1, Aesthetics, for additional information and analysis in this regard.
Policy 2	Encourage development that preserves natural contours and views of existing backdrop ridgelines or prominent views.	<p><b>Consistent.</b> As detailed in the Specific Plan and discussed more fully in Section 3.0, Project Description, the Project would avoid direct impacts to ridgelines and the slopes leading up to ridgelines within the Project Site. Most views of these ridgelines would be maintained with the Project, although the viewpoint of and from Santa Ana Canyon Road and Deer Canyon Road would be impacted.</p> <p>The Project includes terraced, rounded, and curved retaining walls to blend with the existing topography and to minimize grading.</p> <p>See Section 4.1, Aesthetics, and Section 4.6, Geology and Soils, for additional information and analysis in this regard.</p>
Policy 3	Continue to encourage landscape projects employing water efficient irrigation.	
Goal 6.1	Develop a Groundwater Protection Management Program to ensure the quality of groundwater drinking supplies.	<p><b>Consistent.</b> The northern portion of the Project Site is within an area identified as a groundwater protection zone in the City's Green Element.</p> <p>The purpose of the groundwater protection zone is to allow the City to develop a multi-faceted approach to protecting Anaheim's drinking water from contamination. The primary emphasis will be to provide educational outreach materials to inform businesses and residents how to properly manage materials and waste.</p> <p>Consistent with these goals/policies, the Project would include measures to avoid and minimize potential water quality effects during construction and operation of the Project, including development and implementation of a SWPPP and a Water Quality Management Plan.</p>
Policy 1	Develop and disseminate educational materials that describe the importance of protecting groundwater and management techniques for the proper storage and disposal of materials and waste.	
Policy 2	Include groundwater protection educational outreach efforts with Anaheim Fire Department hazardous materials and waste inspections.	
Policy 3	Continue to coordinate groundwater protection efforts with the Orange County Water District, neighboring cities and other relevant agencies.	



**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Goal 7.1	Reduce urban run-off from new and existing development.	<b>Consistent.</b> A Preliminary Water Quality Management Plan has been developed for the Project. Consistent with these goals and policies, which would be incorporated into a final Water Quality Management Plan approved by the City, and as discussed in detail in Section 3.0, Project Description, the Project would incorporate storm drain infrastructure that would be required to capture and treat stormwater from the Project Site using stormwater best management practices and pursuant to all other applicable requirements and standards prior to the stormwater being allowed to flow off-site as described in more detail in Section 4.9, Hydrology and Water Quality.
Policy 1	Ensure compliance with the Federal Clean Water Act requirements for National Pollutant Discharge Elimination System (NPDES) permits, including developing and requiring the development of Water Quality Management Plans for all new development and significant redevelopment in the City.	
Policy 2	Continue to implement an urban runoff reduction program consistent with regional and federal requirements, which includes requiring and encouraging the following: <ul style="list-style-type: none"> <li>• Increase permeable areas and install filtration controls (including grass lined swales and gravel beds) and divert flow to these permeable areas to allow more percolation of runoff into the ground;</li> <li>• Use natural drainage, detention ponds or infiltration pits to collect runoff; and,</li> <li>• Prevent rainfall from entering material and waste storage areas and pollution-laden surfaces.</li> </ul>	
Policy 4	Require new development and significant redevelopment to utilize site preparation, grading and best management practices that provide erosion and sediment control to prevent construction-related contaminants from leaving the site and polluting waterways.	<b>Consistent.</b> Project grading activities would disturb and expose soils on the Project Site and would require the hauling of soil off-site, which could result in substantial soil erosion and the loss of topsoil if not implemented consistent with applicable regulatory requirements. However, the Project would be required to adhere to all applicable federal, State, and local laws and regulations, including, among others, applicable provisions of the General Plan and the AMC. For example, as discussed in more detail in Section 4.9, Hydrology and Water Quality, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into "Waters of the U.S.". The Project's construction activities would be required to be conducted in compliance with the statewide NPDES General Permit for Storm Water Discharges Associated with the Construction and Land Disturbance Activities (Order No 2012-0006-DWQ, NPDES No. CAS000002), which was

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>adopted by the State Water Resources Control Board on July 17, 2012. Prior to construction, the Project would be required to develop a Storm Water Pollution Prevention Plan (SWPPP) that would outline construction stormwater Best Management Practices (BMPs) that would be implemented during construction to manage erosion, fugitive dust, and stormwater-related issues. With implementation of standard construction BMPs in accordance with a SWPPP, the Project's construction would result in less than significant impacts related to soil erosion and loss of topsoil.</p> <p>See also Section 4.6, Geology and Soil, for additional information and analysis in this regard.</p>
Policy 2	Regulate construction practices, including grading, dust suppression, chemical management, and encourage pre-determined construction routes that minimize dust and particulate matter pollution.	<p><b>Consistent.</b> The Project would implement stormwater BMPs during construction to manage erosion, fugitive dust, and stormwater-related issues.</p> <p>The Project would utilize a specified construction haul route to dispose of soil and other debris generated during the construction process. The haul route has been coordinated with and would be approved by City staff as part of the Project's Construction Management Plan.</p> <p>Haul trucks containing soils and debris would travel eastbound along Santa Ana Canyon Road to Weir Canyon Road, which is a designated truck route. Haul trucks would travel along Weir Canyon Road to Imperial Highway to Valencia Avenue to reach the landfill.</p> <p>See also Section 4.2, Air Quality, and Section 4.6, Geology and Soil, for additional information and analysis in this regard.</p>
Goal 9.1	Reduce single-occupancy vehicle trips	<p><b>Consistent.</b> The Project would encourage alternatives to single-occupancy vehicle trips by: providing a sidewalk connection along Santa Ana Canyon Road, funding and installing multi-use trail connections to nearby commercial and recreational facilities, and by implementing Transportation Demand Management (TDM) measures to reduce VMT generated by the Project, as outlined in more detail in Chapter 4.15, Transportation.</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		See also Section 4.7, Greenhouse Gas Emissions, for additional information and analysis in this regard.
Policy 3	Encourage use of vanpools and carpools by providing priority parking through the project design process.	<p><b>Consistent.</b> The Project would include priority parking for vanpools and carpools.</p> <p>See also Section 4.2, Air Quality, Section 4.5, Energy, Section 4.7, Greenhouse Gas Emissions, and Section 4.15, Transportation, for additional information and analysis in this regard.</p>
Policy 4	Encourage bicycle and pedestrian travel by improving the City's trail and bikeway Master Plan and by providing convenient links between the trail system and desired destinations.	<p><b>Consistent.</b> As detailed more fully in the Specific Plan and Section 3.0, Project Description, the Project would include a new sidewalk along Santa Ana Canyon Road and improved trail connections to Deer Canyon Park Preserve and nearby commercial, recreational and other uses, which would allow for residents and employees to informally interact to a greater extent than in existing conditions and provide convenient links between the trail system and desired destinations.</p> <p>Further, the Project, which would be developed on an infill site within City limits near major transportation corridors and existing infrastructure, includes a mix of land uses (i.e., higher density multiple-family and single-family residential as well as commercial and open space uses) consistent with Goal 11.1.</p> <p>The Project would support transit by providing a mix of land uses at a greater density of development than some nearby properties. The new residents, employees and other users of the Project Site would be potential users for existing and future transit routes near the Project Site.</p> <p>See Section 4.15, Transportation, for additional information and analysis in this regard.</p>
Goal 11.1	Encourage land planning and urban design that support alternatives to the private automobile such as mixed-use, provision of pedestrian amenities, and transit-oriented development.	

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 1	Encourage commercial growth and the development of commercial centers in accordance with the Land Use Element.	<p><b>Consistent.</b> Consistent with this policy, the Project would include commercial and other land uses that are similar to and compatible with the land uses that occur within the vicinity of the Project Site and along Santa Ana Canyon Road.</p> <p>The Project would include a General Plan amendment to redesignate approximately 11.82 acres for commercial uses. Accordingly, the Project would encourage commercial growth consistent with Policy 1. The Project's close proximity to other existing commercial uses, such as the Anaheim Hills Festival commercial center and other public-serving uses located nearby (e.g., grocery, big-box warehouse, restaurants, schools, and health club), would facilitate access, particularly via the new trail connections and roadway improvements that would be provided by the Project.</p> <p>The Project would include adoption of a Specific Plan and re-zoning of the Project Site to implement the newly adopted General Plan designations, generally consistent with existing zoning designations except as modified by the Specific Plan.</p> <p>Applicable policies from the City's Community Design Element have been incorporated into the Project. Views of natural open space areas and ridgelines have generally been preserved. Also, approximately 43.22 acres of the Project Site would be zoned as open space.</p>
Goal 14.1	Conserve natural habitat and protect rare, threatened and endangered species.	<p><b>Consistent.</b> The Project has been designed to cluster its uses on the lower elevations, which would allow for the re-zoning of approximately 43.22 acres of the Project Site – approximately 57% - as open space, all of which is USFWS-designated Critical Habitat for the federally Threatened coastal California gnatcatcher and much of which is suitable habitat for this species. In so doing, this would enable the retention of these lands in their existing open space condition with their related habitat, scenic and aesthetic qualities.</p> <p>However, the Project would result in the permanent removal of approximately 44.09 acres of Critical Habitat for the coastal California</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>gnatcatcher. Of this 44.09 acres, the Project would remove approximately 14.14 acres of occupied, suitable habitat for this species. A portion of the 14.14 acres of suitable habitat to be impacted was occupied by one nesting pair of coastal California gnatcatchers in the spring/summer of 2023. Also, indirect effects would occur to coastal California gnatcatcher and other wildlife adjacent to the Project Site during construction and operation of the Project. Feasible mitigation measures would be required to be implemented by the Project to avoid and minimize the effects, as described in more detail in Chapter 4.3, Biological Resources. The Project has been determined to have less than significant impacts related to biological resources with incorporation of mitigation.</p>
Goal 14.3	Ensure that future development near regional open space resources will be sensitively integrated into surrounding sensitive habitat areas.	<p><b>Consistent.</b> As detailed in the Specific Plan and Section 3.0, Project Description, the Project has been clustered and sited within the lower elevations to protect scenic resources and take into appropriate account surrounding sensitive habitat areas. The Project would re-zone approximately 43.22 acres of the Project Site -- approximately 57% -- as open space, thereby enabling these lands to be retained in their existing open space condition with their related habitat, scenic and aesthetic qualities. The Project's design has incorporated multi-use trails that would facilitate connections to open space and recreational resources, such as Deer Canyon Park Preserve, in a manner that is sensitive to biological resources.</p> <p>In general terms, to minimize impacts to scenic resources, the Project's buildings have been sited and the grading approach has been developed so that the more visually significant ridgelines and hilltops on the Project Site would not be developed. Instead, these upper elevations of the Project Site would be zoned as Open Space. The Project would generally preserve public views of existing backdrop ridgelines from off-site perspectives, with the addition of new structures at the lower elevations of the Project Site in the foreground of most of these views. This retention of the natural landscape outside of the development footprint would be accomplished</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>through the export of soil from the Project Site and through the construction of retaining walls.</p> <p>To minimize visual effects, slopes that would be disturbed during construction would be stabilized and re-planted in accordance with a tree re-planting and landscape plan to be reviewed and approved by the City in coordination with the Project's Specimen Tree Removal Permit requirements, which requires approximated [175?] 465 replacement trees be planted.</p> <p>Consistent with Goal 14.3 and as required by <b>MM BIO-10</b>, the Project's landscaping would include native plants from the Recommended Acceptable Fire Resistive Plant Species list maintained by Anaheim Fire and Rescue. To the extent feasible, transition zones would be landscaped to buffer adjacent natural habitats from human activity using native plantings (e.g., lemonade berry, western sycamore, coast live oak, etc.).</p> <p>See Section 4.1, Aesthetics, and Section 4.3, Biological Resources, for additional information and analysis in this regard.</p>
Policy 1	Require new development to mitigate light and glare impacts on surrounding sensitive habitat and open space areas, where appropriate.	<p><b>Consistent.</b> As discussed in the Specific Plan and Section 3.0 of the Project Description, the Project would result in new exterior lighting on a currently undeveloped site with no lighting in existing conditions. Also, the Project would add new structures that would include new windows and other exterior finishes, and involve the introduction of vehicles with headlights, which have the potential to result in new sources of light and glare for individuals off-site. Therefore, exterior lighting plans, exterior photometric study, and a Glare Report have been prepared for the Project, which have demonstrated that the Project would not result in any substantial exterior lighting or glare effects.</p> <p>See Section 4.1, Aesthetics, and Section 4.3, Biological Resources, for additional information and analysis in this regard.</p>
Goal 15.2	Continue to encourage site design practices that reduce and conserve energy.	<p><b>Consistent.</b> The Project would require energy during construction.</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 1	Encourage increased use of passive and active solar design in existing and new development (e.g., orienting buildings to maximize exposure to cooling effects of prevailing winds and locating landscaping and landscape structures to shade buildings).	<p>Also, the Project would result in new demands for energy during operation, including fuel that vehicles would use to access the Project Site. Also, the Project would require energy for the new buildings, the new exterior lighting, and the new traffic signal that would be built as part of the Project.</p> <p>The Project would be required to reduce and conserve energy through compliance with the applicable State of California's Title 24 Building Standards and CALGreen Code Standards as well as other applicable laws and regulations. For example, the latest building standards incorporate the CEC's building energy efficiency standards which would reduce energy consumption compared to buildings constructed under older building standards. The Project would also be required to include renewable energy generation and electric vehicle charging infrastructure which is more energy efficient than gasoline or diesel fueled passenger vehicles. Because the Project complies with the latest energy efficiency standards, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.</p> <p>See Section 4.5, Energy, and Section 4.7, Greenhouse Gas Emissions, for additional information and analysis in this regard.</p>
Policy 2	Provide adequate solid waste collection and recycling for commercial areas and construction activities.	<p><b>Consistent.</b> A Solid Waste Management Plan has been prepared for the Project, which provides details on waste truck circulation routes, bin and barrel storage, and how waste, recycling, and organics would be collected for each of the proposed land uses. The locations of trash/recycle collection routes and pick up locations for the Project are depicted in the waste management exhibit provided as Exhibit 3-21. Internal access roads for the Project are designed to accommodate the required truck turning radii for 35-foot-long trash trucks that are likely to service the Project once built. The Project would be required to adhere to all applicable laws and regulations in this regard. In so doing, the Project would provide adequate solid waste collection and recycling for its commercial areas and construction activities.</p>



**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		See Section 4.13, Public Services, for additional information and analysis.
Goal 17.1	Encourage building and site design standards that reduce energy costs.	<b>Consistent.</b> The Project would require energy during construction.
Policy 1	Encourage designs that incorporate solar and wind exposure features such as daylighting design, natural ventilation, space planning and thermal massing.	<p>Also, the Project would result in new demands for energy during operation, including, without limitation, fuel that vehicles would use to access the Project Site. Also, the Project would require energy for the new buildings, the new exterior lighting, and the new traffic signal that would be built as part of the Project, among other things.</p> <p>The Project would be required to reduce and conserve energy through compliance with the applicable State of California’s Title 24 Building Standards and CALGreen Code Standards. The latest building standards incorporate the CEC’s building energy efficiency standards which would reduce energy consumption compared to buildings constructed under older building standards. The Project would also be required to include renewable energy generation and electric vehicle charging infrastructure which is more energy efficient than gasoline or diesel fueled passenger vehicles. Because the Project would be required to comply with the latest energy efficiency standards, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.</p> <p><u>See Section 3.0, Project Description, Section 4.5, Energy, and Section 4.7, Greenhouse Gas Emissions, for additional information and analysis in this regard.</u></p>
Public Services and Facilities Element		
Policy 2	Ensure that adequate electricity capacity exists for planned development.	<p><b>Consistent.</b> The Project’s electricity demands during construction and operations were calculated as part of the Project’s overall energy analyses within Section 4.5, Energy, of this Draft EIR.</p> <p>The Project’s dry utility plans depict the Project’s proposed underground electrical lines that would connect the Project’s proposed commercial buildings and multiple-family residential building [as well as the proposed single-family homes??] to the existing electrical main line that is within</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>Santa Ana Canyon Road. The new electrical lines would generally be installed within joint utility trenches that would also contain natural gas lines and telephone/CATV/technology conduits.</p> <p>A will serve letter was received from APU on August 10, 2023, conditionally confirming that APU would be able to provide electrical service to the Project. APU mentioned in their letter that final confirmation of service could be provided during final design once more precise electrical load information and other such information is provided (City of Anaheim 2023i).</p> <p>The Project would not require or result in the relocation or construction of any new or expanded electrical facilities that could cause significant environmental effects. The only electrical facilities that would be implemented are those described above, which are accounted for in the impact analyses contained throughout this Draft EIR.</p> <p>The Project would be required to ensure that adequate electricity capacity exists to serve its proposed uses.</p> <p>See also Section 4.16, Utilities and Service Systems, for additional information and analysis in this regard.</p>
Goal 6.1	Maintain a storm drain system that will adequately protect and enhance the health, safety and general welfare of residents, visitors, employees, and their property.	<p><b>Consistent.</b> As discussed in Section 3.0, Project Description, and Section 4.9, Hydrology and Water Quality, the Project would increase impervious surface coverage in the Project Site given that it is currently primarily undeveloped; however, the Project has been designed and would be required to capture, to detain, and treat stormwater pursuant to all applicable standards. The Project's Preliminary Water Quality Management Plan confirms that the existing downstream storm drain system is capable of receiving flows from the Project.</p> <p>Moreover, the Project would re-zone approximately 43.22 acres – approximately 57% - of the Project Site, which would enable these lands to be retained in their existing, pervious open space condition.</p>
Policy 1	Improve the City's storm drain system to address current deficiencies as well as long-term needs associated with future development to minimize flood damage and adequately convey rainfall and subsequent runoff from a 25-year frequency storm.	
Policy 3	Minimize the amount of impervious surfaces in conjunction with new development.	

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<u>See also Section 4.14, Utilities and Service Systems, for additional information and analysis in this regard.</u>
Goal 7.1	Minimize, recycle and dispose of solid and hazardous waste in an efficient and environmentally sound manner.	<p><b>Consistent.</b> The Project would require the export of soil during construction. The Project would also generate other waste during construction. Projects requiring any building, construction, or demolition permits would be required to comply with all applicable laws and regulations including, without limitation, AB 939, SB 1016, and the CALGreen Code. Diversion through reuse, recycling, and/or composting of construction and demolition materials at City-approved facilities or by the Republic Services can achieve compliance. To meet these demands, the Project would be required to meet CalGreen's Construction and Demolition (C&amp;D) recycling requirement, which requires that all new construction projects shall divert at least 65 percent of the construction materials generated during the project.</p> <p>During operation of the Project, the Project would include recycling collection points for residents and employees to accommodate the solid waste generated during Project operation.</p> <p>See Section 4.8, Hazards and Hazardous Materials, and Section 4.13, Public Services, for additional information and analysis in this regard.</p>
Policy 2	Reduce the volume of material sent to solid waste sites in accordance with State law by continuing source reduction and recycling programs and by ensuring the participation of all residents and businesses.	
Goal 8.1	Coordinate with private utilities to provide adequate natural gas and communications infrastructure to existing and new development in a manner compatible with the surrounding community.	<p><b>Consistent.</b> The Project includes connections to private utilities sufficient to serve the proposed uses. Utility service availability has been confirmed with each of the primary service providers.</p> <p><u>See Section 4.5, Energy, and Section 4.14, Utilities and Service Systems, for additional information and analysis in this regard.</u></p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Goal 10.1	Improve the City’s appearance by mitigating the visual impacts of utility equipment and facilities.	<b>Consistent.</b> The Project would underground all proposed electrical facilities.  As detailed in the Specific Plan, all above-ground mechanical equipment would be screened from public views through the use of screen walls, landscaping, and/or by other means.  <u>See Section 3.0, Project Description, for additional information in this regard.</u>
Policy 2	Use a combination of architectural enhancements, equipment undergrounding, screen walls and landscaping to reduce or eliminate visibility of utility equipment and facilities, whenever feasible.	
Growth Development Element		
Goal 1.1	Provide a balance of housing options and job opportunities throughout the City.	<b>Consistent.</b> The Project would provide up to maximum total of 504 residential units (both multiple-family and single-family), most of which would be higher-density apartment units (with a range of unit sizes and price points). Near the Project Site, most residential units are single-family residential units; therefore, additional apartment units proposed by the Project would serve to further this goal of providing a variety of quality housing opportunities. Moreover, the Project would incorporate commercial uses, which would provide job opportunities.
Policy 3	Ensure a balance of retail, office, industrial and residential land uses to enhance the economic base of the City when considering land use changes.	<b>Consistent.</b> The Project would include a mix of residential, commercial, and open space land uses, which would enhance the City’s economic base through property tax and sales tax revenue.
Policy 1	Encourage development of vacant and underutilized infill sites where public services and infrastructure are available or can be efficiently accommodated.	<b>Consistent.</b> The Project would provide up to a maximum total of 504 residential units (as well as commercial and open space uses) on an infill site within City limits near existing infrastructure and public services.  The Project includes connections to private utilities sufficient to serve the proposed uses. Utility service availability has been confirmed with each of the primary service providers.  See Section 4.13, Public Services, and Section 4.14, Utilities and Service Systems, for additional information and analysis in this regard.
Goal 1.4	Develop land use strategies and incentives to reduce the amount of vehicle miles traveled within the City.	<b>Consistent.</b> The Project would increase vehicle miles traveled when compared to existing conditions in which the Project Site is undeveloped.

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>However, the Project would develop an infill site near existing public services and commercial/office uses and would include a maximum total of 504 residential units (primarily higher-density apartment units), along with commercial uses that would serve Project residents and employees as well as the surrounding neighborhoods, in an area of the metropolitan region that has a relatively dense concentration of jobs, in furtherance of this policy.</p> <p>See Section 4.15, Transportation, for additional information and analysis in this regard.</p>
Policy 2	Encourage higher density and/or mixed-use development along major transit corridors and/or at transit stops.	<p><b>Consistent.</b> The Project would be consistent with this policy by developing mixed uses, including higher density residential uses as well as commercial uses that would serve Project residents and employees as well as the surrounding neighborhoods, along a major transportation corridor with transit access.</p>
Goal 2.1	Reduce traffic congestion on the City's arterial highway system.	<p><b>Inconsistent.</b> Consistent with this policy, a Traffic Impact Analysis report was prepared for the Project, which is provided as Appendix L. Necessary transportation improvements have been identified therein, which will be funded by the Developer. This would include a new traffic signal at Santa Ana Canyon Road and Deer Canyon Road; widening and/or restriping of Santa Ana Canyon Road to provide an eastbound deceleration right-turn lane and a westbound left-turn lane</p> <p>Internal and external circulation plans have been submitted for review and have been refined in coordination with City staff. Also, the Project would include a sidewalk along Santa Ana Canyon Road and other transportation improvements. However, the Project would be inconsistent with this goal as it would increase vehicular congestion. However, pursuant to CEQA, vehicular delay in terms of LOS is no longer considered an environmental impact.</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 7	Improve traffic flow by reducing the number of curb cuts and encouraging driveway consolidation along arterial highways in conjunction with future development.	<p><b>Consistent.</b> As discussed in more detail in Section 3.0, Project Description, the Project's design has minimized the number of access points to the Project Site, thereby reducing the number of curb cut and encouraging driveway consolidation. The Project would include one new signalized intersection near where there is currently an unsignalized driveway. Also, the Project would add one additional new driveway to provide access to the commercial land uses within the eastern portion of the Project Site.</p> <p>See also the Traffic Impact Analysis report, which is provided as Appendix L, for additional information and analysis in this regard.</p>
Goal 2.2	Evaluate the traffic-related impacts of proposed developments and/or intensification of existing land uses and address said impacts.	<p><b>Consistent.</b> Consistent with this policy, a Traffic Impact Analysis report was prepared for the Project, which is provided as Appendix L. Necessary transportation improvements have been identified therein, which would be installed/funded by the Developer to ensure a proportionate fair share payment towards these improvements, which would serve the Project and other uses in the vicinity. This would include a new traffic signal at Santa Ana Canyon Road and Deer Canyon Road; widening and/or restriping of Santa Ana Canyon Road to provide an eastbound deceleration right-turn lane and a westbound left-turn lane.</p> <p>Internal and external circulation plans have been submitted for review and have been refined in coordination with City staff. Also, the Project would include a sidewalk along Santa Ana Canyon Road and other transportation improvements.</p> <p>The foregoing improvements would ensure that the Project would not result in an exceedance of applicable LOS standards.</p> <p>See also Section 4.15, Transportation, and the Traffic Impact Analysis report (Appendix L), for additional information and analysis in this regard.</p>
Policy 1	Continue to review development projects to ensure traffic-related impacts are addressed appropriately.	
Policy 4	Prior to issuing building permits for new development forecast to generate 100 or more peak hour (morning or evening) trip ends, require traffic impact analyses be completed that identify arterial and intersection improvements that may potentially be needed to provide not worse than LOS E along Interstates/State Routes/Smart Streets (unless current operation is LOS F), and not worse than LOS D along the balance of the arterials on the City's Circulation Element that are measurably impacted by the new development and are under the City's jurisdiction.	
Policy 5	Require development projects that exceed LOS standards beyond acceptable levels to provide necessary improvements and/or funding to mitigate said impacts, if determined necessary by the City.	

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Goal 3.1	Ensure the adequate provision of police, fire, library, parks and recreation, school, flood control and other public services and facilities as development occurs in "developing" areas of the City.	<p><b>Consistent.</b> Safety and the ability for public service providers to provide police, fire, and other services to the Project Site while maintaining existing service to others in the community is evaluated in more detail in Section 4.13, Public Services. The Project would not impair the City's ability to serve the Project and other existing and planned uses while still maintaining adequate levels of police, fire, library, parks, recreation, school, and flood control services.</p> <p>The Project would provide open space, trail and recreational facilities for its residents and employees as well as the broader community; would install and maintain storm drain, lighting and security improvements; and would be required to pay all applicable development impact fees to ensure the development "pays its own way" – this would enable the City to utilize these fees, in combination with other fees/funds, as the City determines appropriate and consistent with its capital improvement planning to continue to maintain acceptable service levels.</p> <p>See also Section 4.13, Public Services, for additional information and analysis in this regard.</p>
<b>Safety Element</b>		
Goal 1.1	A community prepared and responsive to seismic and geologic hazards.	<p><b>Consistent.</b> A Geotechnical Investigation Report was prepared for the Project to document the environmental setting for the Project Site and identify design-related recommendations. As described in Chapter 4.6, Geology and Soils, the Project Site has been evaluated for geologic issues including seismicity, expansion, landslides, liquefaction, etc. and the Project has been determined to be geotechnically feasible by the Project's geotechnical engineer. The Project Site has potentially expansive soils; therefore, additional soil sampling shall be conducted during final design and prior to issuance of a grading permit to confirm implementation of identified recommendations. Based on this additional sampling, the geotechnical consultant shall provide recommendations related to the expansion potential of the soils that are evaluated</p>
Policy 2	Minimize the risk to life and property through the identification of potentially hazardous geologic areas.	
Policy 3	Require geologic and geotechnical investigations in areas of potential seismic or geologic hazards as part of the environmental and/or development review process for all structures.	
Policy 4	Enforce structural setbacks from faults and other geologic hazards identified during the development review process.	
Policy 5	Enforce the requirements of the California Seismic Hazards Mapping and Alquist-Priolo Earthquake Fault Zoning Acts when siting, evaluating, and constructing projects within the City	



**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 6	Require that engineered slopes be designed to resist earthquake-induced failure.	to the Property Owner/Developer, which shall be incorporated into the Project's final design to the satisfaction of the City's Public Works Department.  Also, portions of the Project Site have high landslide susceptibility. The Project's proposed buildings would be designed in accordance with applicable provisions of the 2022 California Green Building Standards Code, which contains stringent standards regulating the design and construction of excavations, foundations, retaining walls, and other building elements to control the effects of seismic ground shaking and adverse soil conditions. Project implementation would also be required to comply with all applicable standards and requirements, including, without limitation, the recommendations outlined in the Geotechnical Investigation Report prepared for the Project. Based on the Geotechnical Investigation Report and adherence to all applicable laws and regulations, the Project is geotechnically feasible provided that the recommendations in the report are reviewed and integrated in the context of the final Project design and are incorporated during the Project's construction phase.  See also Section 4.8, Hazards and Hazardous Materials, for additional information and analysis in this regard.
Policy 9	Require new construction, redevelopment, and major remodels located within potential landslide areas be evaluated for site stability, including the potential impact to other properties, during project design and review.	
Goal 2.1	A community protected and prepared for urban and wildland fires.	<b>Consistent.</b> The Project would introduce additional residents, employees, and visitors to an area that is within the urban wildland interface and designated as a Very High Fire Hazard Severity Zone, similar to other lands in the vicinity.  Through the addition of new residents, employees, and other site users, the Project would result in it taking longer (conservatively estimated to be approximately 24 additional minutes) for existing residents to evacuate during future wildfire events.  However, as detailed in Section 3.0, Project Description, the Project would incorporate numerous design features that would help reduce fire risk, increase emergency access, and increase
Policy 2	Effectively enforce City and State regulations within the VHFHSZ and incorporate new techniques and best practices as they become available to reduce future risks to existing and new developments	
Policy 4	Minimize urban and wildland fire exposure for residents, business owners, and visitors by incorporating Fire Safe Design into existing and new developments	

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>wildfire resilience with respect to the Project Site and surrounding neighborhoods. The foregoing would help to reduce the need for emergency access and evacuations in the first instance. Under the Emergency Operations Plan, evacuation is advised to occur through the most reasonable safe exits out of the City. Therefore, it is anticipated that the Project would be able to utilize Santa Ana Canyon Road to safely evacuate, consistent with the policies and programs in the Emergency Operations Plan. Moreover, the Project would be required to adhere to all applicable laws and regulations as well as plans and programs, including those set forth in the Building, Fire and CALGreen Codes, the General Plan, the Municipal Code, the City's Emergency Operations Plan, the Be Ready Anaheim plan, and the City's Know Your Way initiative. In addition, the Project would be required to implement <b>MM HAZ-4</b> and <b>MM HAZ-5</b> to reduce impacts in this regard.</p> <p>An analysis of public services to accommodate the Project is provided in Chapter 4.13, Public Services.</p> <p>An analysis of wildfire risk to people and structures and an analysis of Project effects relating to emergency evacuation plans is provided in Chapter 4.8, Hazards and Hazardous Materials.</p> <p>Also, an overall analysis of wildfire is provided in Chapter 4.18, Wildfire.</p>
Policy 7	Expand vegetation management activities in areas adjacent to wildland fire prone areas.	<p><b>Consistent.</b> As detailed in Section 3.0, Project Description, the Project would include fuel modification zones around all proposed buildings.</p> <p>See Section 4.8, Hazards and Hazardous Materials, and Section 4.18, Wildfire, for additional information and analysis in this regard.</p>
Policy 8	<p>Refine procedures and processes to minimize the risk of fire hazards in the Special Protection Area including requiring new development to:</p> <ul style="list-style-type: none"> <li>• Utilize fire-resistant building materials;</li> <li>• Incorporate fire sprinklers as appropriate; SAFETY ELEMENT 18 Anaheim Safety Element   City Council Adopted   January 2023</li> </ul>	<p><b>Consistent.</b> As detailed in Section 3.0, Project Description, the Project would be required to adhere to all of the standards and programs set forth in Policy 8, including, without limitation, utilizing fire-resistant building materials and incorporating fire sprinklers and fire hydrants. Defensible space and fuel modification zones would be provided around all proposed buildings.</p>

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
	<ul style="list-style-type: none"> <li>• Incorporate defensible space requirements;</li> <li>• Comply with Anaheim Fire Department Fuel Modification Guidelines;</li> <li>• Provide Fire Protection Plans; and,</li> <li>• Implement a Vegetation Management Plan, which results in proper vegetation modification on an ongoing basis within the Special Protection Area.</li> <li>• Develop fuel modification in naturalized canyons and hills to protect life and property from wildland fires, yet leave as much of the surrounding natural vegetation as appropriate.</li> <li>• Require development to use plant materials that are compatible in color and character with surrounding natural vegetation.</li> <li>• Provide wet or irrigated zones when required.</li> </ul>	See Section 4.8, Hazards and Hazardous Materials, and Section 4.18, Wildfire, for additional information and analysis in this regard.
Policy 13	<p>All development projects within the VHFHSZ must prepare a Fire Protection Plan (FPP) to reduce or eliminate fire threats. FPPs shall be consistent with the following guidance: (New Policy) A Fire Protection Plan (FPP) may be required by the fire code official for new development within the Very High Fire Hazard Severity Zones (VHFHSZ). FPPs are required to include mitigation strategies that consider location, topography, geology, flammable vegetation, sensitive habitats/species, and climate of the proposed site. FPPs must address water supply, access, building ignition, and fire resistance, fire protection systems and equipment, proper street signage, visible home addressing, defensible space, vegetation management, and long-term maintenance. All required FPPs must be consistent with the requirements of the California Building and Residential Codes, the California Fire Code as adopted by the City of Anaheim, and the City of Anaheim Municipal Code.</p>	<p><b>Consistent.</b> Pursuant to the requirements set forth in Policy 13., a Fire Protection Plan has been prepared for the Project, which is provided as Appendix R (Fire Safe Planning Solutions 2024a). Hardening strategies have been incorporated into the Project's design based on recommendations from the Project's Fire Protection Plan, including recommendations for: fuel modification zones; landscaping; fire hydrant placement; etc. The Project would be required to adhere to all mandates and standards set forth in the approved Fire Protection Plan, and would be required to adhere to all other applicable standards and mandates including those set forth in the California Building and Residential Codes, the California Fire Code as adopted by the City of Anaheim, and the City of Anaheim Municipal Code.</p> <p>See Section 4.8, Hazards and Hazardous Materials, and Section 4.18, Wildfire, for additional information and analysis in this regard.</p>

**TABLE 4.10-3**  
**CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES**  
**CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Goal 3.1	A community resilient to the effects of flooding and dam inundation hazards.	<p><b>Consistent.</b> The Project has been designed to minimize potential effects of flooding from rain events or from dam inundation events. Specifically, the Project's structures are proposed to be constructed at higher elevations than the dam inundation zone for Prado Dam. The Project's structures would also be outside of areas designated as floodplains.</p> <p>See Section 4.8, Hazards and Hazardous Materials, for additional information and analysis in this regard.</p>
Policy 5	Encourage new development to maintain and enhance existing natural streams, as feasible.	<p><b>Consistent.</b> The Project would avoid impacts to the larger drainage feature on the Project Site; however, the Project would result in permanent impacts to some dry upland washes. Permanent impacts to these features would be mitigated for through the regulatory permitting process, as detailed more fully in Section 4.3, Biological Resources.</p> <p>The Project would re-zone approximately 43.22 acres – approximately 57% – of the Project Site for open space, thereby enabling these lands to be retained in their existing open space condition along with their related habitat, scenic and aesthetic qualities.</p>
Policy 3	Require new development within a designated floodplain or fire hazard severity zone to submit fire and/or flood safety plan for approval by the Fire Department and Floodplain Administrator	<p><b>Consistent.</b> The Project Site is not located within a designated floodplain. Consistent with this policy, the Project has been designed in coordination with the City's Fire and Rescue and Public Works staff.</p> <p>See Section 4.8, Hazards and Hazardous Materials, and Section 4.18, Wildfire, for additional information and analysis in this regard.</p>
Goal 6.1	A city that prioritizes emergency preparedness and public awareness of community risks.	<p><b>Consistent.</b> During operation of the Project, based on conservative assumptions, the Project would increase the amount of time (by approximately 24 minutes) it would take to evacuate the Project Site and nearby neighborhoods/businesses during an evacuation event. However, as discussed in Chapter 4.8, Hazards and Hazardous Materials, the increased delays for evacuation events would not be significant given that the Project would not result in any people or structures being placed at</p>
Policy 5	Ensure access routes to and from hazard areas relative to the degree of development or use (e.g., road width, road type, length of dead-end roads, etc.) are adequately designed and sized to accommodate anticipated needs.	
Goal 7.1	A city that can effectively respond and evacuate during hazard events.	

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 3	Ensure all new development and redevelopment projects provide adequate ingress/egress for emergency access and evacuation.	significant risk of loss, injury, or death from a wildfire event, nor would the Project impair implementation of an evacuation plan. Moreover, as detailed in Section 3.0, Project Description, the Project would incorporate numerous design features that would help reduce fire risk, increase emergency access, and increase wildfire resilience with respect to the Project Site and surrounding neighborhoods. The foregoing would help to reduce the need for emergency access and evacuations in the first instance. Under the Emergency Operations Plan, evacuation is advised to occur through the most reasonable safe exits out of the City. Therefore, it is anticipated that the Project would be able to utilize Santa Ana Canyon Road to safely evacuate, consistent with the policies and programs in the Emergency Operations Plan. Finally, the Project would be required to adhere to all applicable laws and regulations as well as plans and programs, including those set forth in the Building, Fire and CALGreen Codes, the General Plan, the Municipal Code, the City's Emergency Operations Plan, the Be Ready Anaheim plan, and the City's Know Your Way initiative. In addition, the Project would be required to implement <b>MM HAZ-4</b> and <b>MM HAZ-5</b> to reduce impacts in this regard.  See Section 4.8, Hazards and Hazardous Materials, and Section 4.18, Wildfire, for additional information and analysis in this regard.
<b>Noise Element</b>		
Goal 1.1	Protect sensitive land uses from excessive noise through diligent planning and regulation.	<b>Consistent.</b> The Project would result in construction noise and operational noise from both mobile and stationary sources including, for example, vehicles, HVAC equipment, the rooftop deck, etc. Noise analyses have been conducted for the Project, which have determined that the Project would not result in any significant noise effects to nearby residences or other receptors. More information on Project noise effects is provided in Chapter 4.11, Noise.
Policy 2	Continue to enforce acceptable noise standards consistent with health and quality of life goals and employ effective techniques of noise abatement through such means as a noise ordinance, building codes, and subdivision and zoning regulations.	
Policy 3	Consider the compatibility of proposed land uses with the noise environment when preparing, revising or reviewing development proposals.	
Policy 5	Encourage proper site planning and architecture to reduce noise impacts.	

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 7	Require site-specific noise studies be conducted by a qualified acoustic consultant utilizing acceptable methodologies while reviewing the development of sensitive land uses or development that has the potential to impact sensitive land uses.	
Policy 3	Require that development generating increased traffic and subsequent increases in the ambient noise level adjacent to noise-sensitive land uses provide appropriate mitigation measures.	
Policy 3	Enforce standards to regulate noise from construction activities. Particular emphasis shall be placed on the restriction of the hours in which work other than emergency work may occur. Discourage construction on weekends or holidays except in the case of construction proximate to schools where these operations could disturb the classroom environment.	
Policy 4	Require that construction equipment operate with mufflers and intake silencers no less effective than originally equipped.	
Policy 5	Encourage the use of portable noise barriers for heavy equipment operations performed within 100 feet of existing residences or make applicant provide evidence as to why the use of such barriers is infeasible.	
Community Design Element		
Goal 1.1	Create an aesthetically pleasing and unified community appearance within the context of distinct districts and neighborhoods.	<b>Consistent.</b> As discussed in detail in the Specific Plan and Section 3.0, Project Description, the Project has been designed consistent with aesthetic-related requirements contained in the City’s Community Design Element and in the AMC (e.g., Scenic Corridor Overlay regulations), and would be required to adhere to the foregoing as well as the development standards and design guidelines and policies set forth in the Specific Plan.  See Section 4.1, Aesthetics, for additional information and analysis in this regard.
Policy 4	Pursue unifying streetscape elements for major corridors, including coordinated streetlights, landscaping, public signage and street furniture, to reinforce Anaheim’s community image.	<b>Consistent.</b> As discussed in detail in the Specific Plan and Section 3.0, Project Description, the Project would including significant landscaping (approx. 11.50 acres in total) throughout the Project Site and its frontage that would similar to

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		and compatible with other landscaping that already exists along Santa Ana Canyon Road. Streetlights and signage would be incorporated that are similar to and compatible with existing streetlights along Santa Ana Canyon Road. All of the foregoing would facilitate implementation of a unified, cohesive streetscape and lighting design, which would reinforce Anaheim's community image.
Policy 5	Identify and preserve/enhance view corridors for major landmarks, community facilities, and natural open space in the planning and design of all public and private projects.	<p><b>Consistent.</b> As discussed in detail in the Specific Plan and Section 3.0, Project Description, the Project includes development of a thoughtfully-sited, mixed-use development that would have high quality architecture and exterior building materials/finishes. Trees and other vegetation would need to be removed for the Project; however, the Project would replace trees that are removed and a tree re-planting and landscaping plan would be implemented to minimize visual effects of the Project. The Project would include buildings that would be similar to and compatible with other buildings along Santa Ana Canyon Road. As described in Chapter 4.1, Aesthetics, the Project has been designed to minimize visual effects to aspects of the visual resources that are important in this area of the City, which include views of ridgelines, slopes, and natural areas. The Project would be clustered and sited at the lower elevations, and thus generally retain public views of ridgelines, natural slopes, and natural areas in the upper portions of the Project Site. Also, approximately 43.22 acres of the Project Site would be re-zoned as Open Space, which would allow for retention of these lands in their existing open space condition with their related aesthetic, scenic and habitat qualities.</p> <p>However, the Project would result in development on currently vacant private property, which would represent change. This change would be especially evident for the residents of the single-family residences to the west of the Project Site and for those individuals that utilize informal access trails to regularly traverse the Project Site to access Deer Canyon Park Preserve. These individuals would experience change including additional human activity and ground disturbance that would occur,</p>



**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		<p>and the concomitant environmental effects. In short, the existing conditions would not be preserved with implementation of the Project and development would occur. However, these effects have been evaluated in this Draft EIR and have been found to be less than significant with mitigation incorporated to the extent feasible. Although these effects may not be significant pursuant to CEQA, it is reasonable to assume that some individuals in the vicinity would like to keep enjoying the undeveloped condition of the Project Site.</p> <p>Development standards and design policies have been developed in the Specific Plan that would guide future development in the Project Site. Moreover, the Project would be required to adhere to all other applicable mandates and standards such as the City's Scenic Corridor regulations.</p> <p>The foregoing would ensure that view corridors are identified and preserved for major landmarks, community facilities, and natural open space in the planning and design of all public and private projects.</p> <p>See Section 4.1, Aesthetics, for additional information and analysis in this regard.</p>
Policy 7	Screen public and private facilities and above-ground infrastructure support structures and equipment, such as electrical substations, and water wells and recharge facilities, with appropriately scaled landscaping or other methods of screening.	<p><b>Consistent.</b> The Project would underground all proposed electrical facilities.</p> <p>As detailed in the Specific Plan and Section 3.0, Project Description, the Project would be required to implement sensitive site design and construction techniques to minimize visual impacts of public and private facilities. For example, all above-ground mechanical equipment would be screened from public views through the use of screen walls, landscaping, and/or by other means.</p> <p>The Project would also incorporate significant landscaping (approx. 11.50 acres in total) throughout the Project Site, including the nearby arterial corridor of Santa Ana Canyon Road, and would be required to prepare and implement</p>
Policy 8	Construct public and private facilities and support structures (e.g., water pipes, irrigation and electrical controls, vents) to blend with the surrounding environment.	
Policy 9	Minimize visual impacts of public and private facilities and support structures through sensitive site design and construction. This includes, but is not limited to: appropriate placement of facilities; undergrounding, where possible; and aesthetic design (e.g., cell tower stealthing).	

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Goal 2.1	Attractively landscape and maintain Anaheim's major arterial corridors and prepare/ implement distinctive streetscape improvement plans.	distinctive streetscape improvement plans approved by the City.
Policy 2	Use landscaping and facade articulation to break up long stretches of walls associated with residential development along major corridors.	<b>Consistent.</b> As detailed in the Specific Plan and Section 3.0, Project Description, the Project's buildings would incorporate landscaping (approx. 11.50 acres in total) and façade articulation, which would help to ensure no long stretches of walls along major corridors.
Policy 4	Ensure adherence to sign regulations, which address issues of scale, type, design, materials, placement, compatibility, and maintenance for uses along freeways, toll roads and major arterial corridors.	<b>Consistent.</b> As detailed in the Specific Plan and Section 3.0, Project Description, the Project's signage would comply with applicable requirements contained in the AMC.
Goal 4.1	Multiple-family housing is attractively designed and scaled to complement the neighborhood and provides visual interest through varied architectural detailing.	<b>Consistent.</b> As detailed in the Specific Plan and Section 3.0, Project Description, the Project has been designed to include varied architectural detailing. The Project would be similar in scale to help ensure compatibility with nearby uses, with its use of exterior building materials similar to several buildings along Santa Ana Canyon Road in the City's Scenic Corridor Overlay Zone. The Project's proposed multiple-family residential building has been integrated into the Project Site, with the perception of its scale reduced through its siting on the lower elevations; the removal of soil from the Project Site; and through the construction of retaining walls, which allow for the building to be built near the toe of the existing slope. Therefore, while the building would be built at a greater density than the single-family residences to the west of the Project Site, the design of the building and its location within the Project Site result in it being appropriately scaled for the overall location of the Project Site on Santa Ana Canyon Road.  The Project's mid-century modern architectural style, along with other design elements reflecting articulation, balconies, window treatments, and appropriate use of varied colors and building materials, as further detailed in the Specific Plan, would ensure the Project is visually interesting and aesthetically pleasing, and not visually monotonous.
Policy 1	Reduce the visual impact of large-scale, multiple-family buildings by requiring articulated entry features, such as attractive porches, and detailed facade treatments, which create visual interest and give each unit more personalized design.	
Policy 2	Discourage visually monotonous, multiple-family residences by incorporating different architectural styles, a variety of rooflines, wall articulation, balconies, window treatments, and varied colors and building materials on all elevations.	

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 3	Require appropriate setbacks and height limits to provide privacy where multiple-family housing is developed adjacent to single-family housing.	<p><b>Consistent.</b> The Project has been designed consistent with required setbacks and building height limits pursuant to applicable mandates and standards, including those set forth in the City's Scenic Corridor overlay regulations. Due to its placement at the toe of the existing slope generally within an existing canyon, the proposed multiple-family residential building would not result in any substantial privacy effects for neighboring single-family residences, which are built upon the top and set back from a hillside bluff to the west of the Project Site.</p> <p>See Section 3.0, Project Description, and the Specific Plan, for additional information in this regard.</p>
Policy 4	Reduce the visual impact of parking areas by utilizing interior courtyard garages, parking structures, subterranean lots, or tuck-under, alley-loaded designs.	<p><b>Consistent.</b> As detailed more fully in the Specific Plan and Section 3.0, Project Description, the Project would include parking structures that would be partially underground and that would otherwise be screened from public views to minimize aesthetic effect of the Project.</p>
Policy 6	Provide usable common open space amenities. Common open space should be centrally located and contain amenities such as seating, shade and play equipment. Private open space may include courtyards, balconies, patios, terraces and enclosed play areas.	<p><b>Consistent.</b> As detailed more fully in the Specific Plan and Section 3.0, Project Description, the Project would include significant and varied common and private open space amenities consistent with this policy.</p>
Policy 7	Where a multiple-story apartment building abuts single-story development, provide for a gradual transition in height by reducing the height of the building adjacent to the smaller scale use.	<p><b>Consistent.</b> As detailed more fully in the Specific Plan and Section 3.0, Project Description, the Project's grading, retaining walls, and placement of the proposed multiple-family residential building have been designed to minimize vertical intrusion for single-family residences to the west of the Project Site. The Project would be required to adhere to all applicable development standards, including height limitations, in accordance with the Specific Plan and the City's Scenic Overlay Corridor regulations.</p> <p>See Section 4.1, Aesthetics, for additional information and analysis in this regard.</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 8	Provide safe and convenient pedestrian and bicycle access from multiple-family development to nearby commercial centers, schools, and transit stops.	<p><b>Consistent.</b> As detailed more fully in the Specific Plan and Section 3.0, Project Description, the Project would provide a sidewalk and a multi-use trail along Santa Ana Canyon Road and a multi-use trail that would improve access to Deer Canyon Park Preserve.</p> <p>The Project would provide Class III bicycle lanes within the streets in the Project Site as well as sidewalks and pedestrian paths to provide internal circulation in the Project Site.</p> <p>The foregoing improvements would provide safe and convenient pedestrian, bicycle and equestrian access from the Project Site to nearby recreational and open space amenities as well as nearby commercial centers and transit stops.</p>
Policy 9	Where possible, underground or screen utilities and utility equipment or locate and size them to be as inconspicuous as possible.	<p><b>Consistent.</b> As detailed more fully in the Specific Plan and Section 3.0, Project Description, new electrical facilities to serve the Project would be undergrounded. No overhead power lines are proposed by the Project. Above-ground utility facilities would be screened or landscaped from public views.</p>
Policy 10	Encourage multi-family housing developers to comply with Residential Voluntary Measure A4.106.9.2 of the California Green Building Standards Code that outlines the provision of long-term parking for multi-family buildings.	<p><b>Consistent.</b> As detailed more fully in the Specific Plan and Section 3.0, Project Description, the Project would comply with applicable parking requirements.</p>
Goal 11.1	Architecture in Anaheim has diversity and creativity of design and is consistent with the immediate surroundings.	<p><b>Consistent.</b> As detailed more fully in the Specific Plan and Section 3.0, Project Description, the Project includes development of a mixed-use development that reflects diversity and creativity in design while ensuring consistency with the immediate surroundings. The Project would have thoughtful site planning, as well as high quality architecture and exterior building materials/finishes. Trees and other vegetation would need to be removed for the Project; however, the Project would replace trees that are removed and a tree re-planting and landscaping plan (approx. 11.50 acres in total) would be implemented to minimize visual effects of the</p>
Policy 1	In areas of diverse character, encourage project design that represents architectural elements of the neighborhood or surrounding commercial areas.	
Policy 2	Encourage architectural designs that are visually stimulating and varied, yet tasteful, containing rich contrasts and distinctive architectural elements.	
Policy 3	Ensure that the scale, materials, style and massing of new development is consistent with its surroundings and any larger vision for an area.	

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 4	Add visual richness to residential streets by discouraging the same building elevations on adjacent lots and avoiding repetitious elements and colors.	<p>Project. The Project would include buildings that would be similar to and compatible with other buildings, in massing and scale, along Santa Ana Canyon Road. As described in Chapter 4.1, Aesthetics, the Project has been designed to minimize visual effects to aspects of the visual resources that are important in this area of the City, which include views of ridgelines, slopes, and natural areas. The Project would generally retain public views of ridgelines, natural slopes, and natural areas in the upper portions of the Project Site. Also, approximately 43.22 acres of the Project Site would be re-zoned as Open Space, which would allow for the retention of these lands in their existing open space condition with their related aesthetic, scenic and habitat qualities.</p> <p>However, the Project would result in development on an undeveloped Project Site, which would represent change. This change would be especially evident for the residents of the single-family residences to the west of the Project Site and for those individuals that currently use informal access trails to regularly traverse the Project Site to access Deer Canyon Park Preserve. These individuals would experience change including additional human activity and ground disturbance would occur, and the concomitant environmental effects. In short, the existing conditions would not be preserved with implementation of the Project and development would occur. However, these effects have been evaluated in this Draft EIR and have been found to be less than significant with mitigation incorporated to the extent feasible. Although these effects may not be significant pursuant to CEQA, it is reasonable to assume that some individuals in the vicinity would like to continue enjoying the undeveloped condition of the Project Site.</p> <p>Development standards and design policies and guidelines have been developed in the Specific Plan that would guide future development in the Project Site, which would add visual richness to residential streets by discouraging the same building elevations on adjacent lots and avoiding repetitious elements and colors.</p>

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
		See Section 4.1, Aesthetics, for additional information in this regard.
Policy 5	Encourage energy and environmental efficiency – such as “Green Development Standards” (see Green Element) – in the design and approval of new projects.	<b>Consistent.</b> The Project’s buildings would be constructed in accordance with all applicable laws and regulations including, without limitation, the then-current energy efficiency requirements contained in the State Building Code, CALGreen Code and in the AMC. More information on Project energy effects is provided in Section 4.5, Energy, and Section 4.7, Greenhouse Gas Emissions.
Goal 21.1	Preserve the Hill and Canyon Area’s sensitive hillside environment and the community’s unique identity.	<b>Consistent.</b> As discussed in detail in the Specific Plan and Section 3.0, Project Description, the Project has been designed to preserve and respect the area’s sensitive hillside environment and unique identity. This occurs through the Project’s site plan that clusters buildings and located these at the lower elevations. Approximately 57% of the Project Site would be re-zoned as open space, which allows for the retention of these lands in their existing open space condition with their related aesthetic, scenic and open space qualities. The Project would be required to include re-planting of all areas that are disturbed by grading and not permanently impacted. These areas would be landscaped (approx. 11.50 acres in total) in compliance with the applicable provisions of AMC Section 10.19 to ensure appropriate water conservation features are incorporated into development pursued under the Specific Plan. Landscaping would also be required to comply with the City’s Guidelines for Implementation of the City of Anaheim Landscape Water Efficiency Ordinance.  Also, the Project would comply with the City’s Scenic Corridor Overlay Zone requirements, as described in more detail in Chapter 4.1, Aesthetics. See also Section 4.3, Biological Resources, for additional information and analysis in this regard.
Policy 1	Reinforce the natural environment of the area through appropriate landscaping and the preservation of open space.	
Policy 2	Require compliance with the Scenic Corridor Overlay Zone to reinforce quality development standards and guidelines compatible with the hillside area.	
Policy 4	Encourage the siting of housing development below the existing ridgelines to preserve unimpeded views of existing natural contours.	<b>Consistent.</b> As discussed in more detail in the Specific Plan and Section 3.0, Project Description, the Project would avoid direct impacts to

**TABLE 4.10-3  
CONSISTENCY OF THE PROJECT WITH GOALS AND POLICIES  
CONTAINED IN THE CITY'S GENERAL PLAN**

City of Anaheim General Plan Goal or Policy		Consistency Analysis
Policy 5	Use grading techniques that incorporate rounded slopes or curved contours to minimize disturbance to the site and to blend with the existing topography.	<p>ridgelines and the slopes leading up to ridgelines within the Project Site. Most views of these ridgelines would be maintained with the Project, with the exception of from the viewpoint at Santa Ana Canyon Road and Deer Canyon Road.</p> <p>The Project would involve the siting of buildings in the lower elevations in clusters, and would include terraced, rounded, and curved retaining walls to blend with the existing topography and to minimize grading.</p> <p>See Section 4.1, Aesthetics, and Section 4.3, Biological Resources, for additional information and analysis in this regard.</p>
Policy 6	Where grading has occurred, revegetate primarily with drought-tolerant native species to control erosion and create a more environmentally sound condition.	<p><b>Consistent.</b> As discussed in more detail in the Specific Plan and Section 3.0, Project Description the Project would include re-planting of all areas that are disturbed by grading and not permanently impacted. These areas would be landscaped (approx. 11.50 acres in total) in compliance with the applicable provisions of AMC Section 10.19 to ensure appropriate water conservation features and erosion control measures are incorporated into development pursued under the Specific Plan. Landscaping would also be required to comply with the City's Guidelines for Implementation of the City of Anaheim Landscape Water Efficiency Ordinance.</p> <p>See Section 4.6, Geology and Soils, and Section 4.9, Hydrology and Water Quality, for additional information and analysis in this regard.</p>



## ***Anaheim Municipal Code***

The Project's proposed Specific Plan provides zoning and development standards for the uses within the Project Site. As required by Government Code Section 65451 and in accordance with Section 18.72.030 of the AMC, the Project's Specific Plan includes a statement of its relationship to the City's General Plan and includes text and images that specify the distribution, location, and extent of the uses of land, including open space, within the Project Site. The Project's proposed Specific Plan sets forth regulations and development standards that would govern development within the Project Site. When a specific plan that also serves as zoning is adopted, such as the case here, the specific plan shall supersede the Zoning Ordinance Code (as indicated) and the specific plan becomes an independent set of regulations for the specific plan area. Accordingly, the provisions of the Specific Plan would govern development within the Project Site and would supersede provisions of the Zoning Code and other provisions with the AMC, as specified more fully therein. Where the Project's Specific Plan is silent, with respect to a specific development standard, requirement or other regulation, the relevant section(s) and requirement(s) of Title 18, Zoning Ordinance Code, of the AMC would apply. Notwithstanding the foregoing, if there is a conflict between provision(s) in the Project's Specific Plan and the AMC (including, without limitation, the Zoning Code), the Specific Plan would control and prevail.

Even without a specific plan, authorization to deviate from requirements set forth in the AMC is allowed pursuant to Section 17.06.048.030 (Deviations regarding crib or retaining walls) and Section 17.06.280 (Alternate Methods). Section A.1 of the Project's Specific Plan sets forth specific development standards that deviate from the AMC pursuant to Section 18.72.030 of the AMC.

These proposed deviations from the AMC related to grading, retaining walls, public views, road standards, and equestrian trail standards along with a rationale for each deviation are provided in Table 4.10-4.

**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
<b>Retaining Walls</b>		
18.46.120 Crib Retaining Walls  17.06.048. Crib Walls and Retaining Walls .020.0201 Maximum Height 10'  .020.0202 Brow Ditch	<ul style="list-style-type: none"> <li>• Standard retaining walls taller than 6' are allowed in specific plan.</li> <li>• Retaining walls (block or concrete) 14' or less are allowed.</li> <li>• Mechanical stabilized earth (MSE) less than 30' for individual walls are allowed.</li> <li>• Structural designed walls 60' or less as combined retaining wall (soil cement, caisson, tie backs, or similar structural design) are allowed as designed by geologist/soils engineer.</li> <li>• Brow ditch or V-ditch may be minimized if retaining walls do not cause a need for a brow ditch.</li> <li>• Terraces may be sloped, landscaped, and may include a support drainage system.</li> <li>• If greater natural open space areas are desired, then walls can be combined to reduce the number of terraces, the same as West Walls described below.</li> </ul> <b>Wall Locations</b> <ul style="list-style-type: none"> <li>• Hills Club &amp; Preserve Apartments - Multi-Family Lot 1 Area:</li> <li>• Wall Height ranges. All subject to geotechnical engineering design and soil stability requirements. Heights may vary +/- 3'.</li> <li>• East Wall: 0-14' allow 3 terraces, 3 walls</li> <li>• East Wall: 0-10' allow 5 terraces, 5 walls placed above 14' wall terraces.</li> <li>• Wall terraces may be combined per geotechnical requirements.</li> <li>• If greater natural open space areas are desired, then walls can be combined to reduce the number of terraces.</li> <li>• West Walls: 0-30' allow 1 terrace, and 2 walls not to exceed 60' for 2 terraces. 30' or less walls may be combined if designed as one structural system.</li> </ul>	<ul style="list-style-type: none"> <li>• The Project Site has varied topography and geologic conditions that depend on slope stabilization designs to support development.</li> <li>• The Project Site has existing topographic constraints and existing development to the west that limit what the Project Site can improve on. Terraced walls are proposed to help stabilize slopes.</li> <li>• Proposed wall design and grading meets intent of City codes. If taller walls were permitted, then a smaller development footprint could increase open space.</li> <li>• Proposed grading and wall design consolidate slope impact. Hills Preserve provides terraced retaining/MSE walls in following intent of City codes, accordingly up to 14' wall heights terraced as appropriate for slope stability. Some walls necessary for stability are over 30' tall at the peak in specific areas for stabilization. Geologist/soils engineer designed slopes for stability purposes.</li> <li>• The project includes approval of a Specific Plan that ensures development direction for approximately 76 acres of land that allows development.</li> </ul>

**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
	<ul style="list-style-type: none"> <li>North Walls: 0-6' allow 3 terraces, and 3 walls</li> <li>Below Surface Grade retaining walls permitted for structural foundation and parking garage including garage entry and exit.</li> </ul> <p>Preserve Estates - Single Family Area Lot 2-7</p> <ul style="list-style-type: none"> <li>Wall Height ranges. All subject to geotechnical engineering design and soil stability requirements. Heights may vary +/- 4'.</li> <li>Walls 0-6': allowed up to 3 terraces, 3 walls.</li> <li>Walls 0-10': allowed with 2 terraces, 2 walls if not in public view.</li> </ul> <p>Preserve Place - Commercial Area Lot 8</p> <ul style="list-style-type: none"> <li>Wall Height ranges. All subject to geotechnical engineering design and soil stability requirements. Heights may vary +/- 3'.</li> <li>South Walls: 0-14' 3 terraces, and 3 walls</li> <li>South Wall: 0-10' 5 terraces</li> </ul> <p>Integrated Building Retaining Walls</p> <ul style="list-style-type: none"> <li>0-6' may have 2 terraces, and 2 walls</li> <li>0-10' may have 2 terraces, and 2 walls</li> <li>0-20' depending on design (exterior staircase for fire safety)</li> </ul> <p>Scenic Corridor Walls</p> <ul style="list-style-type: none"> <li>0-6' for up to 3 landscaped terraces, and three 6' walls.</li> </ul>	
<b>Public View</b>		
<p>18.46.120.1201 Crib and retaining walls visible from public rights-of-way shall be 6' or less. Up to maximum 12' with two terraced walls 3' or less.</p> <p>18.46.120.1202 Crib</p>	<ul style="list-style-type: none"> <li>Retaining walls may be visible from public view in specific plan area. Toe of walls may have landscape areas to screen walls subject to landscape architect design.</li> </ul> <p><b>Wall Locations</b></p> <p>Hills Club and Preserve Apartments Multi-Family Lot 1</p> <ul style="list-style-type: none"> <li>Same as above, Retaining Walls.</li> </ul> <p>Preserve Estates - Single Family Area Lot 2-7</p>	<ul style="list-style-type: none"> <li>Project Site topography constrains opportunities to entirely eliminate walls from view, and also dictates the need for taller walls.</li> <li>Same as above.</li> <li>The terrain is very steep and geologic/soils conditions warrant walls to minimize building envelope and development</li> </ul>

**TABLE 4.10-4**  
**PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND**  
**SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
and retaining Walls not visible from public view (up to 14' or less)	<ul style="list-style-type: none"> <li>• Same as above, Retaining Walls. Preserve Place - Commercial Area Lot 8</li> <li>• Same as above, Retaining Walls. Scenic Corridor Walls</li> <li>• 0-6' for up to 3 landscaped terraces, and three 6' walls for soil stabilization.</li> </ul>	<p>footprint.</p> <ul style="list-style-type: none"> <li>• Santa Ana Canyon Road ROW is considered a public road and wall locations were placed to minimize public view from Santa Ana Canyon Road. 6' vertical height of retaining / MSE walls with variable slopes are within the scenic view corridor that are planned to be landscaped within parameters of Scenic Corridor and Fuel Modification requirements.</li> <li>• Retaining / MSE walls in back of buildings may be taller than 6' per specific plan located south of Preserve Place and east of Hills Club and Preserve Apartments.</li> <li>• All streets in Hills Preserve are private streets.</li> <li>• Retaining walls taller than 14' may have special façade treatment to reduce hardscape appearance. Geologist/soils engineer designed.</li> </ul>
<b>Grading</b>		
17.060.110 Excavation – Generally .030 Terracing	<ul style="list-style-type: none"> <li>• Terraced walls may be separated less than 6', but not less than 3' in specific locations due to geologic conditions and site constraints.</li> <li>• Terraced walls allowed to have 6' or less separation. Additional space between wall is allowed.</li> <li>• Brow ditch or V-ditch may be minimized if retaining walls do not cause a need for a brow ditch.</li> </ul>	<ul style="list-style-type: none"> <li>• Existing topographic constraints do not fit "typical standard code and require geotechnical design.</li> <li>• Steep slopes on east and west side of canyon for Hills Club and Preserve Apartments do not "fit" parameters of grading codes that in essence create greater impact to slopes and require geotechnical input for design.</li> </ul>
17.06.120 Fills – Generally .070 Terracing	<ul style="list-style-type: none"> <li>• Allow terraces in smaller height wall locations, less than 4' to not require 3" thick reinforced concrete v-ditch and replace with graded slopes and area drains between walls at specific locations.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed grading and retaining walls reduce development encroachment (footprint).</li> </ul>
	<ul style="list-style-type: none"> <li>• Allow retaining walls or MSE walls to be combined as one with badder and separated by 3' concrete drainage ditch where necessary. Refer to Cross</li> </ul>	<ul style="list-style-type: none"> <li>• Project Site constraints require taller walls to reduce development footprint to implement consolidated</li> </ul>

**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
	<p>Sections sheet C-3.4 Section 1</p> <ul style="list-style-type: none"> <li>There are 2 walls, one at 30' and the other 28' in vertical height. (Subject to Geotech engineer)</li> </ul>	<p>development. Walls reduce encroachment towards neighboring properties to the west and reduce impact to open space.</p> <ul style="list-style-type: none"> <li>Single family residences west of the property line will not see the combination walls.</li> <li>Proposed grading provides greater open space.</li> <li>Consolidating development footprint supports greater open space.</li> <li>Provide terraces between wall to provide additional landscape areas (open space between walls).</li> <li>Design does not reduce the ridge line of the hill or the summit of the adjacent hills.</li> </ul>
<b>Roads</b>		
<p>Grading Design Manual Appendix B and Appendix C. I Policy Statements 1-6; II Design Criteria 1-4.</p>	<p>Contoured grading allowed but not required in same slope, in specific plan based on slopes ranging from 1.5:1 to 4:1 or flatter at various locations.</p> <p>Curbed and concave toe of slopes can occur at any radius.</p> <p>Contour grading provided where feasible per geologist/soils engineer design.</p> <p>Grading Design Manual Appendix C Policy Statement (1975) not applicable per City public works Meeting 7-27-2023.</p> <p>Allow varied slopes to occur where appropriate.</p> <ul style="list-style-type: none"> <li>Curved Linear Slopes. Radius's may vary in slopes depending on existing topography. Specific plan to adjust and contour slopes as appropriate per geologist recommendations.</li> <li>Transition with Natural Slopes. Allow varied slopes to reduce retaining wall heights. Allow 1.5:1 slopes at steeper transition areas. Allow interceptor drains along daylight transition to direct natural surface drainage per geologist recommendations.</li> <li>Varying Slope Ratios: Allow slope</li> </ul>	<ul style="list-style-type: none"> <li>1975 Policy is out of date and not conducive to the Project Site.</li> <li>Grading Design Manual Appendix C Policy Statement (1975) not applicable per City public works Meeting 7-27-2023.</li> <li>Reduce impact to existing open space.</li> <li>Plans are designed to reduce impact to grading into existing hillside slopes. Current codes require grading and contouring beyond proposed development footprint which is not intent of municipal code or development when reducing the development footprint optimizes an increase in open space areas.</li> <li>Provide a variety of slopes.</li> <li>Reduce hillside cuts and terraced slopes with 1.5:1 slopes in specific areas to minimize retaining walls in or near 50' and 90' scenic corridor or areas that</li> </ul>

**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
	<p>ratios to vary in range to support slope stabilization and geologic needs, per recommendations of geologist.</p> <ul style="list-style-type: none"> <li>Planting Bays. Not required. Provide landscape areas at toe of retaining walls as appropriate without grading deeper into hillsides.</li> <li>Landscape areas may be provided in any shape or form to screen walls per landscape architect design.</li> </ul>	<p>are out of public view. Subject to Geologist/soils engineer design needs.</p> <ul style="list-style-type: none"> <li>Follow geologic and soil expert requirements for slope stabilization.</li> <li>Contour slopes where opportunity may exist based on soils report for slope stabilization. Walls, drainage system, and slope contouring are planned in transition slopes between natural contours, graded slopes, and walls.</li> <li>Provide flexible landscape design that differs from 1975 policy.</li> </ul>
		<ul style="list-style-type: none"> <li>Allow landscape architect to design landscaping within the Project Site constraints and provide design solutions that best fit the Project Site.</li> <li>Allow landscape architect flexibility to work within fuel modification requirements and intent of code landscape requirements to provide solutions and themed character for the project.</li> <li>Retaining walls support consolidated development.</li> <li>Applicant meets intent of ordinance based on terrain constraints. Wall designs are subject to improvement/construction drawing process prior to grading permit approval.</li> </ul> <p><b>Hills Club and Preserve Apartments</b></p> <ul style="list-style-type: none"> <li>Two walls along the west property line near single family residences are necessary for the road alignment and to reduce development footprint within the canyon. Two walls up to 30' vertical height each (currently 58' combined vertical height) are to</li> </ul>

**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
		<p>be designed to secure existing hillside and to have a rock façade.</p> <ul style="list-style-type: none"> <li>Other terraced walls east of the proposed apartment building are planned to have 8' terraces with landscaping and drainage system. Wider terraces provide 3:1 slopes with landscaping in between retaining walls. Refer to Hills Preserve Landscape plans that follow fuel modification plan program.</li> <li>Terraced walls follow intent of City code and protect ridge line.</li> </ul> <p><b>Preserve Place</b></p> <ul style="list-style-type: none"> <li>Retaining walls south of the commercial site, are planned to have 8' terraces with drainage system. Wider terraces provide 3:1 slopes with landscaping. Geologist/soils engineer designed. Refer to Hills Preserve Landscape plans that follow fuel modification plan program.</li> <li>Terraced walls follow intent of City code and protect ridge line.</li> <li>Equestrian trail off-site improvements expand trail system along Santa Ana Canyon Road.</li> <li>The project is meeting the intent of Standard Detail No. 170. The project is providing equestrian trail expansion in areas along the Santa Ana Canyon Road, and retaining walls are necessary for trail construction.</li> <li>Walls within the scenic corridor support the proposed trail expansion per City staff request. The expanded trail implements the City trail program from Deer Canyon Road towards Festival shopping center</li> </ul>



**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
City Street Standard Detail No. 161-a Hillside Collector	<ul style="list-style-type: none"> <li>Refer to Street Sections for Deer Canyon Road.</li> <li>All roads in specific plan are private roads. All roads are easements.</li> <li>All private roads have public access and public utility easements from back of sidewalk to back of sidewalk, or from back of 2' shoulder, or from back of equestrian trail depending on street. Refer to tentative tract map 19228 street cross section locations on Civil Sheets C-1.0.</li> </ul> <p><b>Deer Canyon Road</b></p> <ul style="list-style-type: none"> <li>A public easement for Deer Canyon Road is provided for public access and use of the sidewalk, trail and road within private road easement. Further details provided on Tentative Tract Map 19228 sheet C-1.0 and within Specific Plan.</li> <li>Per City request May 2023. – Change in Hillside Collector cross section. Allow multi-use / equestrian trail maximum 10' width starting from Santa Ana Canyon Road, providing approximately 18" to 24" of parkway, equestrian type rail or cable fence, an 8' trail path where feasible extending equestrian trail design to south property line.</li> <li>Equestrian trail shall follow the same road grade as Deer Canyon Road.</li> <li>Deer Canyon Road has 25 mph design speed and reduced travel speed to 20 mph. Refer to Specific Plan.</li> <li>Per Fire Department, all road grades are 10% or less. Intersections are designed at 6% or less.</li> <li>Vertical curves allowed through intersections so long as it does not impact ADA requirements.</li> <li>Allow a 4' sidewalk to meander within the parkway area along the east side of Deer Canyon Road.</li> <li>Implement Note 5 from City Standard</li> </ul>	<ul style="list-style-type: none"> <li>The Project is a consolidated development footprint to protect as much open space as feasible.</li> <li>Deer Canyon Road design supports the intent of Standard Detail No. 161-a.</li> <li>Constraining existing geologic features cause a pinch point on the property where Deer Canyon Road alignment needs to adjust to support consolidated development.</li> <li>City Street Standard 161-a permits exclusion of on street parking and bicycle lane.</li> <li>Refer to Sheet C-1.0 cross section B-B on Tentative Tract Map for slope, wall, and road relationship. Refer to Sheet C-4. Section A-A for site reference relative to Deer Canyon Road.</li> <li>Public access is within public easement shown in street cross sections. City services, emergency</li> <li>services, general public have access to private streets.</li> <li>Road design supports fire truck access at 10% road grades.</li> <li>Existing steep slope conditions and design speeds for horizontal and vertical curves, cause a need for adjustment in parkway, sidewalk locations, and bicycle use, to support a 48' road area.</li> <li>Fire lane is 20' or 26' depending on height of building following fire department guidelines. Fire lane fits within proposed 28' curb to curb width and follows standards for Fire Department.</li> <li>Traffic volumes are low for shared travel lane use.</li> <li>Traffic volumes are low for shared use for bicycle and</li> </ul>

**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
	<p>No. 161-A related to Specific Plan. (5. Reference is made to adjustments to the sections by adopted circulation element exceptions, Specific Plan Documents, precise alignments on master plans.</p> <ul style="list-style-type: none"> <li>• Implement No Parking and No Bike Lane as shown on left side of City Standard No. 161-A for proposed Deer Canyon Road. Allow bicycles to share vehicle travel lanes and equestrian trail.</li> <li>• Sign road as a bike access for shared travel lanes, not a dedicated bicycle lane.</li> </ul>	<p>automobile traffic. The anticipated traffic volume should not impede bicycle use from sharing a travel lane based on Traffic Study.</p> <ul style="list-style-type: none"> <li>• Deer Canyon Road has private street speed limit posting of 20 mph or less. Reduced travel design speed in compliance with City standards and highway design manual.</li> <li>• Provides future Deer Canyon Park Preserve access connection. Deer Canyon Road has potential to connect to Deer Canyon Park through Development Agreement with Hills Preserve participating.</li> </ul>
City Street Standard Detail No. 161-a Hillside Collector(continued)		<ul style="list-style-type: none"> <li>• Supports consolidated development to preserve open space.</li> <li>• The proposed development features require flexibility in right of way improvements for a private street with public easement for Deer Canyon Road and "B" Street to reduce a development footprint to the maximum extent possible.</li> <li>• The intent of the project is to protect greater amounts of open space committed for natural and passive uses throughout the property based on the narrow and steep canyon topography.</li> <li>• This is a hillside development area. Intersections are designed 6% or less.</li> <li>• Roads are private with public access easement.</li> <li>• Terrain/topography does not support 100' to 200' landings prior to intersection without substantially grading more open space and hillside areas which is not intent of project.</li> <li>• Traffic Impact Analysis report</li> </ul>

**TABLE 4.10-4**  
**PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND**  
**SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
		identifies that queuing distances work with "Keep Clear" street marking at "A" Street and Deer Canyon Road Intersection.
City Street Standard Detail No. 162 Private Street	<p>Street Cross Sections for A and "B" Street. "A" STREET</p> <ul style="list-style-type: none"> <li>• A public easement for "A" Street is provided for public access and use of the sidewalk and road within private road easement.</li> <li>• Easement is from 2' north shoulder to south side back of sidewalk that varies in width. Details provided on Tentative Tract Map 19228 street cross sections sheet C-1.0 and plan view, and within Specific Plan.</li> <li>• No sidewalk along north side of "A" Street between Deer Canyon Road and Santa Ana Canyon Road.</li> <li>• Provide sidewalk on south side of "A" Street.</li> <li>• Allow varied public access for pedestrians based on terrain along south side of "A" Street.</li> <li>• Provide 10' of landscaping on landscaped slopes along edge of curb along north side of "A" Street to support Scenic Corridor.</li> <li>• Allow retaining walls, drainage facilities, water quality basin, slopes from 1.5:1 to 3:1 from back of 2' shoulder along north side of "A" street.</li> <li>• Allow 1.5:1 to 3:1 slope in specific areas between "A" Street and Santa Ana Canyon Road to minimize retaining wall heights to a maximum of 6'.</li> <li>• Implement Note 5 from City Standard Detail No. 161-A. and Note 2 from City Standard Detail No. 162</li> </ul>	<ul style="list-style-type: none"> <li>• See above related to Deer Canyon Road.</li> <li>• Existing steep topography constrains development solutions.</li> <li>• Steep terrain along Santa Ana Canyon Road north of proposed "A" Street narrows development. City property limits access to Santa Ana Canyon Road due to terrain and 10% road grade requirement.</li> <li>• Road, hillside, and grading is subject to improvement plan process.</li> <li>• "A" Street is necessary second emergency access required by Anaheim Fire Dept.</li> <li>• Project design requires design and grading solutions that impact existing slopes to provide required emergency access.</li> <li>• Fire department required road grades not to be greater than 10% when terrain is much steeper.</li> <li>• City required second access needs to adjust with terrain while following intent of scenic corridor requirements and hillside grading requirement.</li> <li>• "A" Street maintains 26' fire lane.</li> <li>• Refer to Sheet C-1.0 cross sections D-D and E-E (main entry "A" Street and Santa Ana Canyon Road). Cross section dimension is minimum 28' from curb to curb.</li> <li>• No land uses proposed between proposed "A" Street and Santa Ana Canyon Road.</li> <li>• There are no proposed land uses to the north of "A" Street to require pedestrian access. There is</li> </ul>

**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
		<p>no need for a sidewalk on the north side of the private street.</p> <ul style="list-style-type: none"> <li>• No parking is allowed on both sides of "A" Street a private street.</li> <li>• Curbs on "A" Street may be posted no parking and comply with Fire Department requirements.</li> <li>• Landscape design and grading solutions help resolve terrain challenges in Scenic Corridor.</li> <li>• North side of "A" Street in compliance with Scenic Corridor and will have 10' or more of hillside landscape area adjacent to north curb supporting 50' and 90' scenic corridor.</li> <li>• Landscape will assist to screen the front of Preserve Place and Hills Club and Preserve Apartments. North of private street easement in the landscape area, on and off-site improvements includes areas for retaining walls, water quality treatment, and landscaped slopes in support of design requirements for second emergency access.</li> </ul>
City Street Standard Detail No. 162 Private Street (continued)	<p><b>"B" Street</b></p> <ul style="list-style-type: none"> <li>• A public easement for "B" Street is provided for public access and use of the sidewalk and road within private road easement.</li> <li>• Easement is from east curb face to back of sidewalk along west and north side. Further details provided on Tentative Tract Map 19228 and street cross sections, and within Specific Plan. Refer to Sheet C-1.0 Section F-F and G-G.</li> <li>• Implement Private Street Standard 162 with deviations.</li> <li>• "B" Street Functions as private driveway not as a local residential street.</li> <li>• Specific Plan allows a wider area for 8' loading/unloading zone and trash pick-up, making the west side of the street</li> </ul>	<ul style="list-style-type: none"> <li>• Hillside terrain requires flexible design solutions to support consolidated development.</li> <li>• Refer to cross section G-G and F-F on Tentative Tract Map Sheet C-1.0. "B" Street alignment is constrained based on geologic features that cause a "pinch point" for the overall property area of the apartment site. Refer to Civil Sheet C-4 Section A-A.</li> <li>• East of "B" Street serves as a fuel modification area and reduces wildfire threat. Terraced wall area supports fuel modification program and helps reduce wild land fire threat from east to west.</li> <li>• "B" Street serves residences and services for Hills Club and Preserve Apartments, functioning</li> </ul>

**TABLE 4.10-4**  
**PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND**  
**SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
	<p>22' between south and north parking structure entries.</p> <ul style="list-style-type: none"> <li>• Sidewalk not required on east side of proposed "B" Street.</li> <li>• Pedestrian path of travel will be along loading area and apartment building.</li> <li>• Long term parking not permitted on "B" Street. Temporary parking allowed in loading/service areas.</li> <li>• Bike Lane not required.</li> <li>• Allow meandering sidewalk. A 4' sidewalk can meander within the 10' parkway area along the west and north sides of "B" Street.</li> <li>• Allow bicycles to use "B" Street. Sign proposed street as a Bike access (shared access), not a dedicated bicycle lane.</li> <li>• Implement Note 5 from City Standard Detail No. 161-A. and Note 2 from City Standard Detail No. 162</li> <li>• Level or sloped landscape area allowed along east and south side of "B" Street with varied depth from 8' to 11'.</li> <li>• Allow dry utilities within landscape parkway along east and west side of "B" Street. Adjust sidewalks and landscape as necessary.</li> <li>• Vertical Curve "B" Street</li> <li>• Reduce travel design speed from 25 mph to 20 mph. Establish vertical curves at 100' due to site constraints of topography and parking garage landing and entry location, and provide fire truck staging areas.</li> </ul>	<p>as a private driveway.</p> <ul style="list-style-type: none"> <li>• "B" Street serves as a private driveway (back of building) for loading, unloading, trash pickup, resident parking garage access (ingress and egress), access for delivery services and facility maintenance, and fire truck staging for emergency access to upper floors of the building.</li> <li>• Due to grades parking garage access is at two different levels and the loading / trash collection area requires a relatively level grade as well as for emergency vehicle staging areas thus forcing road designs to adjust to public service design constraints.</li> <li>• Travel speed and design speed for "B" Street are reduced to support Fire Department, waste management, and delivery services.</li> <li>• Due to the nature and use of "B" Street, travel design speeds for vertical curve are reduced due to grade and access point needs to serve fire department and services.</li> <li>• A steep slope from "A" Street south towards the 1st parking garage access is required in order to provide more level service and emergency staging areas.</li> <li>• Due to existing topography, vertical curve road design adjustments are necessary for access to parking garage entries, loading and unloading areas, and staging areas for fire trucks that require a minimal percentage (1% to 3%) of grade difference. Road grades need to adjust to accommodate requirements for fire department.</li> </ul>

**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

<b>Section of Anaheim Municipal Code</b>	<b>Specific Plan Deviation Alternative Development Standard</b>	<b>Justification</b>
City Street Standard Detail No. 162 Private Street (continued)		<ul style="list-style-type: none"> <li>• The wider street section allows for loading / unloading used for moving vans, delivery trucks, and trash dumpsters for waste management at the east side of the building. Refer to Sheet C-1.2 and Sheet C-3.1.</li> <li>• Curb to curb is 36'.</li> <li>• "B" Street maintains 26' fire lane per City Fire Department. Provides access and staging space for Fire department aerial ladder trucks.</li> <li>• Steep slopes and retaining walls do not allow development on east side of "B" Street.</li> <li>• The proposed development requires flexibility in right of way improvements to reduce overall development footprint to the maximum extent possible. Therefore, retaining wall are used to shrink development footprint.</li> <li>• The purpose of the project is to protect greater amounts of open space committed for natural and passive uses within the overall project area of 76.2 acres and 46.3 acres of open space.</li> <li>• Sidewalk to the east side of "B" Street is not necessary as there are no abutting land uses than retaining wall and open space areas.</li> <li>• Parallel parking is not within the drive aisle and parking is not along east side of "B" Street.</li> <li>• Loading/unloading area is on west side of "B" Street with curb adjacent sidewalk. The only temporary parking area.</li> <li>• Loading area and trash area is not within fire lane.</li> <li>• "B" Street designed to serve Hills Club and Preserve Apartments resident pedestrian needs, functions as a driveway.</li> </ul>

**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
		<ul style="list-style-type: none"> <li>• The pedestrian access is along the west side of "B" Street.</li> <li>• Vehicle speeds are posted at lower miles per hour than design speed.</li> <li>• Projected traffic volume on "B" Street should not impede bicycle use from sharing travel lanes on "B" Street and connect to "A" Street or Deer Canyon Road.</li> <li>• Land use abutting "B" Street to the east and south is retaining walls and open space that does not require sidewalk access. Nor are there pathways that can scale the retaining walls.</li> <li>• The east side of "B" Street is landscape parkway that varies between 8'-11' at toe of retaining wall. This helps screen the lower retaining walls and to support grading requirements.</li> </ul>
City Street Standard Detail No. 170 Santa Ana Canyon Road	<p><b>Santa Ana Canyon Road.</b> Refer to the following cross sections on tentative tract map 19228.</p> <ul style="list-style-type: none"> <li>• I-I to L-L Sheet C-1.0 and Horizontal Alignment exhibit as separate exhibit within Civil Package Sheet C-8 cross sections 1-1 to 9-9.</li> <li>• City Street Standard No. 170 centerline to south right of way line is 54' to 74'.</li> <li>• For specific plan purposes the Scenic Corridor is measured from current street centerline (74') of right of way along Santa Ana Canyon Road. The 50' and 90' setback requirement for scenic corridor is from the back of the City Street Standard Detail No. 170 based on existing centerline.</li> <li>• Specific plan in coordination with Anaheim city staff concurred on the following horizontal alignment that is off-site or portions of adjacent/near project boundary of specific plan. Refer to TTM 19228 Sheet C-8.</li> <li>• Street median may go down to 4'.</li> <li>• Street median at "A" Street and Santa</li> </ul>	<ul style="list-style-type: none"> <li>• Santa Ana Canyon Road was improved inconsistently between Imperial Highway and Festival Drive.</li> <li>• Standard Detail No. 170 shows 10' travel lane with 6' bicycle lane. City staff is requesting a wider travel lane 12' than what the design standard illustrates.</li> <li>• This deviates from Standard Detail No. 170. Refer to Sections I-I to L-L on civil sheet C-1.0 and refer to Santa Ana Canyon Road exhibit civil sheet C-8.</li> <li>• The City staff is requesting a wider travel lane, 12', based on supplemental references in Standard Detail No. 164-c. this helps with road design. It requires a deviation with Standard Detail No. 170 as right and left turn pockets are also proposed at 12'.</li> <li>• Santa Ana Canyon Road street conditions have varied street median, parkway, sidewalk, trail</li> </ul>



**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
	<p>Ana Canyon Road needs to provide emergency vehicle access.</p> <ul style="list-style-type: none"> <li>• North side of Santa Ana Canyon Road, hold proposed curb alignment (north bicycle lane stripe) per City direction to design from.</li> <li>• North of edge of curb is 8' to include 3' parkway and 5' sidewalk design by others.</li> <li>• Travel lanes next to medians 12'</li> <li>• Travel lanes right turn pocket and left turn pocket</li> <li>• 12' travel lane next to bicycle lane 12'</li> <li>• 1' rumble strip next to bicycle lane and travel lane.</li> <li>• Bicycle lane 6'</li> <li>• Landscape buffer 3', provide 9' buffer where feasible.</li> <li>• Minimum width equestrian trail 8'</li> <li>• Minimum street centerline design radius 700' to match existing condition.</li> <li>• No curb and gutter along south boundary unless necessary for drainage or safety purposes or unless Community Services Dept allows trail width less than 8'.</li> </ul>	<p>and shoulder configurations between Imperial Highway and Festival Drive.</p> <ul style="list-style-type: none"> <li>• Street median widths are inconsistent and vary from 18' to no median as double yellow striped line.</li> <li>• There is inconsistency between the location of the right of way and City Street Standard No. 170. For consistency 74' from street centerline south was used to establish the street right of way location.</li> <li>• For consistency the scenic corridor setback limits of 50' and 90' are measured from back of 74' right of way in following standard.</li> <li>• Offsite property has steep slope constraints for Santa Ana Canyon Road improvements.</li> <li>• Significant steep slopes about the south edge of existing pavement and constrain Santa Ana Canyon Road within City controlled property.</li> <li>• Hills Preserve property, south of Santa Ana Canyon Road area, is above the existing south slope. And required second access, "A" Street, was located to minimize road grade and terrain changes to accommodate emergency vehicle access requirements per Fire Department request.</li> <li>• A mutual horizontal design study of Santa Ana Canyon Road between Anaheim Public Works department and Salt Development evaluated this segment of road and prepared Civil Sheets C-8 to support varied road design based on concurrent city staff discussions. This supports City design direction, an equestrian trail connection from Deer Canyon</li> </ul>

**TABLE 4.10-4**  
**PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND**  
**SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
		Road to "A" Street, and future pedestrian connection from "A" Street to Festival Drive.
City Street Standard Detail No. 170 Santa Ana Canyon Road (continued)	<ul style="list-style-type: none"> <li>• Equestrian Trail can be raised above landscape buffer to help reduce retaining wall elevations.</li> <li>• Landscape buffer can serve as drainage swale. Landscape buffer can be planted with vegetation.</li> <li>• Equestrian Trail may have retaining walls on north and south side of 8' trail.</li> <li>• Retaining walls will be allowed in Scenic Corridor.</li> <li>• Equestrian trail to be constructed by Salt Development from right turn pocket transition lane west of Deer Canyon Road</li> <li>• to existing 8' sidewalk east of "A" Street towards Festival Drive transition lane.</li> <li>• West of Deer Canyon Road. <ul style="list-style-type: none"> <li>○ Right turn pocket and transition lane to be provided.</li> <li>○ 3' landscape buffer</li> <li>○ 8' trail with retaining walls to merge into existing elevated trail.</li> <li>○ Retaining walls designed based on existing topography needs.</li> <li>○ Trail grade to target at 7% may be greater per Ordinance 643.</li> </ul> </li> <li>• East of "A" Street <ul style="list-style-type: none"> <li>○ "A" Street transition lane will be east of "A" Street.</li> <li>○ "A" Street is right turn in right turn out only.</li> <li>○ East of "A" Street will be a 5' sidewalk per TIA report VMT mitigations.</li> <li>○ East of "A" Street equestrian trail will stop at existing sidewalk connection in SCE transmission line easement.</li> </ul> </li> <li>• 20. Refer to responsibility exhibit limits, Sheet C-8.</li> </ul>	<ul style="list-style-type: none"> <li>• Turn pocket and acceleration lane, changes landscape buffer and street medians dimensions.</li> <li>• Design requirements for vehicles to decelerate into a right turn pocket requires width and length within the Standard Detail No. 170 landscape area to stay within the 74' right of way from street centerline. At Deer Canyon Road intersection, there are constraints caused by development and steep grades adjacent</li> <li>• to Santa Ana Canyon Road that constrict this requirement therefore adjustments are necessary to balance the street design.</li> <li>• Existing Santa Ana Canyon Road from Imperial Highway to Festival Drive was improved</li> <li>• inconsistently. It appears to have approved deviations throughout this stretch of road.</li> <li>• The proposed horizontal alignment establishes continuity in design and adds equestrian trail for Santa Ana Canyon Road where Hills Preserve fronts along portions of the road with offsite sections east, west, and in the middle of the project frontage.</li> <li>• Very steep slopes about the south edge of Santa Ana Canyon Road pavement and are within City property. Hills Preserve property is above the existing south slope. Access is at proposed "A" Street that connects to Santa Ana Canyon Road (east) and Deer Canyon Road (west).</li> <li>• Per multiple city discussions with Public Works Director, Planning</li> </ul>

**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
		<p>Director and public works staff, concurrence occurred on the requested deviation items for horizontal street alignment 1-19-2024.</p> <ul style="list-style-type: none"> <li>Controlled street intersections are provided to support traffic safety on Santa Ana Canyon Road.</li> <li>A full signalized 3-way intersection is proposed at Deer Canyon Road and right turn in and right turn out only intersection for "A" Street.</li> <li>Proposed "A" Street will have a right turn in and right turn out only intersection with an east bound acceleration lane. It will also have a 4' median where emergency vehicle access will be provided for west bound vehicles.</li> <li>Traffic Impact Analysis supports the proposed intersection locations. Refer to Hills Preserve TIA. Refer to Circulation Element discussion above in pages 31 to 33.</li> </ul>
<b>Equestrian Trails</b>		
City Trail Standard Detail 643	<ul style="list-style-type: none"> <li>Specific plan allows equestrian trail to vary in width between 8' and 10' with/without parkway, fencing and trail width.</li> <li>Refer to Santa Ana Canyon Road description above. Santa Ana Canyon Road Equestrian Trail</li> <li>Areas offsite in City right of way, 74' from Santa Ana Canyon Road Street Standard Detail No. 170, and do not front along Hills Preserve are subject to public works improvement.</li> <li>Deer Canyon Road Equestrian Trail</li> <li>Allow alternative trail materials for tread and path to support steeper grades, per Community Services Department guidelines.</li> <li>Equestrian trail to have 18" to 24" parkway with fence (rail, log pole, or cable) between curb and gutter and 8' trail</li> </ul>	<ul style="list-style-type: none"> <li>Proposed Santa Ana Canyon Road design supports equestrian trail expansion to Deer Canyon Park Preserve and Anaheim Hills Festival shopping center.</li> <li>Portions of the horizontal alignment study demonstrate that a 7% grade will require retaining walls to support offsite trail that was previously built by west property owner, not adjacent to the Hills Preserve.</li> <li>Offsite property owner did not develop trail adjacent to edge of pavement according to Standard Detail No. 170. Offsite trail is approximately +/- 17' above edge of pavement.</li> <li>Proposed Deer Canyon Road design supports equestrian trail expansion to Deer Canyon Park</li> </ul>

**TABLE 4.10-4  
PROJECT PROPOSED DEVIATIONS FROM THE PROVISIONS OF THE AMC AND  
SUPPORTING RATIONALE**

Section of Anaheim Municipal Code	Specific Plan Deviation Alternative Development Standard	Justification
		<p>Preserve.</p> <ul style="list-style-type: none"> <li>• Due to the existing topography and road design there is limited viable trail options. Options for differing materials for trail construction per city discussion allow for 10% trail grades in short segments. One portion of trail between "A" Street and underground parking garage exit, will have a max slope of 10% or less. A second portion of trail south of underground parking garage entry and north of "B" Street will have a slope between 8% and 10%.</li> <li>• Trail designs subject to city engineer and community services review and approval.</li> </ul>

As described above in Table 4.10-4, the Project proposes several retaining walls that would be visible from Santa Ana Canyon Road that are taller than allowed by the AMC and that would require deviations from the AMC to approve. As required by **MM AES-3**, these walls would be landscaped, or they would have a rock façade treatment to improve their appearance to viewers from Santa Ana Canyon Road.

The City's approval of the foregoing deviations as part of the Specific Plan adoption would ensure consistency with the relevant provisions of the AMC.

#### Scenic Corridor Overlay Zone

As discussed in more detail in Chapter 4.1, Aesthetics, and in the detailed General Plan consistency analysis above, to minimize impacts to scenic resources and to views in the Scenic Corridor Overlay Zone, the Project's buildings have been sited and clustered within the lower elevations, and the grading approach has been developed so that the more visually significant ridgelines and hilltops on the Project Site would not be developed. Instead, these upper elevations of the Project Site (approx. 57%) would be zoned as Open Space, which would allow for the retention of these lands in their existing open space condition with their related aesthetic, scenic and habitat qualities. The Project would generally preserve public views of existing backdrop ridgelines from off-site perspectives, with the addition of new structures at the lower elevations of the Project Site in the foreground of most of these views. This retention of the natural landscape outside of the development footprint would be

accomplished through the export of soil from the Project Site and through the construction of retaining walls. However, the Project would result in: reduced acreage of visible open space areas in the Project Site; reduced acreage of visible vegetated areas in the Project Site; altered views of ridgelines, particularly for viewers at/near the intersection of Santa Ana Canyon Road at Deer Canyon Road who would no longer see ridgelines as they do in existing conditions; and views of retaining walls from some viewpoints along Santa Ana Canyon Road, which would be landscaped or otherwise visually-treated. Overall, these effects do not constitute a substantial adverse effect on a scenic vista given that the Project would retain many other views of ridgelines and natural open space areas for other viewpoints from elsewhere along Santa Ana Canyon Road and from other vantage points. Also, the Project would minimize these visual effects through replacement tree planting and re-landscaping of the Project Site. Replacement tree planting would be conducted in accordance with a Specimen Tree Removal Permit that would be required for the Project.

With approval of the discretionary actions described above, with issuance of a Specimen Tree Permit, and with implementation of **MM AES-3**, the Project would not cause a significant environmental impact due to a conflict with the AMC.

### ***Conclusion***

Because the Project would not substantially conflict with any of the applicable plans or policies, the Project would not cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

With implementation of **MM BIO-10** and **MM AES-3**, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

## **4.10.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects within the City of Anaheim. These related projects are described in more detail in Table 4-1, Cumulative Projects List, which is provided in Section 4.0.

Neither the Project nor any of the cumulative projects would have the potential to physically divide an existing community because none involves the construction of a linear feature, such as an interstate, railroad tracks, or the removal of a means of access, which would impact mobility within an existing community and an outlying area.

Implementation of the Project would not involve the creation of a physical barrier or other physical division within an established community. In contrast, for example, the Project would improve connectivity in the community through the provision of new sidewalks and multi-use trails and related roadway network improvements. Therefore, no significant cumulative impact in this regard would occur, and the Project's contribution to this already less than significant cumulative impact would not be cumulatively considerable. Also, the Project, in combination with other cumulative projects, would not 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. The Project as well as other cumulative developments such as DEV 2020-00204 and DEV 2023-00043 would all be required to be consistent with the relevant General Plan and zoning designations (including obtaining approval for any necessary amendments thereto to allow for land uses and/or development densities that are currently not allowed). The Project, as well as other cumulative development, would be governed by the General Plan and the AMC, which would help to ensure consistency therewith. In addition, all cumulative development that involves discretionary review would be required to evaluate land use and planning impacts to the extent mandated under CEQA to help ensure, to the extent feasible, that development would not result in significant environmental impacts due to any physical division of an established community or inconsistency with the General Plan, AMC, and other land use planning regulations that have been adopted to avoid or mitigate environmental impacts. As discussed above, the Project, and other cumulative development, would each be required on a project-by-project basis to demonstrate consistency with the General Plan, AMC, and other applicable codes, ordinances, and policies. Moreover, each of these projects would be required to minimize potential effects to the community during the City design review process. The foregoing would ensure cumulative land use and planning impacts are less than significant.

With respect to the Project's contribution to this already less than significant cumulative impact, it would not be cumulatively considerable. As detailed above, the Project would be consistent with the General Plan, AMC, and other land use planning regulations that have been adopted to avoid or mitigate environmental impacts. For example, the Project would result in up to approximately 1,664 new residents, a maximum total of 504 new housing units (primarily higher density multiple-family units, and additional employees within the City. The City is being required to plan for the construction of an additional 17,453 units over the next ten years. Therefore, the Project and the other cumulative projects that include new housing units would cumulatively help the City to achieve the City's RHNA targets consistent with regional planning policies that are applicable to the City.

Therefore, based on the foregoing, the Project in combination with other cumulative projects would not result in significant cumulative impacts related to this topic, and no mitigation measures are required.

#### **4.10.6 MITIGATION PROGRAM**

See Section 4.1, Aesthetics, and Section 4.3, Biological Resources, of this Draft EIR for the mitigation measures referenced in this section.

#### **4.10.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of **MM BIO-10** and **MM AES-3**, potentially significant impacts related to land use and planning would be reduced to less than significant levels.

---

## 4.11 **NOISE**

This section is based in part on the following documents:

- Psomas. 2024d. Supplemental Noise Analysis Memorandum for the Hills Preserve Project in the City of Anaheim, California. Pasadena, CA: Psomas. Attached as Appendix M.
- Salt Development. 2023b. The Hills Preserve Skydeck (Roof Deck) Operations Memorandum. Salt Lake City, UT. Salt Development. Attached as Appendix N.

### 4.11.1 **EXISTING CONDITIONS**

#### **Noise Basics and Terminology**

##### ***Characteristics of Noise***

“Sound” is a vibratory disturbance in air pressure created by a moving or vibrating source. “Noise” is defined as a sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. Although the terms “sound” and “noise” are often used synonymously, perceptions of sound and noise are highly subjective (Caltrans 2013a). The effects of noise on people can include general annoyance; interference with speech communication; sleep disturbance; and, in the extreme, hearing impairment.

##### ***Decibels and Frequency***

Noise effects can be caused by pitch or loudness. In its most basic form, a continuous sound can be described by its frequency or wavelength (pitch) and its amplitude (loudness). Frequency is expressed in cycles per second, or hertz. Frequencies are heard as the pitch or tone of sound. High-pitched sounds produce high frequencies; low-pitched sounds produce low frequencies. Higher-pitched sounds are louder to humans than lower-pitched sounds.

Sound pressure levels are described in units called the decibel (dB) (Caltrans 2013a). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used for earthquake magnitudes. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Only audible changes in existing ambient or background noise levels are considered potentially significant. Because decibels are logarithmic units, they cannot be added or subtracted by ordinary arithmetic means. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB (Caltrans 2013a).

## ***Perception of Noise and A-Weighting***

A typical noise environment consists of a base of steady “background” noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. The local sources can vary from an occasional aircraft or train passing by, to intermittent periods of sound (such as amplified music), to virtually continuous noise from, for example, traffic on a major highway.

The human ear is not equally sensitive to all frequencies within the sound spectrum such as very high or low frequency sounds. To accommodate this phenomenon, the A-scale was devised; the A-weighted decibel scale (dBA or db[A]) approximates the frequency response of the average healthy ear when listening to most ordinary everyday sounds. When people make relative judgments of the loudness or annoyance of a sound, their judgments correlate well with the A-weighted sound levels of those sounds. Therefore, the “A-weighted” noise scale is used for measurements and standards involving the human perception of noise (Caltrans 2013a).

Human perception of noise has no simple correlation with acoustical energy. Due to subjective thresholds of tolerance, the annoyance of a given noise source is perceived very differently from person to person. The most common sounds vary between 40 dBA (very quiet) to 100 dBA (very loud). Normal conversation at 3 feet is approximately 60 dBA, while loud jet engine noises at 1,000 feet equate to 100 dBA, which can cause serious discomfort (Caltrans 2013a). Table 4.11-1 shows the relationship of various noise levels in dBA to commonly experienced noise events.



**TABLE 4.11-1  
NOISE LEVELS FOR COMMON ACTIVITIES**

<b>Common Outdoor Activities</b>	<b>Noise Level (dBA)</b>	<b>Common Indoor Activities</b>
–	110	Rock Band
Jet Fly-over at 300 m (1,000 ft)	100	–
Gas Lawn Mower at 1 m (3 ft)	90	–
Diesel Truck at 15 m (50 ft) at 80 km/hr (50 mph)	80	Food Blender at 1 m (3 ft); Garbage Disposal at 1 m (3 ft)
Noisy Urban Area, Daytime Gas Lawn Mower at 30 m (100 ft)	70	Vacuum Cleaner at 3 m (10 ft)
Commercial Area, Heavy Traffic at 90 m (300 ft)	60	Normal Speech at 1 m (3 ft)
Quiet Urban Daytime	50	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	40	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	30	Library
Quiet Rural Nighttime	20	Bedroom at Night, Concert Hall (Background)
–	10	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing
dBA: A-weighted decibels; m: meter; ft: feet; km/hr: kilometers per hour, mph: miles per hour. Source: Caltrans 2013a.		

Two noise sources do not “sound twice as loud” as one source. As stated above, a doubling of noise sources results in a noise level increase of 3 dBA. Thus, for example, if one noise source produces a noise level of 70 dB, the addition of another noise source with the same noise level would not produce 140 dB; rather, they would combine to produce a noise level of 73 dB. It is widely accepted that (1) the average healthy ear can barely perceive changes of a 3 dBA increase or decrease in outdoor environments; (2) a change of 5 dBA is readily perceptible; and (3) an increase (or decrease) of 10 dBA sounds twice (or half) as loud (Caltrans 2013a). Therefore, the generally accepted level at which changes in community noise levels become “barely perceptible” typically occurs at values greater than 3 dBA.

### ***Noise Propagation***

From the source to the receiver, noise changes both in level and frequency spectrum. The most obvious change is the decrease in noise level as the distance from the source increases. The manner in which noise reduces with distance depends on the factors described below.

**Geometric Spreading from Point and Line Sources:** Sound from a small, localized source (approximating a “point” source) radiates uniformly outward as it travels away from the source in a spherical pattern. For point sources, such as Heating, Ventilation, and Air Conditioning (HVAC) units or construction equipment, the sound level attenuates (or drops

off) at a rate of 6 dBA for each doubling of the distance (i.e., if the noise level is 70 dBA at 25 feet, it is 64 dBA at 50 feet). Vehicle movement on a road makes the source of the sound appear to emanate from a cylindrical pattern rather than a point when viewed over some time interval. The sound level attenuates or drops off at a rate of 3 dBA per doubling of distance for line sources (FTA 2018a).

**Ground Absorption:** To account for the ground-effect attenuation (absorption), two types of site conditions are commonly used in noise prediction: soft site and hard site conditions. Hard sites (i.e., sites with a reflective surface between the source and the receiver, such as parking lots or smooth bodies of water) receive no reduction from ground attenuation relate to absorption, and the changes in noise levels with distance (drop-off rate) are simply the geometric spreading of the source. Soft sites are sites that have an absorptive ground surface (e.g., soft dirt, grass, or scattered bushes and trees) and receive a ground attenuation value of 1.5 dBA per doubling of distance (FHWA 2006a).

**Atmospheric Effects:** Wind speed will bend the path of sound to “focus” (increase) it on the downwind side and make a “shadow” (reduction) on the upwind side of the source. At short distances, the wind has minor influence on the measured sound level. For longer distances, the wind effect becomes appreciably greater. Temperature gradients create effects similar to those of wind gradients, except that they are uniform in all directions from the source. On a sunny day with no wind, temperature decreases with altitude, giving a shadow effect for sound. On a clear night, temperature may increase with altitude, focusing sound on the ground surface (Caltrans 2013a).

**Shielding by Natural and Man-Made Features, Noise Barriers:** A large object in the path between a noise source and a receiver can significantly attenuate noise levels at that receiver location. The amount of attenuation provided by this “shielding” depends on the size of the object, proximity to the barrier, and the frequencies of the noise levels. Natural terrain or landform features as well as man-made features (e.g., buildings and walls) can significantly alter noise exposure levels at a receptor. For a noise barrier to work, it must be high enough and long enough to block the view from the receiver to a road or to the noise source. Effective noise barriers can reduce outdoor noise levels at the receptor by up to 15 dB whereas enclosures can achieve 20 dB or greater reductions in noise levels (FTA 2018a).

## **Noise Descriptors**

There are many ways to rate noise for various intervals, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Several rating scales (or noise “metrics”) exist to analyze effects of noise on a community. These scales include the equivalent noise level ( $L_{eq}$ ), the community noise equivalent level (CNEL), and the day-night average sound level ( $L_{dn}$ ). Average noise levels over a period of minutes or hours are usually expressed as dBA  $L_{eq}$ , which is the equivalent noise level for that period of time. The period of time averaging may be specified; for example,  $L_{eq(3)}$  would be a 3-hour average. When no period is specified, a one-hour average is assumed. Noise of short duration (i.e., substantially less than the averaging period) is averaged into ambient noise during the period of interest. Thus, a loud noise lasting many seconds or a few minutes may have

minimal effect on the measured sound level averaged over a one-hour period (Caltrans 2013a). To evaluate community noise impacts,  $L_{dn}$  was developed to account for human sensitivity to nighttime noise.  $L_{dn}$  represents the 24-hour average sound level with a penalty for noise occurring at night. The  $L_{dn}$  computation divides the 24-hour day into two periods: daytime (7 a.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.). The nighttime sound levels are assigned a 10 dBA penalty prior to averaging with daytime hourly sound levels. CNEL is similar to  $L_{dn}$  except that it separates a 24-hour day into 3 periods:<sup>1</sup> daytime (7 a.m. to 7 p.m.), evening (7 p.m. to 10 p.m.), and nighttime (10 p.m. to 7 a.m.). The evening sound levels are assigned a 5 dBA penalty and the nighttime sound levels are assigned a 10 dBA penalty prior to averaging with daytime hourly sound levels (FHWA 2006a).

Several other statistical descriptors are often used to describe noise including  $L_{max}$ ,  $L_{min}$ , and  $L_{\%}$ , when assessing the annoyance factor.

$L_{max}$  and  $L_{min}$  are respectively the highest and lowest A-weighted sound levels that occur during a noise event. The  $L_{\%}$  signifies the noise level that is exceeded a certain percent of the time; for example,  $L_{10}$  denotes the level that was exceeded 10 percent of the time (Caltrans 2013a). A table containing noise-related terms and their definitions is provided as Table 4.11-2.

---

<sup>1</sup> CNEL and  $L_{dn}$  are within one dBA of each other and are normally exchangeable.

**TABLE 4.11-2  
SOUND TERMINOLOGY**

<b>Term</b>	<b>Definition</b>
Sound	A vibratory disturbance created by a vibrating object which, when transmitted by pressure waves through a medium such as air, can be detected by a receiving mechanism such as the human ear or a microphone.
Noise	Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
Ambient Noise	The composite of noise from all sources near and far in a given environment.
Decibel (dB)	A unitless measure of sound on a logarithmic scale, which represents the squared ratio of sound pressure amplitude to a reference sound pressure. The reference pressure is 20 micropascals, representing the threshold of human hearing (0 dB).
A-Weighted Decibel (dBA)	An overall frequency-weighted sound level that approximates the frequency response of the human ear.
Equivalent Noise Level ( $L_{eq}$ )	The average sound energy occurring over a specified time period. In effect, $L_{eq}$ is the steady-state sound level that in a stated period would contain the same acoustical energy as the time-varying sound that actually occurs during the same period.
Maximum and Minimum Noise Levels ( $L_{max}$ and $L_{min}$ )	The maximum or minimum instantaneous sound level measured during a measurement period.
Day-Night Level (DNL or $L_{dn}$ )	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring between 10:00 p.m. and 7:00 a.m. (nighttime).
Community Noise Equivalent Level (CNEL)	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the A-weighted sound levels occurring between 7:00 p.m. and 10:00 p.m. and 10 dB added to the A-weighted sound levels occurring between 10:00 p.m. and 7:00 a.m.
Source: Data compiled by Psomas 2024.	

### ***Traffic (Mobile Source) Noise***

The level of traffic (or mobile source) noise depends on the three primary factors: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds, and greater number of trucks. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires. Because of the logarithmic nature of noise levels, a doubling

of the traffic volume (assuming that the speed and truck mix do not change) results in a noise level increase of 3 dBA. Based on the Federal Highway Administration (FHWA) community noise assessment criteria, this change is “barely perceptible”; for reference, a doubling of perceived noise levels would require an increase of approximately 10 dBA. The truck mix on a given roadway also has an effect on community noise levels. As the number of heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise levels increase.

### ***Stationary Noise***

A stationary noise producer is any entity in a fixed location that emits noise. Examples of stationary noise sources include machinery, engines, energy production, and other mechanical or powered equipment and activities such as loading and unloading or public assembly that may occur at commercial, industrial, manufacturing, or institutional facilities. Furthermore, while noise generated by the use of motor vehicles over public roads is preempted from local regulation, although the use of these vehicles is considered a stationary noise source when operated on private property such as at a construction site, a truck terminal, or warehousing facility. The emitted noise from the producer can be mitigated to acceptable levels either at the source or on the adjacent property through the use of proper planning, setbacks, block walls, acoustic-rated windows, dense landscaping, or by changing the location of the noise producer.

As noted above, the effects of stationary noise depend on factors such as characteristics of the equipment and operations, distance and pathway between the generator and receptor, and weather. Stationary noise sources may be regulated at the point of manufacture (e.g., equipment or engines), with limitations on the hours of operation, or with provision of intervening structures, barriers or topography.

Construction activities are a common source of stationary noise. Construction-period noise levels are higher than background ambient noise levels but ultimately cease once construction is complete. Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on each construction site and, therefore, would change the noise levels as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table 4.11-3 shows typical noise levels of construction equipment as measured at a distance of 50 feet from the operating equipment.

**TABLE 4.11-3  
TYPICAL CONSTRUCTION EQUIPMENT MAXIMUM NOISE LEVELS**

<b>Type of Equipment</b>	<b>Impact Device? (Yes/No)</b>	<b>Specification Maximum Sound Levels for Analysis (dBA at 50 feet)</b>
Impact Pile Driver	Yes	95
Auger Drill Rig	No	85
Vibratory Pile Driver	No	95
Jackhammers	Yes	85
Pneumatic Tools	No	85
Pumps	No	77
Scrapers	No	85
Cranes	No	85
Portable Generators	No	82
Rollers	No	85
Bulldozers	No	85
Tractors	No	84
Front-End Loaders	No	80
Backhoe	No	80
Excavators	No	85
Graders	No	85
Air Compressors	No	80
Dump Truck	No	84
Concrete Mixer Truck	No	85
Pickup Truck	No	55
Notes: dBA = A-weighted decibel Source: FHWA 2018a.		

### ***Noise from Multiple Sources***

As noted above, because sound pressure levels in decibels are based on a logarithmic scale, they cannot be added or subtracted in the usual arithmetical way. Therefore, sound pressure levels in decibels are logarithmically added on an energy summation basis. In other words, adding a new noise source to an existing noise source, both producing noise at the same level, will not double the noise level. Instead, if the difference between two noise sources is 10 dBA or more, the louder noise source will dominate, and the resultant noise level will be equal to the noise level of the louder source. In general, if the difference between two noise sources is 0–1 dBA, the resultant noise level will be 3 dBA higher than the louder noise source, or both sources if they are equal. If the difference between two noise sources is 2–3 dBA, the resultant noise level will be 2 dBA above the louder noise source. If the difference between two noise sources is 4–10 dBA, the resultant noise level will be 1 dBA higher than the louder noise source.

---

## **Groundborne Vibration and Noise**

In contrast to airborne noise, groundborne vibration is not a common environmental problem. Whereas airborne noise transmits pressure waves through air, groundborne vibration is transmitted through a solid medium such as the ground or a structure. Some common sources of groundborne vibration are specific types of construction activities such as blasting, pile driving, and operating heavy earth-moving equipment. Trains and similar rail vehicles can also produce vibration. It is unusual for vibration from sources such as buses and trucks to be perceptible. The effects of groundborne vibration typically only cause a nuisance to people, but in extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. Groundborne noise is an effect of groundborne vibration and only exists indoors, since it is produced from noise radiated from the motion of the walls and floors of a room, and may also consist of the rattling of windows or dishes on shelves.

Vibration displacement is the distance that a point on a surface moves away from its original static position. The instantaneous speed that a point on a surface moves is described as the velocity, and the rate of change of the speed is described as the acceleration. Each of these descriptors can be used to correlate vibration to human response, building damage, and acceptable equipment vibration levels. During construction of a project, the operation of certain types of construction equipment can cause groundborne vibration, as noted above and described further below. During the operational phase of a project, although unusual, receptors may be subject to levels of vibration that can cause annoyance due to noise generated from vibration of a structure or items within a structure depending on the nature of the subject use(s). Analysis of this type of vibration is best measured in velocity and acceleration.

The propagation of groundborne vibration is not as simple to model as airborne noise. This is because noise in the air travels through a relatively uniform medium, while groundborne vibrations travel through the earth, which may contain significant geological differences. Factors that influence groundborne vibration include:

- **Vibration source:** Type of activity or equipment, such as impact or mobile, and depth of vibration source;
- **Vibration path:** Soil type, rock layers, soil layering, depth to water table, and frost depth; and
- **Vibration receiver:** Foundation type, building construction, and acoustical absorption.

Among these factors that influence groundborne vibration, there are significant differences in the vibration characteristics when the source is underground compared to at the ground surface. In addition, soil conditions are known to have a strong influence on the levels of groundborne vibration. Among the most important factors are the stiffness and internal

damping of the soil and the depth to bedrock. Vibration propagation is more efficient in stiff clay soils than in loose sandy soils, and shallow rock seems to concentrate the vibration energy close to the surface, and can result in groundborne vibration problems at large distance from the source. Factors such as layering of the soil and depth to the water table can have significant effects on the propagation of groundborne vibration. Soft, loose, sandy soils tend to attenuate more vibration energy than hard, rocky materials. Vibration propagation through groundwater is more efficient than through sandy soils.

The three main wave types of concern in the propagation of groundborne vibrations are surface or Rayleigh waves, compression or P-waves, and shear or S-waves (Caltrans 2020a).

- Surface or Rayleigh waves travel along the ground surface. They carry most of their energy along an expanding cylindrical wave front, similar to the ripples produced by throwing a rock into a lake. The particle motion is more or less perpendicular to the direction of propagation (known as retrograde elliptical).
- Compression or P-waves are body waves that carry their energy along an expanding spherical wave front. The particle motion in these waves is longitudinal, in a push-pull motion. P-waves are analogous to airborne sound waves.
- Shear or S-waves are also body waves, carrying their energy along an expanding spherical wave front. Unlike P-waves, however, the particle motion is transverse, or perpendicular to the direction of propagation.

The peak particle velocity (ppv) or the root mean square (rms) velocity is usually used to describe vibration amplitudes. The ppv is defined as the maximum instantaneous peak of the vibration signal and the rms is defined as the square root of the average of the squared amplitude of the signal. The ppv is appropriate for evaluating potential building damage and also used for evaluating human response.

The units for ppv velocity are normally inches per second (in/sec). Often, vibration is presented and discussed in dB units in order to compress the range of numbers required to describe the vibration. In this study, all ppv velocity levels are provided in in/sec and all vibration levels are in dB relative to one microinch per second. The threshold of perception is approximately 0.3 ppv. Typically, groundborne vibration generated by human activities attenuates rapidly with distance from the source of the vibration. Even the more persistent Rayleigh waves decrease relatively quickly as they move away from the source of the vibration. Manmade vibration problems are, therefore, usually confined to short distances (500 feet or less) from the source (Caltrans 2020a).

Construction generally includes a wide range of activities, some of which can generate groundborne vibration. In general, blasting and demolition of structures generate the highest vibrations. Heavy trucks can also generate groundborne vibrations, which vary depending on vehicle type, weight, and pavement conditions. Potholes, pavement joints, discontinuities, differential settlement of pavement, and other anomalies all increase the vibration levels from vehicles passing over a road surface. Construction vibration is normally of greater concern than vibration of normal traffic on streets and freeways with smooth pavement conditions (FTA 2018a).



Typically, developed areas are continuously affected by vibration velocities of 50 dB or lower. Human perception to vibration starts at levels as low as 67 dB. Annoyance due to vibration in residential settings starts at approximately 70 dB.

Typical vibration source levels from construction equipment are shown in Table 4.11 4.

**TABLE 4.11-4  
VIBRATION LEVELS OF CONSTRUCTION EQUIPMENT**

<b>Construction Equipment</b>	<b>PPV at 25 Feet (inches/second)</b>	<b>Velocity in Decibels (dB) at 25 Feet</b>
Water Trucks	0.001	57
Scraper	0.002	58
Bulldozer—small	0.003	58
Jackhammer	0.035	79
Concrete Mixer	0.046	81
Concrete Pump	0.046	81
Paver	0.046	81
Pickup Truck	0.046	81
Auger Drill Rig	0.051	82
Backhoe	0.051	82
Crane (Mobile)	0.051	82
Excavator	0.051	82
Grader	0.051	82
Loader	0.051	82
Loaded Trucks	0.076	86
Bulldozer—Large	0.089	87
Caisson drilling	0.089	87
Vibratory Roller (small)	0.101	88
Compactor	0.138	90
Clam shovel drop	0.202	94
Vibratory Roller (large)	0.210	94
Pile Driver (impact-typical)	0.644	104
Pile Driver (impact-upper range)	1.518	112
Notes: PPV = peak particle velocity rms = root mean square dB = decibels Source: FTA 2018a.		

## **Ambient Noise Environment**

### ***Field Survey***

To document the existing ambient noise environment on the Project Site and in the Project vicinity, a field survey was conducted on September 15, 2023. Four short-term noise measurements (15-20 minutes) were collected at the locations shown in Exhibit 4.11-1. Noise data were collected using a Larson Davis LxT Type 1 Sound Level Meter. The results of the field study are summarized in Table 4.11-5. Given that there are no existing urban uses on-site, there are no existing on-site stationary noise sources. Traffic noise as well as noise from birds and wind are the only existing noise sources.

Also, each monitoring location is discussed individually below. Except for noise monitoring location NR-4, which was collected along the northern property line of the Project Site, the existing noise levels within the Project Site are relatively low.

**TABLE 4.11-5  
EXISTING SITE NOISE MEASUREMENT RESULTS**

<b>Noise Monitoring Location</b>	<b>Maximum (L<sub>max</sub> dBA)</b>	<b>Average (L<sub>eq</sub> dBA)</b>	<b>Minimum (L<sub>min</sub> dBA)</b>	<b>Noise Sources</b>
NR-1 – Center of Property	65.1	50.0	39.1	Distant traffic noise. Background bird and wind noise.
NR-2 – Southern Property Line	63.0	47.7	35.0	Distant traffic noise. Background bird and wind noise.
NR-3 Eastern Property Line	59.4	46.2	37.9	Distant traffic noise. Background bird and wind noise.
NR-4 Northern Property Line	90.8	72.1	53.2	Traffic noise from E Santa Ana Canyon Road and State Route 91.
NR: noise reading; dBA: A-weighted decibel scale. Note: The L <sub>eq</sub> represents the equivalent sound level and is the numeric value of a constant level that over the given period of time transmits the same amount of acoustic energy as the actual time-varying sound level. The L <sub>min</sub> and L <sub>max</sub> represent the minimum and maximum root-mean-square noise levels obtained over a period of 1 second during the measurement. Source: Psomas 2023d, which is attached as Appendix M.				

### **Sensitive Noise Receptors**

Noise-sensitive receptors include those land uses that require serenity or are otherwise adversely affected by noise events or excessively noisy conditions. Furthermore, the City of Anaheim attempts to minimize exposure to excessive noise levels to residents, workers, and visitors to the City by adopting the noise-related California General Plan Land Use Compatibility Guidelines (City of Anaheim 2004a). The land use categories requiring the





Aerial Source: Nearmap 2023

## Ambient Noise Measurements

(Rev: 6-13-2024 PLO) R:\Projects\ANA\3ANA009406\Graphics\DEIR\ex\_Ambient\_Noise.pdf



lowest noise thresholds are schools, libraries, religious institutions, hospitals, convalescent facilities, and residences, all of which are considered as “noise sensitive receptors”.

Exhibit 3-2 reflects existing off-site noise sensitive receptors and other existing uses in proximity to the Project Site, as well as undeveloped areas that are currently planned to accommodate future sensitive receptors (e.g. lands zoned for residential uses).

As shown in Exhibit 3-2, Aerial Photograph, Santa Ana Canyon Road is north of the Project Site. Further to the north across Santa Ana Canyon road is a self-storage facility, SR-91, and a California Highway Patrol weigh station. A utility transmission corridor containing Southern California Edison (SCE) overhead power lines is immediately east of the Project site. Also, the Anaheim Hills Festival commercial center is approximately 350 feet to the east of the Project Site. Undeveloped, privately-owned parcels that are zoned Hillside Single-Family Residential are located immediately south of the Project Site. Approximately 825 feet (0.16-mile) south of the Project Site is the Deer Canyon Park Preserve. The west boundary of the Project Site is adjacent to a single-family residential subdivision that is accessible via South Eucalyptus Drive [Avenue?]. The existing residential uses near the Project Site would be classified as sensitive receptors for noise; none of the other foregoing uses would be considered sensitive receptors for purposes of this analysis.

As noted above, since the Project Site is vacant, there are no existing on-site sensitive receptors.

## **4.11.2 REGULATORY SETTING**

### **Federal**

#### ***U.S. Department of Housing and Urban Development***

The U.S. Department of Housing and Urban Development (HUD) has set a goal of 45 dBA  $L_{dn}$  as a desirable maximum interior noise standard for residential units developed under HUD funding (HUD 1984a). While HUD does not specify acceptable exterior noise levels, standard construction of residential dwellings constructed pursuant to standards established under Title 24 of the California Code of Regulations typically provides 20 dBA, or more, of attenuation with the windows closed. Based on this premise, the exterior  $L_{dn}$  should not exceed 65 dBA (CBSC 2023a).

#### ***Noise Control Act***

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- Promulgating noise emission standards for interstate commerce
- Assisting state and local abatement efforts
- Promoting noise education and research

This act authorized the United States Environmental Protection Agency (EPA) to publish descriptive data on the effects of noise and establish levels of sound “requisite to protect the public welfare with an adequate margin of safety.” These levels are separated into health (hearing loss levels) and welfare (annoyance levels). The EPA cautions that these identified levels are not standards because they do not take into account the cost or feasibility of the levels.

For protection against hearing loss, 96 percent of the population would be protected if sound levels are less than or equal to an  $L_{eq}(24)$  of 70 dBA. The “(24)” signifies an  $L_{eq}$  duration of 24 hours. The USEPA activity and interference guidelines are designed to ensure reliable speech communication at about 5 feet in the outdoor environment. For outdoor and indoor environments, interference with activity and annoyance should not occur if levels are below 55 dBA and 45 dBA, respectively.

At 55 dBA  $L_{dn}$ , 95 percent sentence clarity (intelligibility) may be expected at 11 feet, and no substantial community reaction. However, 1 percent of the population may complain about noise at this level and 17 percent may indicate annoyance.

The Federal Office of Noise Abatement and Control (ONAC) was initially tasked with implementing the Noise Control Act. However, the ONAC has since been eliminated, leaving the development of federal noise policies and programs to other federal agencies and interagency committees.

Among the agencies now regulating noise are the Occupational Safety and Health Administration (OSHA), which limits noise exposure of workers to 90 dB  $L_{eq}$  or less for 8 continuous hours or 105 dB  $L_{eq}$  or less for 1 continuous hour; the United States Department of Transportation (USDOT), which assumed a significant role in noise control through its various operating agencies; and the Federal Aviation Administration (FAA), which regulates noise of aircraft and airports. Surface transportation system noise is regulated by a host of agencies, including the FTA. Transit noise is regulated by the federal Urban Mass Transit Administration, while freeways that are part of the interstate highway system are regulated by the FHWA.

Finally, the federal government encourages local jurisdictions use their land use regulatory authority to site new development in such a way that “noise-sensitive” uses are either prohibited from being sited adjacent to a highway, or alternatively, that developments are planned and constructed in such a manner that minimize potential noise impacts.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by transportation sources, local jurisdictions are limited to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

### ***Federal Transit Administration Standards and Guidelines***

FTA has established industry accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact

Assessment document (FTA 2006). The FTA guidelines include thresholds for construction vibration impacts for various structural categories as shown in Table 4.11-6.

**TABLE 4.11-6  
FEDERAL TRANSIT ADMINISTRATION  
CONSTRUCTION VIBRATION IMPACT CRITERIA**

<b>Building Category</b>	<b>PPV (in/sec)</b>	<b>Approximate dB</b>
I. Reinforced-Concrete, Steel or Timber (no plaster)	0.5	102
II. Engineered Concrete and Masonry (no plaster)	0.3	98
III. Non-engineered Timber and Masonry Buildings	0.2	94
IV. Buildings Extremely Susceptible to Vibration Damage	0.12	90
Notes:		
PPV = peak particle velocity		
dB = decibels		
Source: Federal Transit Administration (FTA) 2018. Transit Noise and Vibration Impact Assessment Manual.		

## **State**

The State of California has established regulations that help prevent adverse impacts to occupants of buildings located near noise sources. In addition to the following documents, the State has also established land use compatibility guidelines for determining acceptable noise levels for specified land uses.

### ***General Plan Guidelines/California Office of Noise Control—Noise Compatibility Standards***

Established in 1973, the California Department of Health Services Office of Noise Control was instrumental in developing regularity tools to control and abate noise for use by local agencies. One significant model is the “Land Use Compatibility for Community Noise Environments Matrix,” which allows the local jurisdiction to delineate compatibility of sensitive uses with various incremental levels of noise.<sup>2</sup>

The California Office of Noise Control has set acceptable noise limits for sensitive uses. Sensitive land uses, such as homes, are “normally acceptable” in exterior noise environments up to 65 dBA CNEL and “conditionally acceptable” in areas up to 70 dBA CNEL. A “conditionally acceptable” designation implies that new development should be undertaken only after a detailed analysis of the necessary noise reduction measures that would need to be incorporated into the new development to ensure that acceptable noise levels could be achieved (e.g., needed noise insulation features are incorporated in the design). By comparison, a “normally acceptable” designation indicates that standard construction could

<sup>2</sup> California Department of Health Services Office of Noise Control, “Land Use Compatibility for Community Noise Environments Matrix,” 1976.

occur with no special noise reduction requirements incorporated into the design of the new development (OPR 2017a).

Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines referenced above, which rank noise/land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable. As discussed further below, because the Project is subject to review under CEQA, the impact thresholds for potential noise and vibration impacts set forth in Appendix G of the CEQA Guidelines are relevant in applying the foregoing guidelines.

### ***California Noise Insulation Standards***

The State of California has established noise insulation standards for new hotels, motels, apartment houses, and dwellings (other than single-family detached housing). These requirements are provided in Title 24 of the California Code of Regulations, also known as the California Building Standards Code or, more commonly, the California Building Code. Specifically, these provisions require that residential structures other than detached single-family dwellings be designed to prevent exterior noise intrusion so that the interior Day-Night  $L_{dn}$  or CNEL attributable to exterior sources does not exceed 45 dBA in any habitable room with closed windows, and specify the extent to which walls, doors, and floor ceiling assemblies must block or absorb sound (CBSC 2023a). When such structures are located within a 65-dBA CNEL (or greater) exterior noise contour associated with a traffic noise along a roadway, an acoustical analysis is required to ensure that interior levels do not exceed the 45-dBA CNEL threshold. These noise insulation standards are achieved through design and/or building materials that would offset any noise source in the vicinity of the building. Title 24 standards are typically enforced by local jurisdictions through the building permit application process.

### ***California Assembly Bill 1307***

The State of California passed Assembly Bill 1307, which went into effect January 1, 2024, added Sections 21085 and 21085.2 to the Public Resources Code. This act was treated as an “urgency statute” that went into immediate effect; this was based on the current “substantial housing crisis” that California is facing, and thus the Act is “ensure housing projects are not subject to further uncertainty, delay, or risk of lawsuit.” Specifically, it provides that “...for residential projects, the effects of noise generated by project occupants and their guests on human beings is not a significant effect on the environment.” Therefore, this analysis does not address potential noise impacts from future Project residential occupants and their guests on sensitive receptors in the Project vicinity.

**Local*****City of Anaheim General Plan – Noise Element***

In the Noise Element of the City’s General Plan, the City adopted land use-noise compatibility standards, which are shown in Table 4.11-7 (City of Anaheim 2004a). The land use compatibility standards are used to identify “normally acceptable”, “conditionally acceptable”, “normally unacceptable”, and “clearly unacceptable” noise levels for varying land uses and may be used to ascertain construction noise impacts to the surrounding land uses.

For single-family residential land uses impacted by construction, the “normally acceptable” and “conditionally acceptable” community noise levels according to the compatibility matrix would be 60 dBA and 70 dBA CNEL, respectively. If the noise levels from construction are below 65 dBA CNEL then no changes to the intended construction plans are required; however, if the levels are above 65 dBA CNEL then noise reduction measures may need to be considered to reduce the noise impact to the surrounding land uses. An analysis of Project consistency with the goals and policies from the Noise Element that are applicable to the Project are provided in Table 4.10-1 in Section 4.10, Land Use.



**TABLE 4.11-7  
LAND USE COMPATIBILITY FOR NOISE EXPOSURE**

Land Use Category	Community Noise Exposure L <sub>dn</sub> or CNEL, dB						
	55	60	65	70	75	80	85
Residential – Low-Density Single-Family, Duplex, Mobile Homes							
Residential – Multiple-Family Homes							
Transient Lodging - Motels, Hotels							
Schools, Libraries, Churches, Hospitals, Nursing Homes							
Auditoriums, Concert Halls, Amphitheaters							
Sports Arena, Outdoor Spectator Sports							
Playgrounds, Neighborhood Parks							
Golf Courses, Riding Stables, Water Recreation, Cemeteries							
Office Buildings, Business, Commercial and Professional							
Industrial, Manufacturing, Utilities, Agriculture							
Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable				
Specified land use is satisfactory based upon the assumption that any buildings involved are of normal, conventional construction, without any special noise insulation requirements.	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirement is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.	New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. Outdoor areas must be shielded.	New construction or development should generally not be undertaken. Construction costs to make the indoor environment acceptable would be prohibitive, and the outdoor environment would not be acceptable.				
L <sub>dn</sub> : day-night noise level; CNEL: Community Noise Equivalent Level; dB: decibels							
Source: City of Anaheim 2004a.							

---

## **Anaheim Municipal Code**

As described further below, the AMC addresses specific types of noise and related standards. Of relevance here, first, it contains interior and exterior noise standards that must be adhered to (with certain exceptions) when designing and building new residential developments. Second, the AMC limits the generation of noise by stationary sources for extended periods from any premises in excess of 60 decibels at the property line. Third, the AMC addresses construction-related noise impacts. Specifically, the AMC exempts construction noise from AMC standards so long as the construction occurs during specified hours (i.e., 7:00 a.m. and 7:00 p.m., unless otherwise extended by City). Finally, the AMC also regulates the use of amplified sound.

The following sections of the AMC that are relevant to this analysis are as follows:

### **18.40.090. Sound Attenuation for Residential Developments**

**.010 Applicability.** Residential developments involving the construction of two (2) or more dwelling units, or residential subdivisions resulting in two (2) or more parcels, and located within six hundred (600) feet of any railroad, freeway, expressway, major arterial, primary arterial or secondary arterial, as designated by the Circulation Element of the General Plan, shall comply with the provisions of this section. The construction of an Accessory Dwelling Unit or Accessory Dwelling Unit – Junior shall not constitute a residential development subject to the provisions of this section.

**.020 Study Required.** A noise level analysis shall be performed for any new residential development or subdivision to determine the projected interior and exterior noise levels within the development. The study shall include mitigation measures that would be required to comply with applicable City noise standards, as identified in this section. The study shall be provided by the applicant, at its sole expense, to the City at the time of application for development of the residential development or subdivision.

**.030 Attenuation.** Mitigation measures, without limitation, may include masonry walls, an earthen berm or a combination thereof. Masonry walls must comply with the requirements of Chapter 18.46 (Landscaping and Screening). The height of any proposed walls shall be determined by the approval authority based on the recommendation of a sound attenuation study prepared by a state-licensed acoustical engineer, unless a variance is granted by the approval authority, or City Council on appeal, in accordance with the procedures established in Chapter 18.60 (Common Procedures) for the processing of variances.

**.040 Single-Family Detached.** Exterior noise within the private rear yard of any single-family lot and/or within any common recreation areas, shall be attenuated to a maximum of sixty-five (65) dB CNEL. Interior noise levels shall be attenuated to a maximum of forty-five (45) dB CNEL, or to a level designated by the Uniform Building Code, as adopted by the City.

**.050 Single-Family Attached or Multiple-Family.** Exterior noise within common recreation areas of any single family attached or multiple family dwelling project shall be attenuated to a maximum of sixty-five (65) dB CNEL. Interior noise levels shall be attenuated to a

maximum of forty-five (45) dB CNEL, or to a level designated by the Uniform Building Code, as adopted by the City.

**.060 Minor Deviations.** Notwithstanding any provision of this Code to the contrary, the Planning Commission may grant a deviation from the requirements imposed by subsections .040 and .050 of this section pertaining to exterior noise levels in accordance with the procedures established in Chapter 18.60 (Common Procedures) for the processing of variances except that the findings set forth in Section 18.74.060 (Findings) of Chapter 18.74 (Variances) shall not be required and provided that before any such deviation is granted by the Planning Commission, the evidence presented shows that all of the following conditions exist:

**.0601** The deviation from prescribed levels does not pertain to interior noise levels;

**.0602** The deviation does not exceed five (5) dB CNEL above the prescribed levels for exterior noise; and

**.0603** Measures to attenuate noise to the prescribed levels would compromise or conflict with the aesthetic value of the project. (Ord. 6000 § 3; November 8, 2005: Ord. 6101 § 33; April 22, 2008: Ord. 6317 § 14; March 3, 2015: Ord. 6419 § 10; August 29, 2017: Ord. 6483 § 9; June 9, 2020.)

## **Chapter 6.70. Sound Pressure Levels**

### **6.70.010 Established.**

Sound produced in excess of the sound pressure levels permitted herein are hereby determined to be objectionable and constitute an infringement upon the right and quiet enjoyment of property in this City.

No person shall within the City create any sound radiated for extended periods from any premises which produces a sound pressure level at any point on the property line in excess of sixty decibels (Re 0.0002 Microbar) read on the A-scale of a sound level meter. Readings shall be taken in accordance with the instrument manufacturer's instructions, using the slowest meter response.

The sound level measuring microphone shall be placed at any point on the property line, but not closer than three (3) feet from any wall and not less than three (3) feet above the ground, where the above listed maximum sound pressure level shall apply. At any point the measured level shall be the average of not less than three (3) readings taken at two (2) minute intervals. To have valid readings, the levels must be five (5) decibels or more above the levels prevailing at the same point when the sources of the alleged objectionable sound are not operating.

Sound pressure levels shall be measured with a sound level meter manufactured according to American Standard S1.4-1961 published by the American Standards Association, Inc., New York City, New York.

Traffic sounds created by emergency activities and sounds created by governmental units, or their contractors shall be exempt from the applications of this chapter. Sound created by construction or building repair of any premises within the City shall be exempt from the applications of this chapter during the hours of 7:00 AM to 7:00 PM. Additional work hours may be permitted if deemed necessary by the Director of Public Works or Building Official. (Ord. 2526 § 1 (part); June 18, 1968; Ord. 3400 § 1; February 11, 1975; Ord. 6020 § 1; April 25, 2006.)

## **Chapter 6.72. AMPLIFIED SOUND**

### **6.72.010 PURPOSE.**

This City Council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety, and welfare of its citizenry. While recognizing that certain uses of sound-amplifying equipment are protected by the constitutional rights of freedom of speech and assembly, the City Council, nevertheless, feels obligated to reasonably regulate the use of sound-amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and raucous noise. (Ord. 4059 § 1 (part); October 9, 1979; Ord. 5941 § 1 (part); September 14, 2004.)

### **6.72.020 REGULATION OF AMPLIFIED SOUND.**

Notwithstanding the provisions of Chapter 6.70 of this code, it shall be unlawful for any person to use or operate, or cause to be used or operated, within the City of Anaheim any sound-amplifying equipment in a fixed or movable position, or mounted upon any vehicle, except when used or operated in compliance with the following provisions:

**.010** In all residential zones and within two hundred feet of any boundary thereof, no sound-amplifying equipment shall be operated or used for commercial purposes, except sound-amplifying equipment may be used for commercial purposes upon a moving vehicle between the hours of 8:00 a.m. and 8:00 p.m. to announce the presence of such vehicle in an area or location for commercial purposes; provided that such sound-amplifying equipment shall not be used during periods that the vehicle is stopped, parked or otherwise in a stationary position.

**.020** In all residential zones and within two hundred feet of any boundary thereof, no sound-amplifying equipment shall be operated or used for noncommercial purposes between the hours of 8:00 p.m. and 8:00 a.m. of the following day.

**.030** In all non-residential zones, except such portions thereof as may be included within two hundred feet of the boundary of any residential zone, the operation or use of sound-amplifying equipment for commercial purposes is prohibited between the hours of 9:00 p.m. and 8:00 a.m. of the following day.

**.040** In all non-residential zones, except such portions thereof as may be included within two hundred feet of the boundary of any residential zone, the operation or use of sound-

amplifying equipment for noncommercial purposes is prohibited between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

**.050** Sound emanating from sound-amplifying equipment shall not be audible to a person of normal hearing acuity within an enclosed building (other than a building within which the sound emanate) at a distance in excess of two hundred feet from the sound-amplifying equipment.

**.060** In no event shall the sound-amplifying equipment be unreasonably loud, raucous, jarring or disturbing to a person of normal sensitiveness within the area of audibility, or disturb the peace or quiet of any neighborhood.

**.070** It shall be unlawful for any person to operate or use any sound-amplifying equipment within, upon or adjacent to the premises of any hospital, school, or publicly owned or operated arena, stadium, convention center or auditorium, while in use, in a manner which disturbs, disrupts or interferes with the conduct of any event, business or activity of any nature then occurring within such building or premises. Nothing contained in this subsection shall be deemed to prohibit any conduct which is otherwise prohibited by California Penal Code Sections 302 or 403, or any other provision of State law. (Ord. 4059 § 1 (part); October 9, 1979; Ord. 5781 § 1; September 25, 2001; Ord. 5941 § 1 (part); September 14, 2004.)

### **4.11.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim's Environmental Checklist, the Project would result in significant impacts related to noise if it would:

- a) Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.
- b) Result in 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 plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in exposure of people residing or working in the Project area to excessive noise levels.

### **4.11.4 IMPACT ANALYSIS**

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

**Less Than Significant With Mitigation Incorporated.**

---

## **Construction Noise**

The Project would involve a substantial amount of grading and excavation activities to develop building pads and underground parking garages to accommodate the proposed Project. Construction of the proposed buildings and related infrastructure improvements would also result in additional noise generation. Certain off-site properties that are nearest to the Project Site would be subject to elevated noise levels temporarily during construction due to the operation of construction equipment and traffic noise from construction workers. Construction activities are carried out in discrete steps; each of which would have its own mix of equipment and, consequently, its own noise characteristics. Construction of the Project would generally occur over an 8-hour period per day and would be required to occur between the specified hours of 7:00 AM to 7:00 PM. No construction activity would occur at night, on Sundays, or on federal holidays in accordance with the applicable requirements contained in the AMC.

## **Noise from Construction Traffic**

In terms of construction-related noise, two types of short-term noise impacts would occur during site preparation and project construction. The first type would result from the increase in traffic flow on local streets associated with the transport of workers, equipment, and materials to and from the Project Site, which would incrementally increase noise levels on access roads leading to the Project Site. Typically, a doubling of the ADT hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels, which, as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. The Project's construction trips would not be expected to double the hourly or daily traffic volumes along roadway segments in the vicinity of a construction work area associated with the Project because \_\_of the high volume of trips that occur on Santa Ana Canyon Road and SR-91. For this reason, short-term intermittent noise from construction trips would not be expected to result in a perceptible increase in hourly or daily average traffic noise levels. Moreover, as explained further below, construction-related noise is exempted from otherwise applicable noise standards in the AMC. Therefore, short-term construction-related noise impacts associated with the transportation of workers and equipment to the Project Site would be less than significant and no mitigation would be required.

## **Noise from Construction Equipment**

The second type of short-term noise impact is related to noise generated during site preparation, grading, and construction activities (i.e., non-mobile source). Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on-site. Thus, the noise levels vary as construction progresses. Despite the variety in the types and sizes of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction noise ranges to be categorized by work phase.

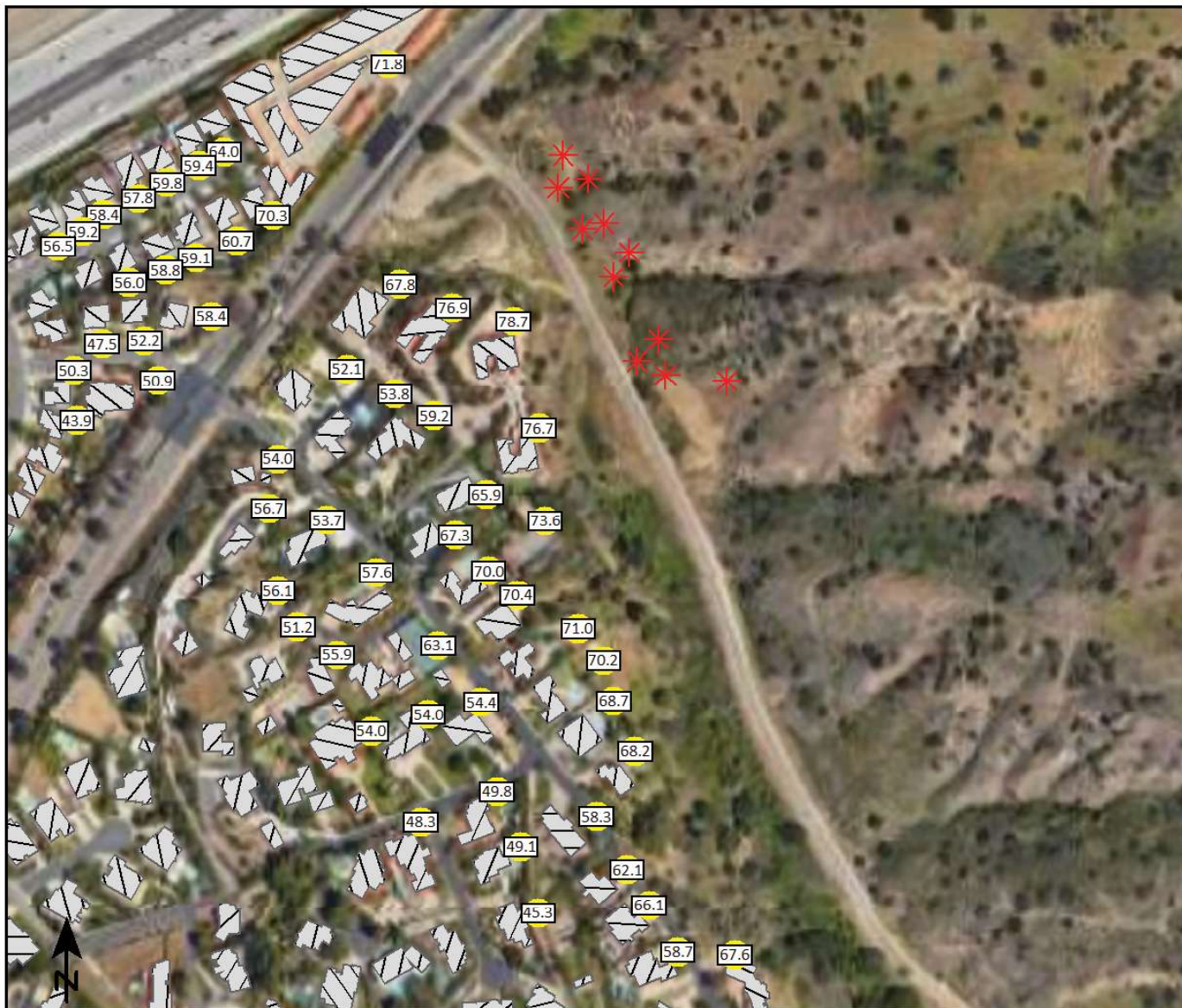
Noise from grading activities is typically the foremost concern when evaluating a project's construction noise impact, as grading activities often require extensive use of heavy-duty, diesel-powered earthmoving equipment. For the Project, grading would have the greatest – and thus noisiest – construction equipment requirements, as multiple grading vehicles working in concert would be required to rough grade individual subdivision improvement areas within the Project Site. Other construction phases would have reduced equipment requirements and/or would involve less daily usage of equipment. The estimated construction noise levels for a construction project are governed primarily by the equipment that produces the highest noise levels. Construction noise levels that were assumed for each generalized construction phase (i.e., ground clearing/demolition of the existing maintenance road/existing utilities, excavation, foundation/building construction, paving, and site cleanup) were based on a typical construction equipment mix for residential and commercial project types. Consistent with common construction practices, this analysis assumed that all construction equipment would be fitted with the original manufacturer-installed muffler equipment or manufacturer-approved equivalent mufflers or intake silencers to maintain, at minimum, published noise emission levels.

Based on available information, it is assumed that the Project's construction activities would be carried out in three development phases. The multiple-family residential component of the Project (Phase 1) would be located on the western portion of the Project Site. It is assumed that Phase 1 would be built first and would be open approximately in 2027. It is assumed that the commercial uses (Phase 2), which would be located on the northern portion of the Project Site, would be open approximately in 2029. It is assumed that the single-family residential component of the Project (Phase 3), which would be located on the southwestern portion of the Project Site, would be open in approximately 2031.

This analysis takes into account existing sensitive receptors near the Project Site, as well as future on-site sensitive receptors since the proposed Project would be built over time. As discussed above, the degree to which noise-sensitive receptors would be affected by construction activities depends heavily on their proximity. The Project Site is located in an area containing existing residential, commercial, and open space land uses nearby. Estimated construction noise levels for the Project were developed using a three-dimensional noise modeling software, SoundPlan Essentials, the results of which are depicted in Exhibits 4.11-2 through Exhibit 4.11-4. To provide a conservative analysis, no reduction was incorporated into the predicted noise levels that are presented in Exhibit 4.11-2 through Exhibit 4.11-4 for noise attenuation that may occur due to the presence of the off-site existing walls, structures, and vegetation.

The noise exposure levels shown in Exhibit 4.11-2 through Exhibit 4.11-4 approximate noise exposure with the conservative assumption that equipment would be operated simultaneously at the locations indicated on the exhibits, which were chosen to represent a reasonable worst-case scenario for off-site sensitive noise receptors. When equipment operates in closer proximity to nearby land uses, construction noise would be higher, and conversely, noise levels would be lower when equipment are operating further away. Noise levels that were used in the SoundPlan Essentials modeling are based on estimates of noise levels for construction equipment that are provided within the Federal Transit





## Legend

- Receiver
- ✱ Point source

## Phase 1 Construction

*Hills Preserve Project*

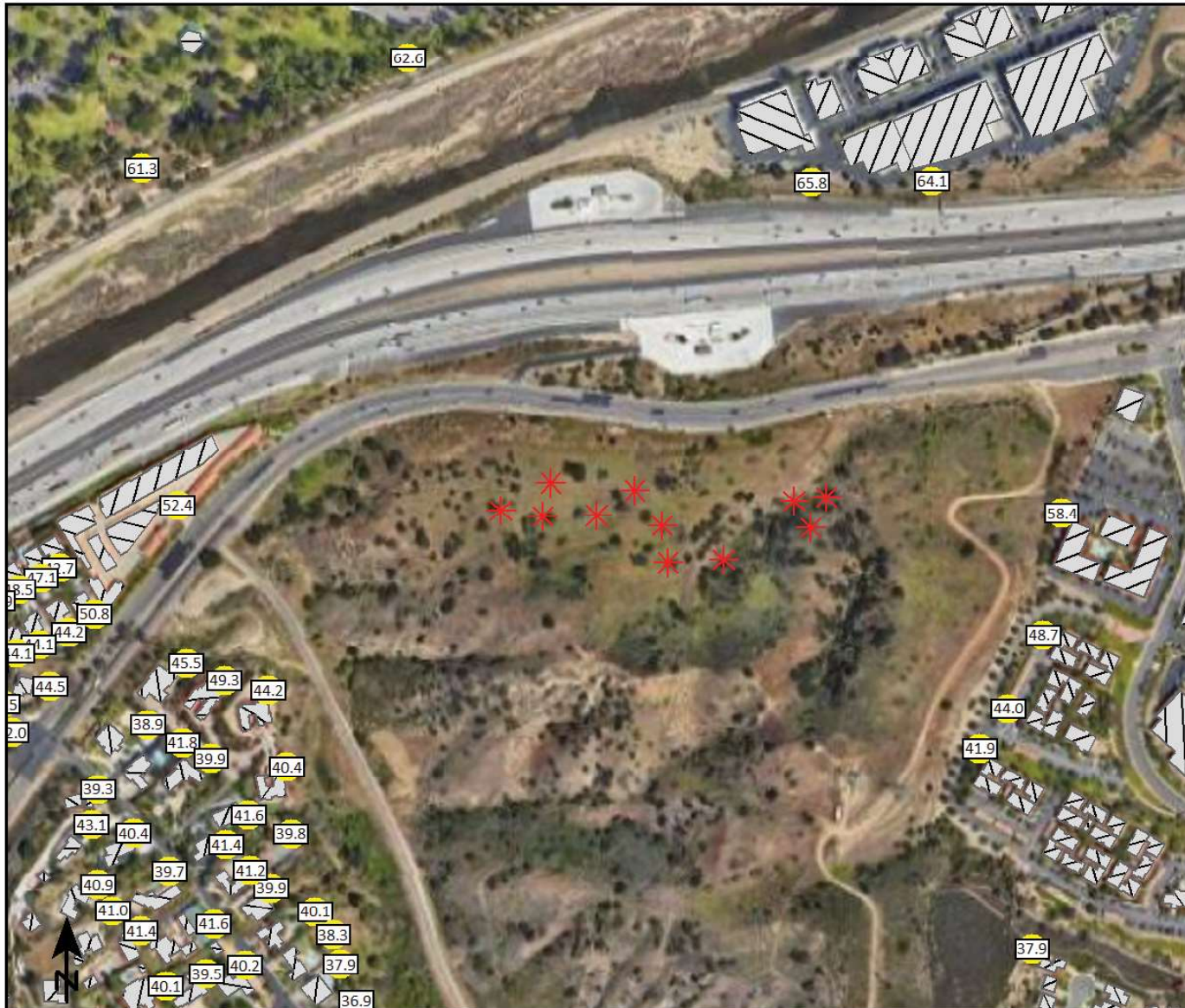


Not to scale

## Exhibit 4.11-2







## Legend

- Receiver
- ✱ Point source

## Phase 2 Construction

*Hills Preserve Project*

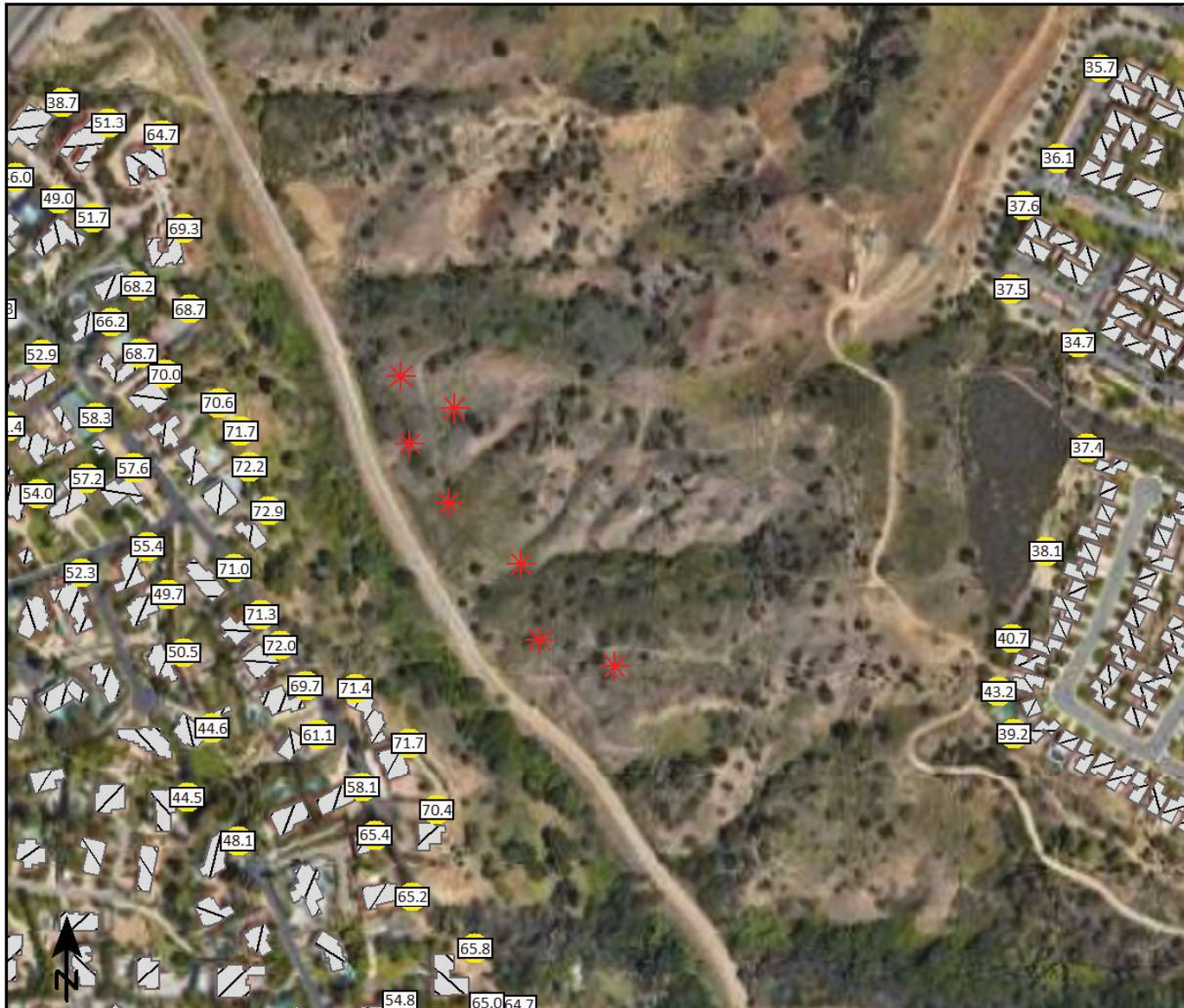


Not to scale

## Exhibit 4.11-3







### Legend

- Receiver
- ✱ Point source

## Phase 3 Construction

*Hills Preserve Project*



Not to scale

Exhibit 4.11-4



Administration's *Transit Noise and Vibration Impact Assessment Manual* (FTA 2018). As noted above, this analysis assumes that all construction equipment would be fitted with the original equipment manufacturer or manufacturer approved equivalent mufflers or intake silencers to maintain, at minimum, published noise emission levels.

### ***Phase One of Construction***

The Project's first phase of construction would involve the development of the proposed multiple-family residential uses and related improvements which would occur near existing residences that are located to the west of the Project Site. The construction equipment that was assumed for the Project's construction phases include scrapers, excavators, graders, backhoes, bulldozer, and trucks. As shown in Exhibit 4.11-2, construction activities for Phase 1 would result in noise levels of between approximately 68 to 79 dBA  $L_{eq}$  for the backyards of existing residences immediately west of the Project Site. Noise levels at these locations would be comparable to and sometimes noticeably higher than existing conditions of approximately 72 dBA  $L_{eq}$ , which was measured nearby these existing residences at the western edge of the Project Site. As indicated by existing noise levels, these residences are already significantly affected by existing traffic noise from SR-91 and Santa Ana Canyon Road. Due to the presence of the hillside atop which these existing residences are located, the second row of existing residences would be exposed to substantially less noise than the first row of residences would experience due to Project construction.

### ***Phase Two of Construction***

The second phase of the Project's construction would involve the development of the Project's proposed commercial uses and related improvements in the northeastern portion of the Project Site, which is located away from noise-sensitive uses, the closest of which is as close as 30 feet to the west of the Project Site. The locations of the modeled construction equipment for this construction phase are shown in Exhibit 4.11-3. As shown in Exhibit 4.11-3, the construction noise exposure levels at the existing off-site residential receptors would be relatively low. To the west and east of the construction area, existing residential uses would be exposed to construction noise levels in the low to high 40 dBA  $L_{eq}$  range which is considered to be equivalent to the "Quiet urban daytime" category that is provided in Caltrans guidance that is summarized in Table 4.11-1. This noise range would be [consistent with?] existing noise levels in and adjacent to the Project Site. The hotel that is located to the east of the construction activities would experience noise levels of 58 dBA from construction, which would be similar to existing noise levels.

### ***Phase Three of Construction***

The Project's third phase would involve construction of up to six single-family residential lots and related improvements on the southern portion of the Project Site. This portion of the Project Site is near existing residential uses that are located approximately 30 feet, to the west of the Project Site. As shown in Exhibit 4.11-4, construction noise exposure levels at these existing off-site single-family residences to the west of the Project Site would, at their maximum, be up to the low 70 dBA  $L_{eq}$  range during the third phase of construction. Existing

single-family residences to the east of the construction area for the Project's third phase would be exposed to noise levels in the high 30s to low 40s dBA  $L_{eq}$  range, which is also comparable to or below ambient noise levels. These noise levels would be lower due to the distance of the construction activities to these residences and the intervening hilly topography.

### ***Conclusion***

This analysis described, for purposes of full disclosure, the nature of the anticipated construction noise for each Project phase. A significant impact would occur if Project-related, noise producing construction activities would result in a substantial temporary increase in ambient noise levels in excess of the established standards. However, pursuant to AMC Section 6.70.010, "sound created by construction or building repair of any premises within the City shall be exempt from the applications of this chapter during the hours of 7:00 a.m. to 7:00 p.m. Additional work hours may be permitted if deemed necessary by the Director of Public Works or Building Official." Because the Project's construction activities would be required to comply with the City's construction noise limits, noise from construction activities from both construction traffic and equipment would result in a less than significant noise impact and no mitigation is required.

### **Operational Noise**

Potential sources of noise during Project operation could include vehicle traffic, noise from the heating, ventilation, and air conditioning (HVAC) units, parking lot/loading and unloading activities and landscaping equipment as well as noise from use of the on-site recreational areas (the rooftop deck) by residents and members. Noise generated by these sources was quantified and assessed against the applicable noise limits established within the General Plan and AMC. Impacts from these noise sources are evaluated below.

#### ***Parking Lot and Landscaping Equipment Noise***

Noise generated from parking lot loading and unloading activities and from landscaping equipment and other on-site sources within the Project Site was evaluated as part of this noise analysis. Noise similar to parking lot loading and unloading is already generated in the Project Site vicinity due to the existing presence of cars and roadways north, east, and west of the Project Site. Landscaping equipment would be required to be operated in accordance with requirements contained in AMC Chapter 6.70. Therefore, noise levels from parking areas and landscaping equipment would be substantially similar to existing ambient conditions.

#### ***Heating Ventilation and Air Conditioning***

Noise associated with the Project's proposed buildings, including any HVAC systems, would be required to comply with the City's 60 dBA  $L_{eq}$  noise limit identified in AMC Section 6.70.010.

The Project's HVAC systems for the commercial buildings and the single-family residential buildings would be located sufficiently far from the nearest existing off-site noise-sensitive uses and future on-site noise-sensitive land uses that these proposed HVAC systems would not result in an exceedance of the City's noise limit. This conclusion is based on intervening topography and distance, which would attenuate the noise.

The Project's proposed multiple-family residential building would have a centralized HVAC system within the building itself; therefore, only exhaust vents would be located on the roof of the multiple-family residential building, which means that noise would be much less than would typically be the case with roof-mounted HVAC equipment. Exhibit 4.11-5 shows the approximate locations of the centralized HVAC system exhaust vents that would be installed on the roof of the multiple-family residential building. As indicated by the referenced architectural plans, there would be a rooftop parapet of at least 3 feet which would reduce noise exposure from the ventilation system that might be emitted from the vents. Noise generated by the HVAC system was modeled in SoundPlan Essentials using the reasonable worst-case assumption that each of the rooftop vents were to create the same amount of noise as a standard air conditioning unit. Exhibit 4.11-6 depicts the noise exposure levels at the closest offsite residential uses that would result. As shown in Exhibit 4.11-6, noise exposure levels at these existing off-site residential uses would be 52 dBA  $L_{eq}$  or less as a result of the HVAC system that would be installed in the Project's multiple-family residential building.

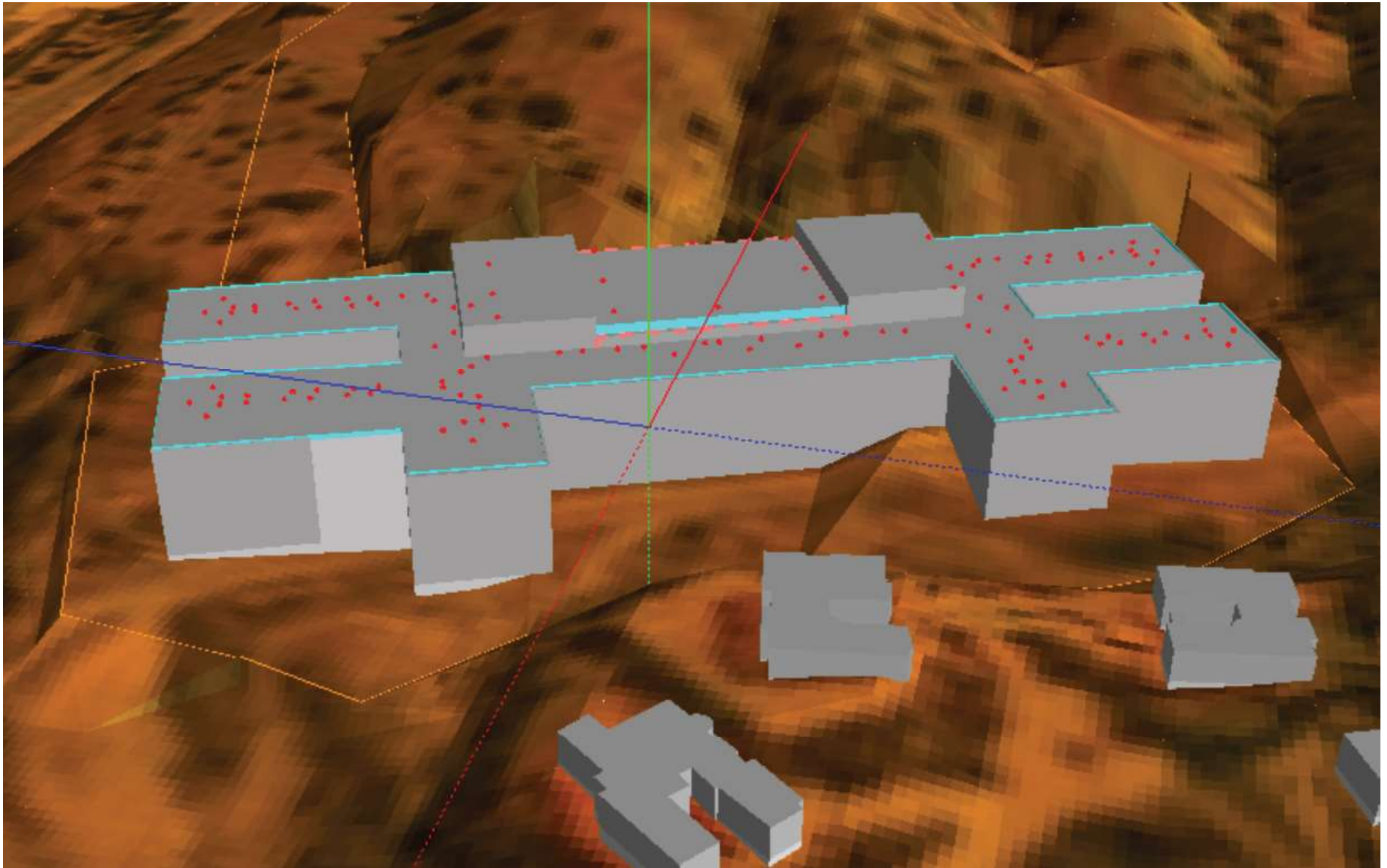
The Project's future rooftop deck users would be exposed to noise levels from the HVAC system of 52 dBA  $L_{eq}$  or less.

Because the HVAC system would result in noise levels that are less than the City's 60 dBA  $L_{eq}$  noise limit for neighboring properties and for future on-site users, the Project's HVAC system would adhere to the AMC and would not result in the generation of a substantial permanent increase in ambient levels of noise in excess of applicable standards, and thus impacts would be less than significant in this regard.

### ***Rooftop Deck***

The proposed multiple-family residential building would include a rooftop deck that would have amenities including an enclosed fitness center, an enclosed clubhouse, and outdoor amenities such as a swimming pool, spas, cabanas, fire bowls, lounging areas, and landscaped spaces. Hours of operation for all amenities would be from 5 AM to midnight, except for the enclosed fitness center which would always be open. These rooftop deck uses would generate noise from people talking and from amplified background music (Exhibit 4.11-7). Based on the rooftop deck operations memorandum prepared for the Project by the Property Owner/Developer on October 3, 2023, the use of common areas like the rooftop deck would be regulated by terms of each subject lease/membership agreement that would include prohibitions against loud noises and disturbances, which would be enforced by management through access denial, fines, membership termination, and in some cases, evictions. For example, the rooftop deck operations memorandum cites Page 7, Section 29 (g) of the subject lease form that would be used for the Project's multiple-family residential units, which states





## HVAC Locations

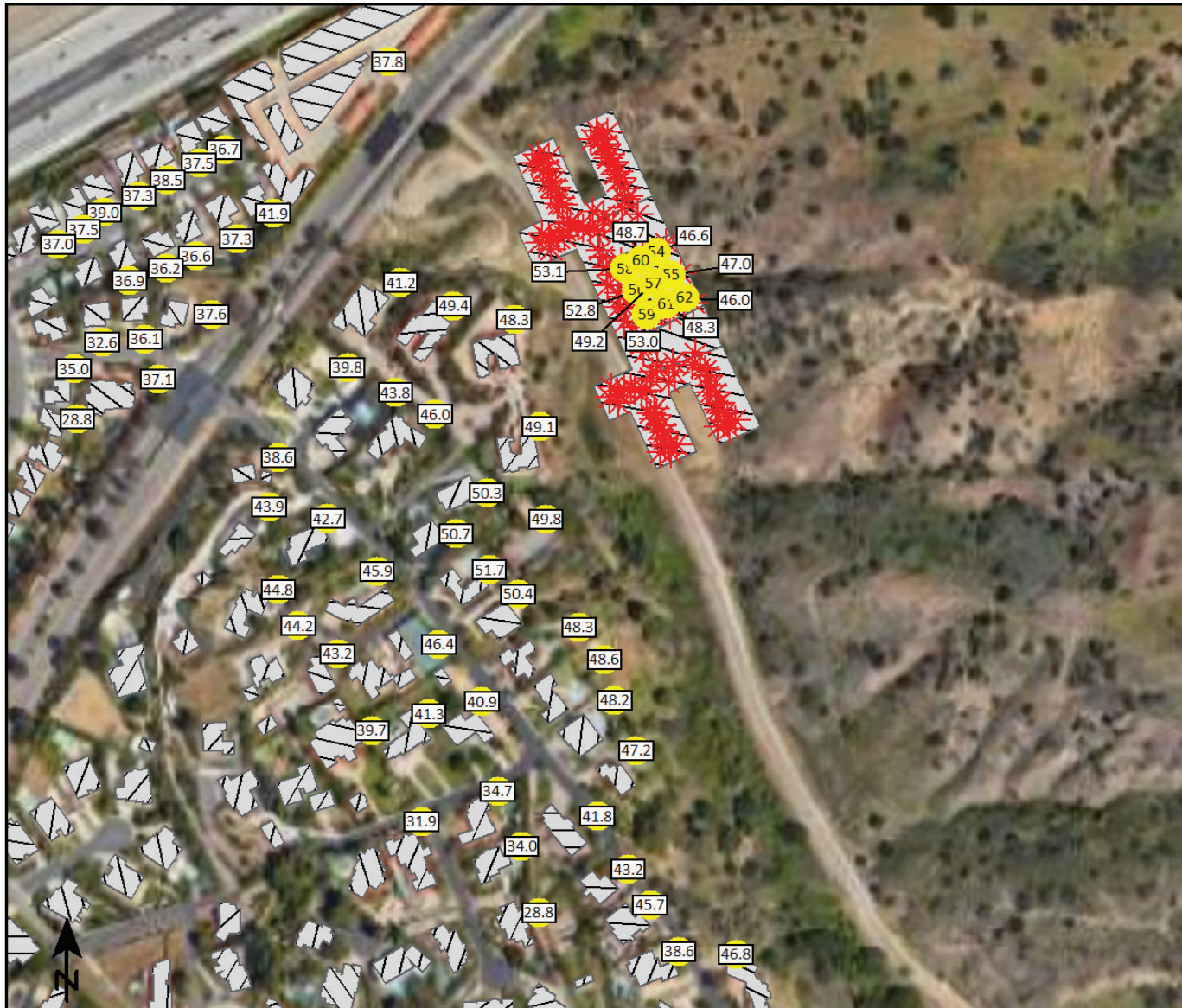
Exhibit 4.11-5

*Hills Preserve Project*



Not to scale





## Legend

- Wall
- Receiver
- ✱ Point source

## HVAC Noise Exposure Levels

*Hills Preserve Project*

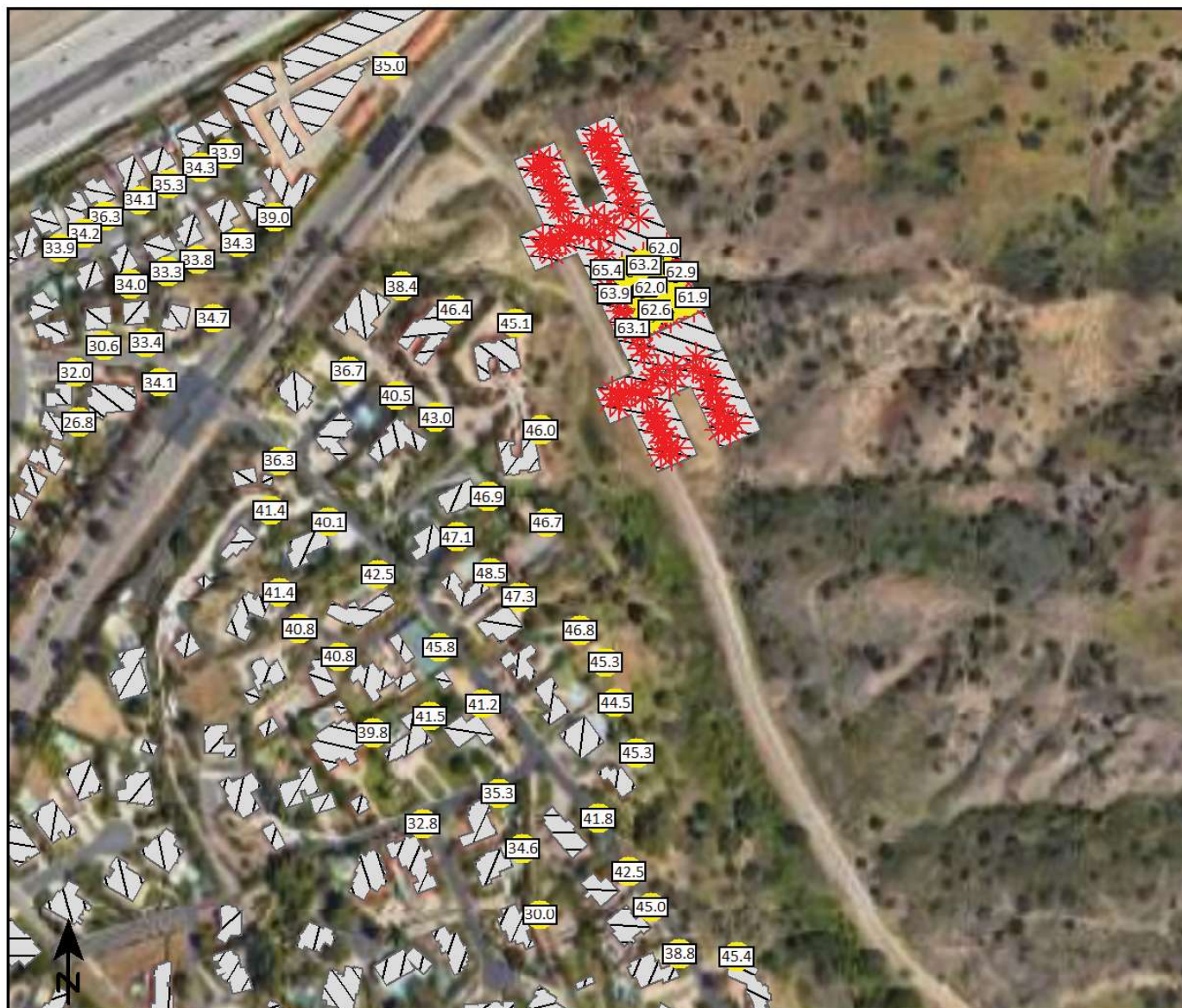


Not to scale

## Exhibit 4.11-6







## Legend

- Wall
- Receiver
- ✱ Point source

## HVAC, Speakers Casual, and Crowd Noise Exposure Levels

Exhibit 4.11-7

*Hills Preserve Project*



Not to scale





"Profanity, reckless activity, disruptive behavior or excessive noise will be immediate grounds for dismissal and/or permanent ban from the pool/hot tub areas." Subsection (r) of the form lease agreement further states *"Pool parties are prohibited without prior written consent by management. We are unable to provide reservations for any pool/hot tub area and we are unable to allow any type of group gathering in the pool area."* The operations memorandum further states *"Regarding noise management, we are committed to maintaining noise levels on the deck within the range of 50-60 dB, equivalent to normal conversation levels, enforced both day and night. Importantly, these noise levels will not exceed existing ambient noise levels of 70-80 dB, as measured from surrounding homes of Santa Ana Canyon Road and the 91 Freeway. All music is controlled by Management and at a level to allow easy conversations with your friends. Boom Boxes and other portable speakers are not allowed anywhere on the deck. Individuals are required to use earbuds out of respect for the other residents when at the Fitness Center or by the Pool and spas."*

Based on the available information and reasonable assumptions, including those contained in the rooftop deck operations memorandum, SoundPlan Essentials was used to calculate projected noise levels that would result from the typical operations of the deck. The noise modeling assumed evenly distributed on-site receivers and offsite noise-sensitive receptors.

The noise modeling determined that noise levels at the rooftop deck would be between approximately 53-60 dBA  $L_{eq}$ , with much of this noise attributable to speakers (a total of eight speakers were assumed). Noise levels of this magnitude would be consistent with and below the low ambient noise levels necessary to avoid speech interference of rooftop deck users, which occurs at approximately 67 dBA (Caltrans 2020). Noise generated at the rooftop deck would be partially attenuated by the adjacent fitness center and clubhouse buildings as well as by a wall separating the west side of the deck from the rooftop where the HVAC exhaust vents would be located. This wall would further reduce noise exposure to the deck users from the HVAC system and would also further reduce noise from the deck uses to off-site receptors.

Regarding amplified speaker noise, Chapter 6.72 of the AMC regulates noise generated by amplified sound such as speakers used at the rooftop deck. The subsections of this Code that are applicable to the deck's operations are:

**.020** In all residential zones and within two hundred feet of any boundary thereof, no sound-amplifying equipment shall be operated or used for noncommercial purposes between the hours of 8:00 p.m. and 8:00 a.m. of the following day.

**.050** Sound emanating from sound-amplifying equipment shall not be audible to a person of normal hearing acuity within an enclosed building (other than a building within which the sound emanate) at a distance in excess of two hundred feet from the sound-amplifying equipment.

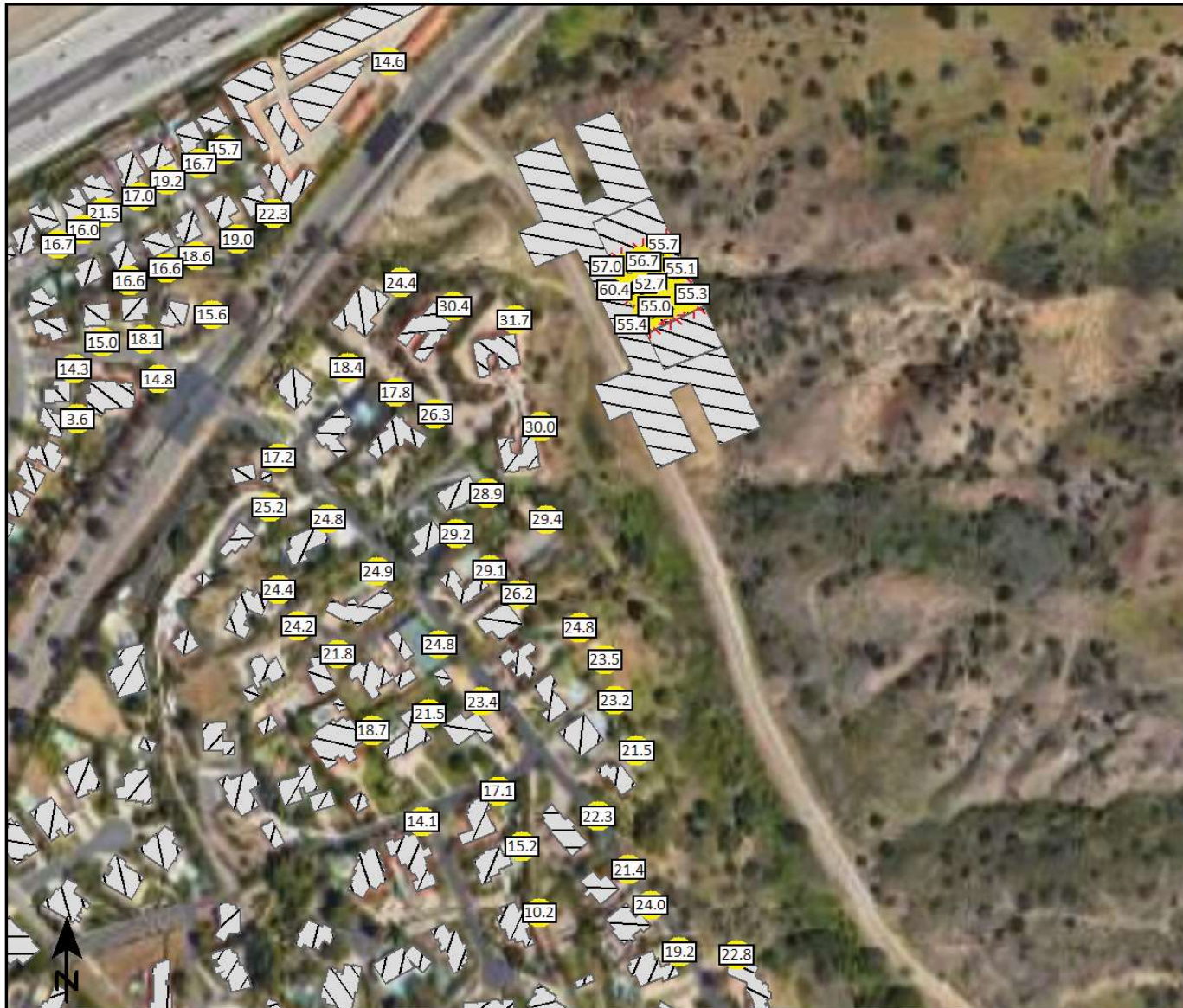
**.060** In no event shall the sound-amplifying equipment be unreasonably loud, raucous, jarring or disturbing to a person of normal sensitiveness within the area of audibility, or disturb the peace or quiet of any neighborhood.

AMC Sections 6.72.020.020 through 6.72.020.040 that address noise sources in all residential zones and within 200 feet of residential zones apply to the Project. Also, AMC Section 6.72.020.050 and Section 6.72.020.060 apply to the Project which prohibit audible noise within an enclosed building and unreasonably loud, raucous, jarring or disturbing noises. Regarding the audibility of noise within an enclosed building (AMC Section 6.72.020.050), noise levels are attenuated by approximately 10 dBA from exterior to interior levels with windows open and 20 dBA with windows closed due to the building's structure (Caltrans 2013). Audibility of noise from a noise source is dependent on the volume of ambient background noise as well as differences between the noise source and ambient noise levels. As shown in Exhibit 4.11-8, rooftop deck users would be exposed to noise levels of 53-60 dBA  $L_{eq}$  from amplified speaker noise and would result in offsite noise exposure at the nearest existing residences of between 24-32 dBA  $L_{eq}$  which is well below measured ambient noise levels and not expected to be audible at the exterior of the existing residential uses closest to the deck since the pre-Project ambient noise level was measured at 72 dBA  $L_{eq}$ . Interior noise levels within these existing residential uses would be further reduced by 10-20 dBA by the structures themselves likely rendering the Project's operational noise inaudible for these receptors. As such, typical day-to-day activities would result in offsite noise exposure levels that are well within the City's 60 dBA  $L_{eq}$  noise limit.

Use of the rooftop deck would also involve speech from users as well as noise coming from swimming activity in the pool itself. To account for crowd noise, noise levels from 50 people simultaneously speaking in raised voices were estimated. A single person speaking in a raised voice is estimated to be 66 dBA at a listener 3 feet away (Hayne, Rumble, and Mee 2006). The 50 people were represented within SoundPlan Essentials at 10 locations spread out within the rooftop deck. The resulting noise levels for the Project's rooftop deck with crowd noise, ambient speaker system, and HVAC system are shown in Exhibit 4.11-7. As shown in Exhibit 4.11-7, off-site residential noise exposure levels are anticipated to range from 38-49 dBA  $L_{eq}$ . Noise exposure levels for rooftop deck users are estimated to range between 62-65 dBA  $L_{eq}$ .

Because noise exposure levels from the Project's operations, including the rooftop deck and the HVAC system and other sources, would not exceed the applicable AMC limits, the Project's operations phase noise levels would result in less than significant noise impacts.

To ensure that operational noise from the rooftop deck is maintained at levels assumed in this analysis, **MM NOI-1** would be implemented, which requires the Property Owner/Developer provide a form lease provision to the City for review and approval. The lease provision shall be included in all of the leases for the multiple-family residential units. The lease provision shall include the following minimum requirements for every tenant: (1) adherence to all applicable noise standards in the City's Municipal Code (including those relating to amplified sound in Section 6.72); and (2) adherence to applicable provisions of the Hills Preserve Skydeck (Roof Deck) Operations Memorandum (as it may be amended from time to time by Property Owner/Developer).



## Legend

- Wall
- Receiver
- ✱ Point source

## Speaker Noise Exposure Levels

Exhibit 4.11-8

*Hills Preserve Project*



Not to scale



### ***Traffic (Mobile Source) Noise***

In community noise assessments, a 3-dBA increase in noise levels is considered “barely perceptible,” and increases over 5 dBA in noise levels are generally considered “readily perceptible” (Caltrans 2009a). As discussed above, operation of the Project would generate new vehicular traffic that would not otherwise occur without the Project. The Project would result in an increase of approximately 3,239 trips per day and 314 trips during the AM peak hour and 320 trips in the PM peak hour (LLG 2023a). The corresponding increase in off-site traffic noise would range from 0.0 to 0.5 dBA for the analyzed roadway segments proximate to the Project Site. The modeled noise increases from the Project’s traffic noise are quantified in Table 4.11-8. As shown therein, the traffic noise increases that would result from the Project would be well below 5 dBA, which would be readily perceptible to a receiver. Therefore, traffic noise resulting from the Project would not be perceptible and it would thereby not be a substantial impact.

Therefore, the Project’s impact related to traffic noise levels would be less than significant and no mitigation is required.

**TABLE 4.11-8  
EXISTING AND PROJECTED TRAFFIC NOISE LEVELS**

Roadways		Existing Traffic		Future No Project		Future No Project		Cumulative Plus Project Noise Increase from Existing	Project Only Increase
		ADT	dBA CNEL	ADT	dBA CNEL	ADT	dBA CNEL	dBA CNEL	dBA CNEL
Imperial Highway	north of Nohl Ranch	28,674	74.9	32,400	75.4	32,500	75.5	0.5	0.0
	north of 91 Freeway	63,015	79.3	69,400	79.7	69,700	79.7	0.4	0.0
Santa Ana Canyon Road	east of Via Cortez	31,147	76.2	33,300	76.5	34,100	76.6	0.4	0.1
	east of Anaheim Hills Road	26,220	75.5	27,100	75.6	28,500	75.8	0.4	0.2
	east of Fairmont Boulevard	22,126	74.7	22,400	74.8	25,000	75.2	0.5	0.5
	east of Eucalyptus Drive	20,419	75.2	22,800	75.7	24,500	76.0	0.8	0.3
	east of Festival Center	18,764	74.0	21,600	74.6	22,500	74.8	0.8	0.2
ADT: average daily traffic volume. CNEL: Community Noise Equivalent Level. s/o South of. n/o North of. e/o East of.									
Note: Noise levels calculated from the FHWA’s RD-77-108 Traffic Noise Prediction Model (Calculations can be found in Appendix M). Noise levels calculated at 50 feet from the roadway centerline.									
Source: Psomas 2023d, which is provided as Appendix M.									

### **Conclusion**

AB 1307 states that “...noise generated by project occupants and their guests on human beings is not a significant effect on the environment for residential projects for purposes of CEQA.” As such, through compliance with the noise limits established within the General Plan

and the AMC as well as due to AB 1307, and with implementation of **MM NOI-1**, the Project would result in a less than significant impact related to operational noise.

***b) Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?***

**Less Than Significant Impact.**

**Construction Impacts**

The City has not adopted any standards related to vibration-induced annoyance or structural damage caused from vibration. However, Caltrans has adopted vibration damage thresholds, which are shown in Table 4.11-9, which are used to assess the potential for structural damage from vibration to occur for the proposed Project. For residential buildings that are near project sites, 0.5 ppv is the applicable vibration damage threshold using the Caltrans thresholds.

**TABLE 4.11-9  
VIBRATION DAMAGE THRESHOLD CRITERIA**

Structure and Condition	Maximum ppv (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5
ppv: peak particle velocity; in/sec: inch(es) per second Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment. Source: Caltrans 2013a.		

Caltrans has also established vibration annoyance thresholds, which are shown in Table 4.11-10. These thresholds are used to assess the potential for a significant vibration impact to occur that causes human annoyance. Annoyance is evaluated within occupied buildings. The vibration annoyance response of “distinctly perceptible” of 0.24 ppv provides a conservative significance threshold because it is perceptible but is less objectionable than strong or severe levels of vibration.

**TABLE 4.11-10  
VIBRATION ANNOYANCE  
THRESHOLDS**

<b>Average Human Response</b>	<b>ppv (in/sec)</b>
Severe	2.0
Strongly perceptible	0.9
Distinctly perceptible	0.24
Barely perceptible	0.035
ppv: peak particle velocity; in/sec: inch(es) per second Source: Caltrans 2013a.	

Site development, asphalt removal, excavation, and repaving would occur at the Project Site. These construction activities would generate vibration since these activities involve the use of typical off-road vehicles and stationary equipment. Given the nature of the Project Site and proposed uses, it is expected that neither pile driving nor blasting would be used during construction of the Project. A summary of typical vibration levels associated with construction activities for various vibration-inducing pieces of equipment that would be used for the Project's construction are provided in Table 4.11-11.

**TABLE 4.11-11  
VIBRATION LEVELS FOR  
CONSTRUCTION EQUIPMENT**

<b>Equipment</b>	<b>ppv at 25 ft (in/sec)</b>
Vibratory roller	0.210
Large bulldozer	0.089
Caisson drilling	0.089
Loaded trucks	0.076
Jackhammer	0.035
Small bulldozer	0.003
ppv: peak particle velocity; ft: feet; in/sec: inches per second. Source: Caltrans 2013a; FTA 2006a.	

Vibration is transmitted in proximity to sources. Residential, hotel commercial and recreational uses are located proximate to the Project. To evaluate the Project's vibration effects, the vibration from construction equipment was assessed for the existing off-site buildings that are closest to the Project's construction areas. A summary of the anticipated vibration levels (measured in ppv) at each of the off-site structure locations are provided in Table 4.11-12.

**TABLE 4.11-12  
ESTIMATED VIBRATION LEVELS AT NEAR RECEPTORS**

Construction Phase	Vibration Level (ppv)	Vibration Threshold (Building Damage/Annoyance ppv)	Exceeds
North -Yorba Regional Park Pavilion at approx. 1,255 feet from Structure			
Vibratory roller	0.001	0.5/0.24	No
Large bulldozer	0.000		
Small bulldozer	0.000		
Jackhammer	0.000		
Loaded trucks	0.000		
Western Boundary Assessed at approx. 30 feet from Residential Structure			
Vibratory roller	0.160	0.5/0.24	No
Large bulldozer	0.068		
Small bulldozer	0.002		
Jackhammer	0.027		
Loaded trucks	0.058		
Southern Boundary Assessed at approx. 270 feet from Structure			
Vibratory roller	0.006	0.5/0.24	No
Large bulldozer	0.003		
Small bulldozer	0.000		
Jackhammer	0.001		
Loaded trucks	0.002		
Eastern Boundary Assessed at approx. 505 feet from Structure			
Vibratory roller	0.002	0.5/0.24	No
Large bulldozer	0.001		
Small bulldozer	0.000		
Jackhammer	0.000		
Loaded trucks	0.001		
ppv: peak particle velocity Vibration calculations are provided in Appendix M.			

As shown in Table 4.11-12, vibration levels for existing off-site buildings would not exceed the building damage and annoyance thresholds, even when construction activities occur right at the edge of the Project's construction limits, nor would vibration levels be discernable at any of the off-site buildings that were analyzed.

Groundborne noise refers to noise generated by groundborne vibration. More specifically, groundborne noise is the low-frequency rumbling noise emanating from the motion of building room surfaces due to the vibration of floors and walls; it is perceptible only inside buildings. The relationship between groundborne vibration and groundborne noise depends on the frequency content of the vibration and the acoustical absorption characteristics of the receiving room. According to the FTA, airborne noise levels are usually higher than



groundborne noise levels (FTA 2018a). Therefore, unless indoor receptors have substantial sound insulation (e.g., a recording studio) and would be exposed to vibration velocities great enough to cause substantial levels of groundborne noise, groundborne noise does not need to be assessed. There do not appear to be any substantially insulated indoor receptors located within the area surrounding the Project Site. Therefore, the effects of airborne noise would continue to be higher than groundborne noise levels. In addition, groundborne noise generated by a large bulldozer within five feet of a receptor building would reach an approximate level of 58 dBA, which is not greater than the airborne noise levels generated by construction equipment. As such, impacts related to groundborne noise are not discussed further.

### **Operational Impacts**

During operation of the Project, the primary source of potential vibration would be from vehicles. The streets surrounding the Project Site are paved, smooth, and unlikely to cause significant ground-borne vibration from new vehicular trips that would be generated during ongoing operation of the Project. In addition, the rubber tires and suspension systems of trucks, buses, and other on-road vehicles make it unusual for on-road vehicles to cause ground-borne noise or vibration issues. Otherwise, the operation of the Project would not generate any substantial vibration effects.

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

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

**No Impact.** The Project Site is located approximately 14 miles northeast of John Wayne Airport and 12 miles east of the Fullerton Municipal Airport and is not located within the planning area for the Airport Environs Land Use Plan for John Wayne Airport (OC ALUC 2008a) or Airport Environs Land Use Plan for Fullerton Municipal Airport (OC ALUC 2019a). In addition, the Corona Municipal Airport and Chino Airport are both located approximately 9 miles northeast of the Project site. Due to the large distance between the Project Site and the nearest airports, aircraft overflights do not significantly contribute to the noise environment at the Project Site.

The Project Site is not located within the vicinity of a private airstrip. The nearest heliport is located at the Anaheim Canyon Tower Heliport which is located approximately 5 miles to the west of the Project Site. Due to the distance between the Project Site and the heliport, noise from helicopter flights would not exceed the 65 dBA CNEL noise level.

Therefore, the Project would result in no impact related to this threshold and no mitigation is required.



## 4.11.5 CUMULATIVE IMPACTS

The geographic scope of the cumulative noise analysis is limited by the range of potential noise impacts. Noise impacts tend to be localized; therefore, noise impacts for traffic (mobile) and stationary noise sources are limited to approximately 500 feet from the source. Past, present and reasonably foreseeable future developments within the geographic scope are considered. The Project vicinity has a number of existing uses; however, as noted on the list of cumulative projects shown in Table 4-1 of this Draft EIR, the nearest known future cumulative project (DEV2023-00043) is located approximately 0.5 mile away and thus there are no known future cumulative projects within 500 feet of the Project Site.

This analysis evaluates whether impacts of the proposed Project, together with impacts of other cumulative development, would result in a cumulatively significant impact with respect to noise. This analysis then considers whether incremental contribution of the impacts associated with implementation of the proposed project would be significant. Both conditions must apply for cumulative effects to rise to the level of significance.

### **Cumulative Short term (Construction) Noise and Vibration Impact**

Adverse noise and vibration impacts during construction of the Project, as well as other cumulative development, would be localized and would occur intermittently for varying periods of time throughout the construction period. Short-term cumulative impacts related to ambient noise and vibration levels could occur if construction associated with the proposed Project as well as other cumulative development were to occur simultaneously. Noise or vibration associated with construction of the proposed Project in combination with other cumulative projects within approximately 500 feet of the Project Site could result in a cumulative noise level greater than the noise generated solely at the Project Site. However, any such increased noise level would not exceed applicable standards since construction noise is exempted from the same. Due to the localized nature of construction noise impacts and the fact that construction noise is exempted from otherwise applicable AMC noise standards, no cumulative construction noise impact would result. Moreover, it is anticipated that the Project, as well as other cumulative developments, would incorporate various standard construction-related best management practices, similar to the ones noted above. For this same reason, the Project's contribution to this already less than significant construction noise impact would not be cumulatively considerable.

With respect to cumulative construction-related vibration impacts, given the distance between the cumulative projects and the Project Site, no substantial cumulative impacts would result.

### **Cumulative Long-Term (Operation) Noise Impact**

The Project and other cumulative projects would result in cumulative long-term noise impacts related to on-site uses. Noise from on-site operations would be required to comply with requirements from the AMC, which would ensure no cumulative noise impacts would result from on-site facilities, uses, and users.

### **Cumulative Traffic (Mobile Source) Noise**

Cumulative traffic noise impacts are measured based on projected long-term future traffic noise level increases over existing conditions. This analysis considers the forecasted traffic volumes in the Post-2035 scenario (build-out of the General Plan) plus all other relevant cumulative projects. This is inclusive of the cumulative growth associated with the long-term socioeconomic projections (OCP-2014) and the relevant cumulative projects contributing to traffic on the nearby street network. Long-term cumulative off-site impacts from traffic noise are measured as follows. First, a substantial cumulative noise increase would occur if future traffic noise levels were to increase by more than 5 dBA compared to existing conditions, which would represent a readily perceptible change in the noise environment. Second, the following three criteria must be met for a significant impact to be identified: (1) the roadway segment is adjacent to a noise-sensitive land use; (2) the resulting future With-Project noise level must exceed the criteria level for the noise-sensitive land use (i.e., 65 dBA CNEL for residential, schools, hospitals, and places of worship); and (3) the Project contributes to the cumulative noise exceedance for the noise-sensitive land use.

For the Post-2035 cumulative scenario, a total of 301 roadway segments were evaluated. Table 4.11-8 shows that cumulative noise level increases greater than 3 dBA are projected to occur along 25 roadway segments when compared to Existing Conditions. However, the Project contribution to the traffic noise level increases at those roadway segments would be less than 1 dBA. Thus, the cumulative traffic noise impact would be less than significant.

#### **4.11.6 MITIGATION PROGRAM**

**MM NOI-1:** The Property Owner/Developer provide a form lease provision to the City for review and approval. The lease provision shall be included in all of the leases for the multiple-family residential units. The lease provision shall include the following minimum requirements for every tenant: (1) adherence to all applicable noise standards in the City's Municipal Code (including those relating to amplified sound in Section 6.72); and (2) adherence to applicable provisions of the Hills Preserve Skydeck (Roof Deck) Operations Memorandum (as it may be amended from time to time by Property Owner/Developer).

#### **4.11.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of **MM NOI-1**, the Project would result in less than significant impacts related to noise.

## **4.12 POPULATION AND HOUSING**

### **4.12.1 EXISTING CONDITIONS**

The Project Site is primarily undeveloped land with no buildings; it does not currently contain any housing or residents, nor does the Project Site contain any businesses or related jobs.

#### **Existing and Projected Population**

Existing and projected population and housing estimates for the City are provided below in Table 4.12-1. Depending on the source of the data, the forecast and estimate years differ.

According to the United States Census Bureau, the population of the City of Anaheim has increased from 336,265 people in 2010 to 344,461 people in 2022 (United States Census Bureau 2023a). According to a different data set maintained by the State of California Department of Finance, the City of Anaheim's population decreased by 2 percent from 335,946 people on January 1, 2022, to 328,580 people on January 1, 2023 (DOF 2023b). In the longer term, Southern California Association of Governments (SCAG) jurisdiction-level growth forecasts for the City of Anaheim anticipate a growth in the City's population to 416,800 in 2045 (SCAG 2020a).

#### **Existing and Projected Housing**

The State of California Department of Finance estimates the current number of households in the City of Anaheim as of January 1, 2023, is 112,351 households (DOF 2023a). SCAG jurisdiction-level growth forecasts for the City of Anaheim anticipate a growth in the City's number of households to 122,700 households by 2045 (SCAG 2020a).

**TABLE 4.12-1  
EXISTING AND PROJECTED POPULATION AND HOUSING**

Information Source	Information Measured	2016	2019	2020	2021	2022	2023	2025	2030	2035	2040	2045	2050
United State Census Bureau	Population Estimate	-	-			344,461	-	-	-	-	-	-	-
	Household Estimate	-	-			104,671*	-	-	-	-	-	-	-
Center for Demographic Research 2022 Orange County Projections	Housing Units	-	109,858			-	-	116,477	121,766	124,361	126,599	130,745	-
	Population	-	347,503			-	-	354,114	358,814	360,231	362,284	367,023	-
State of California Department of Finance	Population Estimate (from Table E-4)	-	-	345,866	344,504	335,946	328,580	-	-	-	-	-	-
	Household Estimate	-	-			-	112,351	-	-	-	-	-	-
Southern California Association of Governments 2024 RTP/SCS Demographics and Growth Forecast Technical Document	Households	105,600	-			-	-	-	-	120,200	-	-	130,200
*Household estimate is averaged over the years of 2018-2022. Sources: Center For Demographic Research, 2022a; DOF 2023a; SCAG 2020a; United States Census Bureau 2024a.													

In 2023, Orange County had a total population of 3,137,164 people living in 1,105,365 total housing units across the County (DOF 2023a). The State of California Department of Finance anticipates that the total population for Orange County will increase to 3,201,361 people by 2030 and to 3,307,387 people by 2050 (DOF 2023c). The Center For Demographic Research's 2022 Orange County Projections forecast the City's population will grow to 358,814.

### **Existing and Projected Employment**

SCAG jurisdiction-level growth forecasts for the City of Anaheim anticipate a growth in the City's employment from 197,200 employees in 2016 to 250,500 employees in 2045 (SCAG 2020a).

---

## 4.12.2 REGULATORY SETTING

### **State**

#### ***California Housing Element Law/ Housing and Community Development Department Projections***

The State Housing Element Law (Government Code Chapter 1143, Article 10.6, Section 65580 and Section 65589) requires each city and county to adopt a general plan for future growth. This plan must include a housing element that identifies housing needs for all economic segments and provides opportunities for housing development to meet that need. The amount of housing that must be accounted for in a local housing element is determined through a process called the Regional Housing Needs Assessment (RHNA). As discussed further below, in the RHNA process, the State gives each region a number representing the amount of housing needed based on existing need and expected population growth.

Specifically, at the State level, the California Housing and Community Development Department (HCD) estimates the relative share of the State's anticipated population growth that would occur in each county in the State, based on CDF population projections and historic growth trends. As noted above, California housing element law calls upon local jurisdictions to provide a fair share of housing. In implementing this law, HCD assigns fair share housing targets to each of the Council of Governments (COG) in the State based on the California Department of Finance population projections and regional forecasts. SCAG, a Joint Powers Agency established under Sections 6502 et. seq. of the California Government Code, is designated as a COG, a Regional Transportation Planning Agency, and a Metropolitan Planning Organization for the six-county region consisting of Orange, Los Angeles, Ventura, San Bernardino, Riverside, and Imperial Counties.

#### ***Assembly Bill 2853/ Regional Housing Needs Assessment***

AB 2853, signed into law in 1980, mandates all cities address their regional "fair share allocation" of housing needs in relation to income group within the Housing Element set forth in the relevant General Plan.

The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local housing elements of the General Plan. RHNA quantifies the need for housing within each jurisdiction during specified planning periods. Communities use RHNA in land use planning, prioritizing local resource allocation, and in deciding how to address identified existing and future housing needs resulting from population, employment, and household growth. RHNA does not necessarily encourage or promote growth, but rather allows communities to anticipate growth, so that collectively the region and subregion can grow in ways that enhance quality of life, improve access to jobs, promotes transportation mobility, and addresses social equity and fair share housing needs. On March 4, 2021, the SCAG Regional Council adopted the 6th Cycle Final RHNA Allocation Plan, which assigns housing need for each jurisdiction in the SCAG region for the October

2021 through October 2029 planning period. The City's RHNA housing need allocation is 17,453 units as detailed below in Table 4.12-2 (SCAG 2021a).

**TABLE 4.12-2  
REGIONAL HOUSE NEEDS ALLOCATION FOR CITY OF ANAHEIM  
FOR THE 6TH CYCLE**

Number of Units	Category	Income Requirements	Qualifying Income*
3,767	Very Low Income	0–50% of Area Median Income	\$0–\$40,902
2,397	Low Income	50–80% of Area Median Income	\$40,903–\$65,444
2,945	Moderate Income	80–120% of Area Median Income	\$65,445–\$98,167
8,344	Above Moderate Income	120% or more of Area Median Income	\$98,167 and above
<b><u>17,453</u></b>	<b><u>Total Number of Units</u></b>		
Source: SCAG 2021a; United States Census Bureau 2023a.			
* The qualifying income ranges were calculated using median household income data of \$81,806 per household for 2017–2021 according to the United States Census Bureau.			

### ***Senate Bill 375***

Signed into law on September 30, 2008, Senate Bill (SB) 375 provides for a new planning process to coordinate land use planning and regional transportation plans (RTPs) and funding priorities to help California meet the greenhouse gas (GHG) reduction goals established in Assembly Bill 32. SB 375 requires Metropolitan Planning Organizations (MPOs), including SCAG, to incorporate a Sustainable Communities Strategy (SCS) in their regional transportation plans that will achieve GHG emission reduction targets set by the California Air Resources Board. There are two mutually important facets to SB 375: reducing vehicle miles traveled and encouraging more compact, complete, and efficient communities for the future. SB 375 also includes provisions for exemptions from or streamlined California Environmental Quality Act (CEQA) review for projects classified as transit priority projects (SCAG 2023b).

### ***Assembly Bill 1397***

AB 1397 of 2017 amended the Government Code to strengthen the obligation for local agencies to identify and make available an adequate number of RHNA sites for all income levels in their housing elements. AB 1397 tightened requirements for the adequacy of sites, including nonvacant sites and sites included in a previous housing element, and requirements that identified sites have adequate infrastructure.<sup>1</sup>

<sup>1</sup> Public Interest Law Project. 2021. AB 1397-Housing Element Site Requirements. Website: <chromeextension://efaidnbmninnibpcapjcgclcfndmkaj/https://www.pilpca.org/wp-content/uploads/2021/06/PILP-AB-1397-SummaryHousing-Element-Sites-2021-Update.pdf>.

---

## **Regional**

### ***Southern California Association of Governments (SCAG)***

Under federal law, SCAG is designated as a MPO and under State law as a Regional Transportation Planning Agency and a COG for Orange County and the Project Site. The SCAG region encompasses six counties (i.e., Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) and 191 cities in an area covering more than 38,000 square miles. The agency develops long-range RTPs including sustainable communities strategy and growth forecast components, regional transportation improvement programs, RHNAs, and a portion of the South Coast Air Quality management plans (SCAG 2023c).

### ***Connect SoCal***

On April 4, 2024, SCAG's Regional Council voted to approve and fully adopt Connect SoCal 2024, the 2024-2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) (SCAG 2024a). SCAG is one of 18 MPOs in the State of California and is comprised of the following counties: Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. Connect SoCal 2024 is a long-range regional transportation plan that provides a vision for regional transportation investments, integrated with land use strategies, over a 20-year period. Connect SoCal 2024 includes a vision and goals for the region. Key components include a growth forecast and regional development pattern based on population, household, and employment growth projections for the SCAG region through the year 2050 as well as a transportation network including a list of transportation projects and investments. The Plan also identifies Regional Planning Policies and Implementation Strategies that the region could pursue over the Plan horizon. Other components include financial assumptions and expenditures, key transportation investments, and an evaluation of the Plan's performance. As part of Connect SoCal 2024, SCAG developed the Local Data Exchange (LDX) process to form the basis for the regional growth forecast. SCAG developed the LDX process to engage local partners and get information needed to fulfill state planning requirements. This included information on land use, transportation, priority development areas (PDAs), geographical boundaries, resource areas, and growth that was shared and exchanged through a combination of one-on-one meetings and data submissions with local jurisdictions. In consultation with the Technical Working Group (TWG), SCAG developed growth forecast guiding principles to ensure that the regional growth forecast yields a technically robust forecasted regional development pattern which meets its statutory objectives, which are incorporated as part of the SCS (SCAG 2024a).

## **Local**

### ***City of Anaheim General Plan***

Adopted in May 2004, the City's General Plan provides a road map for growth and development within the corporate boundaries and sphere of influence. Specifically, three components of the City's General Plan are particularly relevant to assessing the potential growth impacts of the Project: the Housing, Land Use, and Growth Management Elements. Policies from these general plan elements that are relevant to the Project are identified in



Table 4.10-1 in Section 4.10, Land Use and Planning, along with a Project consistency analysis.

### 2021–2029 Housing Element

The Housing Element is a State-mandated chapter of the City’s General Plan that sets forth an eight-year plan (housing cycle) to address the City’s identified housing needs. The Housing Element describes, identifies, and analyzes the City’s housing needs, and addresses the maintenance and expansion of the housing supply to accommodate the households that currently live and/or are expected to live in Anaheim in the housing cycle. Through research and analysis, the Housing Element identifies available candidate housing sites and establishes a Housing Policy Program to accommodate the RHNA allocation, as determined by the SCAG and approved by the California Department of Housing and Community Development (HCD).

The Draft Housing Element 6<sup>th</sup> Cycle 2021–2029 was submitted to the HCD on October 15, 2021, for review and certification. On May 2, 2023, the City sent the Revised Draft Housing Element to HCD for review. On June 28, 2023, HCD issued a comment letter based on the City’s April 2023 Draft Housing Element. City staff and consultants are currently reviewing this letter and have revised the Draft Housing Element; there will be a public comment period on this revised Draft Housing Element prior to resubmitting for HCD review (City of Anaheim 2023a).

### **4.12.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim’s Environmental Checklist, the Project would result in significant impacts related to population and housing if it would:

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

### **4.12.4 IMPACT ANALYSIS**

- a) Would the Project 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 Project would result in an increase of a maximum of 504 new residential units, consisting of a maximum of 498 multiple-family units and a maximum of 6 single-family units. In addition, population growth would result from approximately 324 new employees that would occur due to the Project related to the maximum total of 80,000 square feet (sf) of general commercial uses (LLG 2023a).

Using the City's average of 3.3 persons per dwelling unit, the maximum 504-unit Project would generate approximately 1,664 new City residents (U.S. Census 2023a). When compared to the current population of the City, which is approximately 344,461 people, the 1,664 new residents that would result from the Project would not represent a substantial number of people (DOF 2023a). As stated above, forecasts anticipate a growth in the City's population to 367,023 residents by the year 2045 (Center for Demographic Research 2022a). The approximately 1,664 new residents of the City of Anaheim would comprise an approximately 0.48 percent of the City's current population and approximately 0.45 percent of the City's projected 2045 population, which is nominal in nature and thus would not represent a substantial when compared to local and regional projections.

The potential for new residential units developed as part of the Project would enhance the City's housing stock. While the Project would result in the development of higher density residential uses in an area where only lower density residential and other non-urban uses were previously contemplated, the potential increase would be consistent with the overall population projections relied upon in the General Plan. The Project would provide a maximum of 504 total new housing units within the City. When compared to the current 112,351 housing units within the City, the 504 total new housing units would not represent a substantial amount of new housing (DOF 2023a). The RTP/SCS anticipates an increase in the City's number of households to 130,200 by 2050 (SCAG 2024a). The maximum 504 new housing units within the City of Anaheim would comprise approximately 0.45 percent of the City's current mix of housing units and approximately 0.38 percent of the City's projected 2050 mix of housing units, which is nominal in nature and thus would not represent a substantial increase or result in a significant impact when compared to local and regional projections. Additionally, the City is currently updating the Housing Element of its General Plan to meet the City of Anaheim's RHNA allocation for the Sixth Cycle Housing Element Update, which is a total of 17,453 units of total new construction. The Project would assist the City in achieving their Above Average Income housing units for the 6<sup>th</sup> RHNA cycle.

The Project Site has a mix of General Plan land use designations which consist of Estate Density Residential; Low Density Residential; and Open Space. The Project Site is currently zoned Single-Family Residential (RS-2), Open Space (OS), and Transitional (T) (City of Anaheim 2022a).

The Project would require the adoption of a General Plan amendment, adoption of the Project's Specific Plan and re-zoning of a portion of the Project Site to allow for a maximum of 504 residential units as well as a maximum of 80,000 sf of General Commercial use that are not assumed in existing local and regional plans, including the City General Plan Housing Element and SCAG RTP/SCS. While not expressly contemplated by the foregoing currently, as explained above, the relatively small amount of population and employment growth that would occur as a result of the Project is nominal in nature and consistent with the overall population forecasts for the City. Furthermore, upon adoption of the General Plan amendment, Specific Plan and re-zoning of the Project Site, the Project would thereafter be incorporated into future planning documents and would not directly or indirectly induce unplanned substantial population or housing growth within the City.

In addition to the new residents living within the Project Site itself, the Project's Traffic Study assumed that there would be some small number of additional individuals who would move to the City because of the approximately 324 new jobs that would result from the Project's proposed general commercial and multiple-family residential uses (LLG 2023a). The RTP/SCS anticipates a growth in the City's employment from 197,200 in 2016 to 250,500 in 2045 (SCAG 2020a). The approximately 324 new employees within the City of Anaheim would comprise approximately 0.13 percent of the City's projected 2045 employment numbers, which is nominal in nature and thus would not represent a substantial increase or result in a significant impact when compared to local and regional projections.

Indirect population growth occurs when a project creates upsized infrastructure (such as new roads and utility infrastructure) that could lead to additional unplanned growth. With respect to the Project Site, while it is primarily undeveloped, certain portions have already been planned for some amount of lower density residential development. Furthermore, urban infrastructure and utilities is located on-site and/or in close proximity, allowing for efficient extensions to serve the Project. It does not involve the oversizing of any infrastructure nor would it otherwise remove a barrier of growth through the extension of infrastructure or utilities to an unserved area.

As described above, the Project would not cause substantial unplanned growth, either directly or indirectly. Therefore, the Project would result in less than significant impacts related to this threshold, and no mitigation is required.

***b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

**No Impact.** The Project includes the development of a maximum of 504 new residential units on a primarily undeveloped Project Site. Given that the Project Site is primarily undeveloped with no buildings located thereon currently (and thus no people or housing), the Project would not displace any existing residential units or residents. Therefore, the Project would result in no impacts related to this threshold, and no mitigation is required.

## **4.12.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects within the City of Anaheim. These related projects are described in more detail in Table 4-1, Cumulative Projects List, which is provided in Section 4.0.

As described above, the Project would result in 1,664 new residents, 504 new housing units, and 324 additional employees within the City, which is being required to plan for the construction of an additional 17,453 units over the next ten years. Therefore, the Project and the other cumulative projects that include new housing units would cumulatively help the City to achieve the RHNA targets. Neither the Project nor any of the cumulative projects are expected to result in the displacement of substantial numbers of people or housing; therefore, there is not potential for cumulative impacts related to this topic, and no mitigation measures are either required or recommended.

#### **4.12.6 MITIGATION PROGRAM**

No significant impacts pertaining to population and housing were identified; therefore, no mitigation measures are required.

#### **4.12.7 SIGNIFICANCE AFTER MITIGATION**

Project impacts related to population and housing would be less than significant, and no mitigation is required.

*This page intentionally left blank*

## 4.13 PUBLIC SERVICES

### 4.13.1 EXISTING CONDITIONS

#### Anaheim Fire and Rescue

Anaheim Fire and Rescue is a full-service organization designed to provide essential public safety and emergency services to the community and its visitors. Anaheim Fire and Resource have 11 fire stations that provide fire protection and life safety services to the City. Anaheim Fire and Rescue's fire and paramedic personnel and their civilian staff play a variety of important roles including fire and medical response, emergency management and disaster preparedness, training, community risk reduction homeland security, urban search and rescue and hazardous material response (Anaheim 2017a, Anaheim Fire and Rescue 2024a).

The City has sited fire stations strategically throughout the City to ensure an efficient demand response to all risk hazards and to help maintain recommended response times (Anaheim 2004). The nearest fire stations to the Project Site are listed in Table 4.13-1. Nearby Orange County Fire Authority (OCFA) stations are also listed in Table 4.13-1 given that OCTA also occasionally responds to fire events in the City of Anaheim in accordance with existing mutual aid agreements.

Anaheim Fire and Rescue has adopted and follows the expectations of the National Incident Management System (NIMS), which is a program used in the United States to coordinate emergency preparedness and incident management among various federal, State, and local agencies (Anaheim 2017a, Anaheim Fire and Rescue 2024a).

**TABLE 4.13-1  
FIRE STATIONS NEAR THE PROJECT SITE**

Station	Address	Approx. Distance From The Project Site
Anaheim Fire and Rescue Station #10	8270 East Monte Vista Road Anaheim, CA 92808	0.75 mile to the southeast of the Project Site
Anaheim Fire and Rescue Station #9	6300 Nohl Ranch Road Anaheim, CA 92807	1.65 miles to the southwest of the Project Site
Anaheim Fire and Rescue Station #8	4555 East Riverdale Avenue Anaheim, CA 92807	3.51 miles to the west of the Project Site
Orange County Fire Authority Station #53	25415 La Palma Avenue Yorba Linda, CA 92887	2.59 miles northeast of the Project Site
Orange County Fire Authority Station #32	20990 Yorba Linda Boulevard Yorba Linda, CA 92887	1.45 miles north of the Project Site
Source: Google Maps 2023a, Anaheim Fire and Rescue 2024a.		

## **Anaheim Police Department**

Law enforcement and crime prevention services for the Project Site and the rest of the City are provided by the Anaheim Police Department (APD). APD is the largest city police department in Orange County with over 600 employees, including 420 sworn personnel. APD's mission is to maintain a safe community. APD's main station is located on Harbor Boulevard between Broadway and Santa Ana Street. APD's East Station is located approximately 0.48-mile northeast of the Project Site at 8201 Santa Ana Canyon Road.

## **Orange Unified School District**

The Project Site is located within the Orange Unified School District (OUSD). According to the OUSD website School Locator, the Project Site is located within the attendance boundaries for Crescent Elementary (for Transitional Kindergarten through 6<sup>th</sup> grade); El Rancho Charter School (for Kindergarten through 6<sup>th</sup> grade) and Running Springs Academy (for grades 7-8), and Canyon High School (for grades 9-12) (OUSD 2023a). Enrollment for schools near the Project Site during the 2023-2024 school year is provided in Table 4.13-2.

**TABLE 4.13-2  
ENROLLMENT FOR SCHOOLS NEAR THE PROJECT SITE**

<b>School</b>	<b>Grades Offered at This School</b>	<b>Number of Students Enrolled During the 2022-2023 School Year (approx.)</b>
Crescent Elementary	K-6	784 students
Running Springs Academy	K-6	589 students
El Rancho Charter School	7-8	1,110 students
Canyon High School	9-12	2,133 students
Source: State of California Department of Education 2023a, OUSD 2024a.		

## **Parks and Recreational Facilities**

The City of Anaheim Parks Division owns and operates nearly 50 developed parks and recreational facilities totaling almost 700 acres. The City's existing park and recreational facilities include neighborhood, community, and special use parks. Also, the City has over 50 miles of developed and proposed riding and hiking trails.

As described in more detail in Section 4.14 of this Draft EIR, existing parks and recreational facilities in the vicinity of the Project Site include Deer Canyon Park Preserve, the East Anaheim Community Center and Gymnasium, Sycamore Park, Ronald Reagan Park, Eucalyptus Park, Brush Canyon Park, Oak Park, Canyon Rim Park, Fred Barrera Park, Yorba Regional Park, and Featherly Regional Park.



## **Public Libraries**

The Anaheim Public Library system includes a central library and six branch libraries along with the Anaheim Heritage Center, Founders' Park, Books on the Go! (self-service kiosk at Anaheim Regional Transportation Intermodal Center), and mobile library services including a mobile library and STEAM Van. The closest library branch to the Project Site is the East Anaheim Branch located at 8201 East Santa Ana Canyon Road, which is approximately 2 miles east of the Project Site (Anaheim 2023c).

### **4.13.2 REGULATORY SETTING**

#### **Regulations Applicable to Several Public Service Providers**

##### ***Mitigation Fee Act***

The Mitigation Fee Act requires any local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to purpose for which it is charged, and between the fee and the type of development project on which it is to be levied.

##### **Fire Protection**

##### ***California Building Code***

The State of California provides a minimum standard for building design through the California Building Standards Code (CBC), which is in Part 2 of Title 24 of the California Code of Regulations. The CBC is based on the 1997 Uniform Building Code but has been modified for California conditions; it is considered to reflect some of the most stringent standards in the nation. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local, City, and County building officials for compliance with the CBC. Typical fire safety requirements of the CBC include: the installation of sprinklers in all high-rise buildings; the establishment of fire-resistant standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

##### ***California Fire Code***

The 2022 California Fire Code and Office of the State Fire Marshal provides laws and regulations, standards and other guidance for local agencies in the development and enforcement of fire safety standards. The California Fire Code also establishes minimum requirements that are intended to provide a reasonable degree of safety from fire, panic, and explosion. The California Fire Code incorporates, by adoption, the International Fire Code of the International Code Council, with California amendments. This is the official Fire Code for the State and all political subdivisions. It is in Part 9 of Title 24 of the California Code of Regulations. The California Fire Code is revised and published every three years by the California Building Standards Commission.

### ***California Health and Safety Code***

California Health and Safety Code, Sections 13100–13135, establish the following policies related to fire protection:

- Section 13100.1: The functions of the office of the State Fire Marshall, including the California Department of Forestry and Fire Protection (CAL FIRE), shall be to foster, promote, and develop strategies to protect life and property against fire and panic.
- Section 13104.6: The Fire Marshall has the authority to require fire hazards to be removed in accordance with the law relating to removal or public nuisances on tax-deeded property.

### ***City of Anaheim General Plan – Public Services and Facilities Element***

The Public Services and Facilities Element of the City of Anaheim General Plan addresses fire protection and emergency services. Applicable goals and policies from the Public Services and Facilities Element that are related to fire protection are provided in Table 4.10-1 in Section 4.10 of this Draft EIR along with a project consistency analysis.

## **Police Protection**

### ***City of Anaheim General Plan – Public Services and Facilities Element***

The Public Services and Facilities Element of the City of Anaheim General Plan addresses law enforcement and crime prevention. Applicable goals and policies from the Public Services and Facilities Element that are related to police protection and that are applicable to the Project are provided in Table 4.10-1 in Section 4.10 of this Draft EIR along with a project consistency analysis.

## **Schools**

### ***California Education Code***

California Education Code Section 17620 authorizes school districts to require construction projects within the boundaries of the districts to pay a fee used for funding construction or reconstruction of school facilities.

### ***City of Anaheim General Plan – Public Services and Facilities Element***

The Public Services and Facilities Element of the City of Anaheim General Plan addresses school facilities. Applicable goals and policies from the Public Services and Facilities Element that are related to schools and that are applicable to the Project are provided in Table 4.10-1 in Section 4.10 of this Draft EIR along with a project consistency analysis.

## ***Senate Bill 50***

Senate Bill 50 (SB 50 or “Leroy Greene School Facilities Act” was enacted in 1998. It limits the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development and provides instead for a standardized developer fee. It represents the most significant school facility finance and developer fee reform legislation for school facilities construction and modernization since the adoption of the 1986 School Facilities Act. The payment of school mitigation impact fees authorized by SB 50 is deemed to provide full and complete mitigation of project impacts on school facilities. SB 50 provides that a State or local agency may not deny or refuse to approve the planning, use, or development of real property on the basis of a developer’s refusal to provide mitigation in amounts in excess of that established by SB 50.

SB 50 authorized statewide bonds in the amount of \$9.2 billion, with \$2.9 billion for new kindergarten through twelfth grade (K–12) construction to add capacity to local school districts. In 2002, Assembly Bill 16 modified the School Facility Program and authorized two additional statewide bond measures. Proposition 47 provided \$11.4 billion for K–12 schools and was approved by the voters in November 2002 (\$8 billion for new construction). A second bond measure in the amount of \$10 billion for K–12 schools (\$7.7 billion for new construction) was approved by the voters in 2004. SB 50 generally provides for a 50/50 State and local school facilities funding match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available, whether the school district is eligible for State funding and whether the school district meets certain additional criteria involving bonding capacity, year-round school, and percentage of movable classrooms in use.

SB 50 added the following language to Government Code Section 65996:

(b) As noted above, the provisions of this chapter are hereby deemed to provide full and complete school facilities mitigation and, notwithstanding Section 65858, or Division 13 (commencing with Section 21000) of the Public Resources Code, or any other provision of state or local law, a state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, on the basis that school facilities are inadequate.

(c) For purposes of this section, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.

(d) Nothing in this chapter shall be interpreted to limit or prohibit the ability of a local agency to utilize other methods to provide school facilities if these methods are not levied or imposed in connection with, or made a condition of, a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or a change in governmental organization or reorganization, as defined in Section 56021 or 56073. Nothing in this chapter shall be interpreted to limit or prohibit the assessment or reassessment of property in conjunction with ad valorem taxes, or the placement of a parcel on the secured roll in conjunction with qualified special taxes as that term is used in Section 50079.

## ***California Government Code, Section 65995***

California Government Code, Section 65995 establishes the statutory criteria for assessing construction fees, also known as “developer’s fees”. The legislation has recognized the need for the fees to be adjusted periodically to keep pace with inflation; therefore, the State Allocation Board increases the maximum fees according to the adjustment for inflation in the statewide cost index for Class B construction.

As discussed further above, SB 50 amended Section 65995 of the California Government Code, which contains limitations on Section 17620 of the Education Code, the statute that authorizes school districts to assess development fees within school district boundaries. Section 65995(b)(3) of the Government Code requires the maximum square footage assessment for development to be increased every 2 years, according to inflation adjustments. School districts may levy higher fees if they apply to the State and meet certain conditions.

## **Parks and Recreation**

### ***The Quimby Act***

The California Legislature first established the Quimby Act in 1975 and amended the act in 1982. Per the Quimby Act, California allows a City or County to pass an ordinance that requires, as a condition of approval of a residential subdivision, the dedication of land; the payment of a fee in lieu of dedication; or a combination of both for park or recreational purposes (California Government Code Section 66477). This legislation establishes maximum parkland dedication standards for new subdivision development unless the amount of existing neighborhood and community parkland exceeds the limit. The Quimby Act has a standard of 3 acres of parkland per 1,000 residents.<sup>1</sup>

### ***City of Anaheim General Plan – Green Element***

The City of Anaheim General Plan’s Green Element addresses the provision of open space, conservation, recreation, and landscaping resources. It includes existing parks and open space, and potential recreational opportunities such as schools, utility easements, water uses, and vacant land. Applicable goals and policies from the Green Element that are related to recreation and are applicable to the Project are provided in Section 4.10 of this Draft EIR.

### ***Anaheim Municipal Code***

Per Section 17.08.210 of the Anaheim Municipal Code, the City requires new development involving a subdivision of land in the City to offer to dedicate land and pay a fee for development thereof, or pay a fee in lieu thereof, as set forth in Sections 17.08.200 through 17.08.290, for the purpose of providing park and recreational facilities to serve the future residents of each tract. As noted above, the General Plan’s Green Element as well as Section 17.08.250 of the Anaheim Municipal Code provides for a park standard of two acres of

---

<sup>1</sup> Cities with a ratio of higher than 3 acres per 1,000 persons are permitted to set a standard of up to 5 acres per 1,000 persons for new development. The calculation of a city’s park space to population ratio is based on a comparison of the population count of the last federal census to the amount of city-owned parkland.

parkland for each 1,000 residents. The dedication may be in the form of improved land, the payment of fees in lieu of dedication, or a combination of both.

## **Libraries**

### ***City of Anaheim General Plan – Public Services and Facilities Element***

The Public Services and Facilities Element of the City of Anaheim General Plan addresses library services. Applicable goals and policies from the Public Services and Facilities Element that are related to library services and that are applicable to the Project are provided in Table 4.10-1 in Section 4.10 of this Draft EIR along with a project consistency analysis.

### ***Anaheim Municipal Code***

Per the Section 17.08.385 of the AMC, the City currently requires that any developer of a property that cannot be adequately or properly served by existing public library services either implement a public library services plan or be responsible for payment of fees based on the actual or estimated cost of public library services, as a condition of approval of any final map or parcel map.

## **4.13.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim's Environmental Checklist, the Project would result in significant impacts related to public services if it would:

- a) 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. Fire protection
  - ii. Police protection
  - iii. Schools
  - iv. Parks
  - v. Other public facilities (i.e., libraries)

#### 4.13.4 IMPACT ANALYSIS

- a) 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. Fire protection?*

**Less Than Significant With Mitigation Incorporated.** In existing undeveloped conditions, the Project Site already requires and receives fire protection services. The Project Site is located within a Very High Fire Hazard Severity Zone and it currently contains a mix of vegetation that could burn during a wildfire event. Also, in existing conditions there are no fire hydrants or potable water supply on the Project Site.

The Project would result in an anticipated population increase of approximately 1,664 new City residents as well as employees assumed to be generated by the proposed commercial uses, which would increase the demand for fire protection services, including administrative tasks associated with approval and construction of the Project (e.g., building plan check) and response to fire service calls once the Project is occupied.

The Project would provide fire hydrants, fire access roads, and fuel modified vegetation areas within the Project Site in accordance with all applicable requirements and standards, which would collectively improve emergency access to the Project Site and capacity to fight future wildfires risk when compared to existing conditions (Anaheim Fire and Rescue 2024a). See also Section 4.18, Wildfire, for additional information in this regard.

During preliminary design of the Project, the Property Owner/Developer's team met with staff from Anaheim Fire and Rescue to introduce the Project and to exchange information related to fire access requirements and other similar topics. Subsequently, during the City's review of the formal development application that the Property Owner/Developer has submitted for this Project, Anaheim Fire and Rescue have been involved in three official rounds of review of the Project's plans. Through this process, refinements to the Project have been made based on comments received from Anaheim Fire and Rescue as well as other City reviewers (Anaheim Fire and Rescue 2024a). With incorporation of these additional refinements, Anaheim Fire and Rescue had no further comments.

Development of the Project would remove highly combustible vegetation from the Project Site and would replace it with fuel-modified slopes with new structures that would be built in compliance with the latest fire code requirements. By doing so, the Project would result in decreased wildfire exposure for private properties that are directly west of the Project Site as well as for motorists and cyclists using Santa Ana Canyon Road. See also Section 4.18, Wildfire, for additional information related to this topic.

The Project would be required to comply with all applicable codes, ordinances, and regulations including the AMC, which adopts by reference the 2022 California Fire Code and all incorporated

amendments, and the 2021 International Fire Code regarding fire prevention and fire suppression measures, fire hydrants and sprinkler systems, emergency access, and other similar requirements. As a result, these design measures would further minimize demand for fire protection services. As a part of the standard design review process, the Project's final design plans would be subject to the final review and approval by the City's Building and Safety Division and Anaheim Fire and Rescue, which would ensure that adequate emergency access, fire hydrant availability, and sufficient capacity for fire flows would be provided in compliance with all applicable codes and standards.

A Fire Master Plan has been for the Project, which is provided as Exhibits 4.13-1 through 4.13-4.

As shown in the Fire Master Plan, the Project would include the construction of new, all-weather fire lanes throughout the Project Site. No parking would be allowed along any of the internal fire lanes. The Project would include red striping and/or "No Parking / Fire Lane" signage at these locations. The Property Owner/Developer would be required to contract with a patrol and towing company to remove any vehicles that violate the parking rules within the Project Site. As detailed in the Fire Master Plan, first time violators would receive a written warning. For any subsequent violations the vehicle would be towed and the vehicle owner would be responsible for all costs incurred in remedying such violation, including without limitation the towing costs, citations, and legal fees.

The Project's internal fire lanes have been designed and would be required to be constructed in accordance with all applicable Anaheim Fire and Rescue requirements, which would be confirmed by the City/Anaheim Fire and Rescue as part of the final design/building permit process. For example, and as discussed further below, this review would ensure the Project follows standards for fire safety such as fire flow requirements for buildings, fire hydrant location and distribution criteria, automated sprinkler systems, and fire-resistant building materials. Moreover, the Developer/Property Owner would be required to pay applicable development impact fees to ensure a proportionate fair share contribution toward any future fire protection facilities needed to serve the Anaheim Fire and Rescue service area.

For example, all fire lanes have been designed to have a maximum grade of 10%. Fire lanes would be 4-inch-thick asphalt roadways that have been designed and maintained to support the imposed load of 78,000 pounds, which is needed to support fire apparatus. The Project's turnarounds and turning radiuses on primary backbone streets and drives have been designed to be 17.5-foot inside radius and 38-foot outside radius minimums. Fire department turnaround areas have been incorporated as needed throughout the Project Site, including on the west and east sides of the commercial use area, which would be accessible from "A" Street. These requirements would be confirmed during final design and plan check for the Project.

Also, to ensure adequate emergency response, all properties within the Project Site would be clearly identifiable through City-approved numbers (e.g., addresses) placed on the front elevation of all new buildings in a position that is plainly visible from the fire lanes.

As noted above, the Project would involve the installation of new fire hydrants throughout the Project Site. All fire hydrants would be installed, tested, and accepted prior to construction per the applicable provisions of the California Fire Code, and all hydrants would be identifiable from the street with a blue reflective marker. Hydrants would be required to be installed throughout



the Project Site so that all proposed structures are fully reachable with a 150-foot hose, as required the International Fire Code and AMC.

The Project would be required to include automatic fire sprinkler systems for all proposed buildings. The sprinkler system would be monitored 24-hours a day as detailed in the Fire Master Plan.

Project design for the multiple-family residential building as well as for the two commercial buildings account for the access requirements for Aerial Truck Ladders and Performance Aerial Truck Ladders, which require an additional 15-feet to 40-feet of access area between the structure and the fire access road. The Porte Cochere feature on the west side of the multiple-family residential building would have a minimum vertical clearance of 14-foot from the access road below to allow for fire apparatus to access and traverse this area.

The multiple-family residential building, courtyard areas, and parking structure would all be accessible to Anaheim Fire and Rescue via Knox Box access systems that would be installed at all vehicular and pedestrian access points. Similarly, the two proposed commercial buildings would be accessible to Anaheim Fire and Rescue via Knox Box access systems at the primary access points at the front and rear entrances of the buildings.

A fuel modification plan has been developed for and would be required to be implemented by the Project, which is provided as Exhibits ## through ##. The fuel modification plan breaks down the areas surrounding proposed buildings into specific zones, each of which has its own rules for planting and maintenance. Fuel modification plans are meant to minimize the potential effects of wildfires. The fuel modification plan identifies areas within 20-feet of structures as Zone A, which is the "Setback Irrigated Zone". These areas are required to be a minimum of 20-feet wide and to consist of flat level ground with automatic irrigation systems to maintain healthy vegetation with high moisture content. Plants in these areas must be highly fire resistant and selected from an approved fire-resistant plant list for the setback zone. The fuel modification plan further divides portions of the Project Site into Zone B and Zone C. Zone B is known as the "Wet Zone". Zone B ranges from 50- to 100-feet-wide, and it typically encompasses on the first/nearest slope to Zone A and the foundation of the building. Zone B would consist of irrigated landscaping. Zone B would be cleared of any combustible plant species irrigated and planted to minimize erosion of these areas. Zone C is referred to as the "Thinning Zone" would extend approximately 100 feet from the edge of Zone B. In Zone C, there would be a 50% thinning of native shrubs. In Zone D there would be a 30% thinning of native shrubs.

Also, roadside protection zones would be maintained along Fire Lanes that would be required to meet the same requirements as have been established for Zone B, which include 100% removal of undesirable shrubs and other requirements.

A list of undesirable and invasive plant species is provided within the fuel modification plan, which includes some non-native and/or invasive plant species as well as some native species such as chamise, California sagebrush, common buckwheat, and black sage. The Developer/Property Owner would be required to assume responsibility for maintaining fuel modification zones within the subject parcels. If an HOA is established covering all or portions of the Project Site, an HOA may assume responsibilities for fuel modification.

As described in the fuel modification plan, the Project would be required to complete as-needed thinning (removal) of vegetation, with primary maintenance periods in the late spring and early fall each year.

Radiant heat walls made of block would be constructed at specific locations within the Project Site. Radiant heat walls provide a fire-resistant barrier between structures and vegetation where full fuel modification zones are not possible due to terrain or other factors. The radiant heat walls would be a minimum of 6-feet tall. Pilasters have been incorporated for these walls to improve their aesthetics. Alternatively, the radiant heat walls could instead be constructed with a block wall base and ¼" clear tempered glass view panels. These heat walls are proposed to be located at two locations adjacent to the proposed single-family residential uses where topography, wind, and vegetation warrant their construction. These radiant heat walls were recommended as part of the Project's wildfire modeling and they would provide additional time to defend and evacuate buildings if a fire event were to occur at either of these locations in the Project Site.

The Project's buildings are considered to be within a "Radiant Heat Construction Zone". Therefore, the buildings would be required to be built in compliance with the California Building Code Chapter 7A or the California Residential Code Section R337, both of which covers building materials, systems and assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface (WUI).

According to the California Building Code as amended in the City's Municipal Code, "high-rise buildings" are buildings where the highest occupied floor is more than 75 feet above the lowest floor level that provides access to the interior of the building. High-rise buildings are subject to basic fire department requirements as well as additional provisions due to their unique firefighting challenges. For example, during fire events high rise buildings are different from traditional low-rise buildings in that they involve longer egress times and distances, different evacuation strategies, different fire department accessibility requirements, differing smoke movement, and fire control approaches. Also, the multiple floors of a high-rise building create the cumulative effect of requiring a large number of people to travel a substantial vertical distance on stairs to evacuate the building. The proposed multiple-family residential building would be classified as a high rise building pursuant to the foregoing. With implementation of the building requirements for a high rise building for the proposed multiple-family residential building, potential impacts related to internal evacuation and emergency access due to the height of the building would be minimized.

As discussed above, according to Anaheim Fire and Rescue, the relatively minor increase in demand for fire protection services that would result from the Project would not independently require the construction of new or alteration of existing fire stations or other fire protection facilities to maintain an adequate level of fire protection service to the Project Site and vicinity. However, to maintain current levels of response times Anaheim Fire and Rescue may need to add to their existing staffing to accommodate the Project as well as other cumulative projects in the vicinity of the Project Site (Anaheim Fire and Rescue 2024a). Payment of applicable development impact fees by the Property Owner/Developer would be available to Anaheim Fire and Rescue to support its staffing plans consistent with its broader planning efforts.

To improve the City's ability to more effectively manage traffic along Santa Ana Canyon Road during a potential future emergency evacuation, the Project would be required to implement

**MM HAZ-5**, which requires that prior to issuance of a certificate of occupancy, the Property Owner/Developer shall fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.

To enhance emergency response times along Santa Ana Canyon Road, the Project would implement **MM HAZ-8**, which requires that prior to issuance of a certificate of occupancy, the Property Owner/Developer shall fund and implement emergency vehicle preemption at traffic signals on Santa Ana Canyon Road from Weir Canyon Road to Imperial Highway. Emergency vehicle preemption interrupts normal traffic signal timing to provide a green light to approaching emergency vehicles so that they can pass through intersections to get to emergencies more safely and more quickly. The goal with implementation of **MM HAZ-8** being that if emergency service providers can reach the scene of a wildfire more quickly, there would be greater potential to slow the spread of the wildfire and greater capacity for emergency service personnel to protect those individuals with the greatest need.

Also, as required by **MM HAZ-9**, prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of “Know Your Way” evacuation planning and protocols. The community education and outreach for the larger eastern portion of the City would help to improve the Community’s understanding of “Know Your Way”, which will better facilitate more efficient and safer future evacuation events.

In conclusion, with implementation of the numerous Project design features described above, adherence to all applicable laws and regulations, and implementation of **MM HAZ-5**, **MM HAZ-8**, and **MM HAZ-9**, the Project would result in a less than significant impact related to the provision of fire protection services.

## *ii. Police protection?*

**Less Than Significant With Mitigation Incorporated.** Development of the Project would result in an increase in population, employment and building space, which would result in an increased demand for police protection services from APD. Specifically, the Project would result in approximately 1,664 new City residents and employees, which would increase the demand for police protection services. Based on consultation with the APD, the Project would not generate demand for additional staffing (Anaheim Police Department 2024a).. However, in the future if additional police staff are needed, funding for any new personnel needed to maintain acceptable service levels would come from the City’s General Fund as well as payment of applicable development impact fees. Property taxes and other fees assessed for the Project Site would contribute to the General Fund revenues. Existing APD facilities would be sufficient to serve the additional demand associated with the Project along with the existing demand of the area.

The Project plans would be reviewed and approved by the City of Anaheim as part of the final design/building permit process to ensure adequate safety and crime prevention measures are provided.

As noted above, the Project would be required to implement CCTV and EVP technologies along Santa Ana Canyon Road to improve emergency personnel access and to better facilitate emergency evacuation if needed in the future.

With implementation of **MM HAZ-5** and **MM HAZ-8**, the Project would result in a less than significant impact related to the provision of police protection services.

### ***iii. Schools?***

**Less Than Significant Impact.** According to the OUSD student generation factors<sup>2</sup> (noted below), the Project would result in the addition of approximately 181 students to local schools, consisting of approximately 94 elementary school students, 28 middle school students, and 28 high school students, as shown below in Table 4.13-2, Estimated Project Student Generation (OUSD 2023b).

**TABLE 4.13-3  
ESTIMATED PROJECT STUDENT GENERATION**

<b>Grade Level</b>	<b>Student Generation Rate Per Unit</b>	<b>Maximum Number of Residential Units</b>	<b>Estimated Student Generation for the Project</b>
Elementary School (K-6)	0.1862	504	94
Middle School (7-8)	0.0557	504	28
High School (9-12)	0.1165	504	58
Total Students			181
Source: OUSD 2023b, Table 4. OUSD 2024a. Student generation factors used in this table are for “multi-family attached units”.			

<sup>2</sup> For purposes of a conservative analysis, the multi-family attached unit factor was used to determine Project student generation rates for both the proposed single-family and multiple-family uses.

**TABLE 4.13-4  
PROJECT EFFECTS ON STUDENT ENROLLMENT**

<b>School</b>	<b>Grades Offered At This School</b>	<b>Number of Existing Students Enrolled During the 2022-2023 School Year (approx.)</b>	<b>Estimated Students Generated By The Project At Each School Level</b>	<b>Project Students As Percentage Of Each School's 2022-2023 Enrollment (approx.)</b>
Crescent Elementary	K-6	784 students	47 students*	5.99%
Running Springs Academy	TK-8 (International Baccalaureate Academy)	589 students	47 students*	7.98%
El Rancho Charter School	7-8	1,110 students	28 students	2.53%
Canyon High School	9-12	2,178 students	58 students	2.72%
Source: State of California Department of Education 2023a, OUSD 2024a. *Given location of the Project Site, this assumes that half (47 students) of the Project's approximately 94 elementary school aged students go to Crescent Elementary and half (47 students) go to Running Springs Academy.				

As shown in Table 4.13-4, the Project would increase the school enrollment of the nearby schools between 2.53 percent and 7.98 percent above their 2022-2023 enrollments. The Project would contribute a larger percentage of students to elementary schools than it would to the nearby middle school (El Rancho Charter School) and high school (Canyon High School). The Project would result in approximately an additional 14 students in each grade level at each local school.<sup>3</sup>

Orange Unified School District completed a District-wide Facilities Master Plan that was approved by the OUSD Board of Education on July 22, 2021. The District-wide Facilities Master Plan identifies long-term demographic trends, assesses current facilities conditions, and envisions educational program opportunities to develop strategies that address these needs and their impact on facilities in a comprehensive and thoughtful manner. Chapter 2.4 of the District-wide Facilities Master Plan contains enrollment projections that were developed for OUSD overall, which predict a gradual decline in enrollment from 26,742 students in 2020-2021 down to 24,006 students in 2026-2027.

For Crescent Elementary, the District-wide Facilities Master Plan identified that there were 517 actual students in 2019 and that there will be approximately 513 students at this school in 2026 based on OUSD's demographic projections (OUSD 2021a). However, as shown in Table 4.13-4 above, the number of existing students enrolled during the 2022-2023 school year was approximately 784 students at Crescent Elementary. Some of the primary improvements needed at the school per the school's site assessment were: shading for the kindergarten playground; parking layout and circulation issues; lockers and locker building improvements; modifications

<sup>3</sup> Calculated by dividing the number of students generated for each school by the number of grades at that school.

to existing labs for use as classrooms; restroom upgrades; building painting; and flooring that needed to be replaced.

For Running Springs Academy, the District-wide Facilities Master Plan identified that there were 620 actual students in 2019 and that there will be approximately 638 students at this school in 2026 based on OUSD's demographic projections (OUSD 2021a). As shown in Table 4.13-4 above, the number of existing students enrolled during the 2022-2023 school year was approximately 589 students. Some of the primary improvements needed at the school per the school's site assessment were: landscaping and erosion improvements; fencing needs; stormwater/flooding issues; need for additional special needs spaces; and exterior modernization needs related to fascia and painting on existing buildings.

For El Rancho Charter School, the District-wide Facilities Master Plan identified that there being 986 actual students and that there will be approximately 953 students at this school in 2026 based on OUSD's demographic projections (OUSD 2021a). Some of the primary improvements needed at the school per the school's site assessment were: need for solar shading in recreational areas for students; ADA improvements needed; slip hazards; bathroom improvements needed.

For Canyon High School, the total number of existing students enrolled during the 2023-2024 school year was approximately 2,178 students. In 2019, OUSD conducted outreach and developed a plan for improvements at Canyon High School. Phase I campus improvements were built and completed in 2022 at Canyon High School, which included a new 61,000 square foot, two-story science center building, a new food service area, adding parking, creating a new drop-off area, and renovating the multi-purpose room. These improvements were funded by Measure S, which is providing \$288 million in funds to repair and upgrade OUSD's four high schools. The second phase of this school expansion project will focus on the modernization of the existing science building, including but not limited to interior remodeling and utility upgrades, as well as the removal of 21 portable buildings from the campus (OUSD 2022a).

The Project as well as other future developments in the OUSD service area would be required to pay applicable developer school fees that would be used for future facility improvements necessary to ensure adequate levels of service (OUSD 2023b). As explained in detail above, developer school fees are considered full and complete school facilities mitigation, and local governments are prohibited from assessing additional fees or exactions for school impacts, pursuant to SB 50. During outreach to OUSD Facilities and Planning staff in 2023 and 2024, OUSD staff did not identify any new school facilities or any school alterations that would be required to accommodate the new students that would result from the Project.

Therefore, the Project would result in a less than significant impact related to the provision of school services and no mitigation is required.

#### *iv. Parks?*

**Less Than Significant Impact.** The Project would result in new housing for up to approximately 1,664 new residents within the Project Site. These new residents would result in an overall increase in the usage of nearby parks and open space areas. In addition, the proposed commercial uses would be expected to generate a nominal amount of additional demand. The topic of increased recreational demand and usage of existing parks and their

potential physical deterioration from such additional usage is addressed in detail within Section 4.14 of this Draft EIR.

This threshold asks, instead, whether the Project would result in impacts associated with new or physically altered governmental facilities that would be needed to accommodate the Project to maintain acceptable service levels.

Based on coordination with the City of Anaheim Community Services Department, the Project would not directly result in the need for any new parks or in the physical alteration of any existing park or recreational facilities to maintain the City's goal of 2.0 acres per 1,000 residents (City of Anaheim 2024a). As described in Section 4.14, Recreation, the Project's 1,664 new residents would result in a demand for parkland of approximately 3.228 acres to maintain the City's goal of 2.0 acres per 1,000 residents.

The multiple-family residential component of the Project would provide a total of approximately 44,498 sf of indoor amenity space, approximately 67,857 sf of outdoor amenity space, and approximately 13,893 of private balcony space for a grand total of approximately 126,922 sf, or 2.913 acres, of recreational-leisure space.

The single-family residential component of the Project would involve custom, single-family estate lots offering private yards and canyon views.

In terms of recreational trail improvements, the Project would provide internal pedestrian connections throughout the Project Site as well as additional multi-use paths of travel throughout the portions of the Project Site proposed for residential and commercial development to connect to offsite uses, including Deer Canyon Park Preserve. The foregoing would be available to the public generally. Specifically, the Project would construct a new multi-use trail along the west side of Deer Canyon Road, which would connect to the City's existing trail network and the Deer Canyon Park Preserve, thereby extending the City's network of such trails.

The Project would also construct approximately 2,850 linear feet of a new multi-use (pedestrian, bicycle and equestrian) trail along the south side of Santa Ana Canyon Road that would extend from the northwestern limits of the Project Site (approximately 385 feet east of Eucalyptus Avenue) to an existing sidewalk that ends approximately 365 feet west of Festival Drive.

As required by **MM TRANS-4**, the Project would also construct approximately 2,950 linear feet of new sidewalk along the north side of Santa Ana Canyon Road from Eucalyptus Avenue to approximately 760 feet west of S. Festival Drive.

Also, the Project would rezone approximately 43.22 acres of the Project Site as Open Space, which is more than half of the total acreage (approximately 57 percent) of the Project Site. The purpose of this approach is to facilitate the retention of the existing open space, with the related aesthetic, scenic and habitat qualities, and to protect existing scenic view corridors.

In addition to the approximately 43 acres of contiguous open space referenced above that constitutes the Open Space component of the Project, as detailed in the Specific Plan, the proposed development also includes numerous additional green space areas (both common and private) to further enhance the scenic, water quality and aesthetic aspects of the Project.

Given that the Project would include substantial private recreational improvements and would install public multi-use trails, as described above, it is not anticipated that the Project would result in any actual, significant increase in use of City-owned public parklands such that new or physically altered park facilities would be triggered in order to maintain the applicable park ratio standard.

Moreover, to further ensure that the City is able to achieve its goal of 2.0 acres of parkland per 1,000 residents, the Project would be required to comply with the City's parkland ordinance, which would likely involve payment of the applicable park dedication fees in accordance with the AMC. Any future off-site park development for the broader community that is partially funded through the Project's development fees would incur a separate environmental review pursuant to the California Environmental Quality Act (CEQA). With implementation of the numerous Project design features listed above as well as adherence to developer obligations under the City's parkland ordinance, the City's target of 2.0 acres of public parkland per 1,000 acres from the AMC would be maintained by the Project.

Therefore, the Project would result in a less than significant impact related to the provision of adequate recreational spaces and no mitigation is required.

**v. *Other public facilities (i.e., libraries)?***

**Less Than Significant Impact.** The City has not established a specific library service standard. The threshold of significance focuses on whether the Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities triggered to ensure adherence to relevant performance standards, the construction of which could cause significant environmental impacts. As stated above, Project development would generate an increase in population of approximately 1,664 new City residents as well as new employees, which would result in a nominal additional demand for library services. However, the actual number of residents that would use the library on a given day would likely be minimal. Therefore, implementation of the Project would not adversely impact library services or trigger the need for construction of new or expanded library facilities. In addition, Section 17.08.385 of the AMC relating to Public Library Facilities Services Areas – Payment of Fees Required specifies that developer fees shall be deposited in a public library services fund. This fund shall be used for the construction, equipping, and supplying of said services. The Developer/Property Owner shall be required to pay the applicable library services development impact fee.

Therefore, the Project would have a less than significant impact related to other public facilities and no mitigation is required.



### **4.13.5 CUMULATIVE IMPACTS**

The appropriate geographic scope for cumulative impacts is the service area for the respective service providers. Past, present and reasonably foreseeable future projects, including those described in more detail in Table 4-1, Cumulative Projects List, which is provided in Section 4.0, are considered.

Collectively, the cumulative projects and the Project would result in increased development that would collectively increase demand for public services provided by the Anaheim Fire & Rescue, APD, OUSD, City of Anaheim Parks Division, and the Anaheim Public Library. As discussed above, it is reasonable to assume that service providers would regularly review the needs of their users within their respective service areas and plan accordingly from a capital improvement as well as operation and maintenance perspective, and that such master planning efforts would help to ensure sufficient availability of public services for the growth in population associated with the Project, as well as other cumulative development. In addition, consistent with applicable policies and plans, it is reasonable to assume that service providers would identify whether and to what extent a specific proposal triggered the need for additional staffing or facilities. Cumulative projects would similarly be required to mitigate any identified impacts as well as pay applicable development impact and in lieu fees as well as property taxes; any new or expanded facilities that are built to provide public services would be required to obtain the necessary approvals and complete any required environmental review. Therefore, cumulative impacts related to the provision of new or physically altered governmental facilities would be less than significant. Furthermore, the foregoing would further ensure that the Project, which would be located in close proximity to ample public services with capacity to serve its residents and other users would not make a cumulatively considerable contribution to this already less than significant cumulative impact.

### **4.13.6 MITIGATION PROGRAM**

See Section 4.8, Hazards and Hazardous Materials, of this Draft EIR for the mitigation measures referenced in this section.

### **4.13.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of mitigation measures **MM HAZ-4**, **MM HAZ-8**, and **MM HAZ-9**, potentially significant impacts related to public services would be reduced to less than significant levels.

---

## 4.14 **RECREATION**

### 4.14.1 EXISTING CONDITIONS

#### **Existing Parks and Recreational Areas in the Project Vicinity**

There are several existing parks and other recreational facilities in the Project vicinity including the following:

- **Deer Canyon Park Preserve**: This park is located approximately 825 feet (0.16-mile) south of the Project Site and is owned and managed by the City of Anaheim. Deer Canyon Park Preserve is a 103-acre wilderness area that contains trails for hiking, bicycling, and horseback riding. Trails within Deer Canyon Park Preserve connect to the “Four Corners Trail” and to the Oak Canyon Nature Center. The “Four Corners Trail” also connects Deer Canyon Park Preserve to Hidden Canyon Trail and to Weir Canyon Trail to the east of the Project Site. The Deer Canyon Park Preserve is primarily accessible for residents that can walk or ride their bicycles from their homes. Also, street parking is available to access Deer Canyon Park Preserve on Hollow Oak, South Mohler Drive, South Basile Street, South Anise Street, East Sagewood Lane, and other local streets. There are connections to Deer Canyon Park Preserve from Fairmont Boulevard in the south and Santa Ana Canyon Road in the north. Park amenities include restrooms, drinking fountains, and trash receptacles.
- **East Anaheim Community Center and Gymnasium**: This City-operated facility is located approximately 0.47-mile northeast of the Project Site at 8165 East Santa Ana Canyon Road. This facility provides a site for youth sports, adult sports, and senior programs. Youth programs include basketball leagues, camps, clinics, and volleyball leagues. Adult programs include basketball leagues and a volleyball clinic. Senior programs include pickleball, table tennis, English as a Second Language classes, Zumba classes, needlecraft classes, etc. There are gym facilities that are open to the public at certain times. There are also meeting spaces that are available for rent.
- **Sycamore Park**: This park is located approximately 0.65 mile east of the Project Site and is owned and managed by the City of Anaheim. This park includes a playground, a basketball court, a baseball field, grass fields, walking paths, and restrooms.
- **Ronald Reagan Park**: This park is located approximately 1.37 miles east of the Project Site and is owned and managed by the City of Anaheim. This park includes a playground, restrooms, BBQs, seating areas, baseball fields, a basketball court, open grass fields, walking paths, and a sand volleyball area.
- **Eucalyptus Park**: This park is located approximately 0.87 mile west of the Project Site and is owned and managed by the City of Anaheim. This park includes a playground, restrooms, a basketball court, a baseball field, grass fields, and seating areas.
- **Brush Canyon Park**: This park is located approximately 3.22 miles northeast of the Project Site and is owned and managed by the City of Yorba Linda. This park contains

a basketball court that is used often for pickleball, tennis courts, two baseball fields that are also used for soccer, a playground, a covered seating area, and walking paths.

- Oak Park: This park is located approximately 1.59 miles southwest of the Project Site and is owned and managed by the City of Anaheim. This park is a 4-acre nature park that is adjacent to the Anaheim Hills Saddle Club. This park includes a trail head, walking paths, and picnic tables.
- Canyon Rim Park: This park is located approximately 1.41 miles southeast of the Project Site and is owned and managed by the City of Anaheim. This park includes a basketball court, playground, sports fields, picnic shelters, picnic tables, a recreation center, restrooms, a softball field, and an area for volleyball.
- Fred Barrera Park: This park is located approximately 2.27 miles south of the Project Site and is owned and managed by the City of Anaheim. This park includes a playground, grass areas, walking paths, seating areas, and restrooms.
- Yorba Regional Park: This park is located approximately 0.17 mile north of the Project Site that is owned and operated by the County of Orange. The Project Site and Yorba Regional Park are separated from each other by the Santa Ana River, State Route 91, and Santa Ana Canyon Road. Yorba Regional Park is 166 acres in East Anaheim located north of the Santa Ana River and south of La Palma Avenue, which contains a variety of amenities including walking paths, exercise areas, sports fields, picnic and meeting areas, and lake that allow for fishing and boating. Yorba Regional Park is adjacent to the Santa Ana River Trail, which is located on the north side of the Santa Ana River within the Project Site vicinity.
- Featherly Regional Park: This park is located approximately 3.87 miles northeast of the Project Site and is owned and managed by the County of Orange. Featherly Regional Park is a total of 150 acres with amenities including camping sites, an amphitheater, and nature trails.
- Chino Hills State Park: This park is located approximately 3.22 miles north of the Project Site and is owned and managed by the State of California. Chino Hills State Park is a 13,452-acre open space area owned and operated by California State Parks. Chino Hills State Park provides trails for hiking, biking, and riding, as well as picnic areas and a campground.
- Santiago Oaks Regional Park: This park is located approximately 2.17 miles southeast of the Project Site and is owned and managed by the County of Orange. Santiago Oaks Regional Park is 135 acres in size and provides hiking, biking, and riding trails.
- Checkers Dog Park: This park is located approximately 1.05 miles northeast of the Project Site and is owned and operated by the City of Yorba Linda. This dog park includes seating and shade structures. Checkers Dog Park is adjacent to Jean Woodward Park.
- Jean Woodward Park: This park is located approximately 1.04 miles northeast of the Project Site and is owned and operated by the City of Yorba Linda. This park has a playground and a large grass field used for soccer.

- Olive Hills Dog Park: This dog park is located approximately 4.15 miles southwest of the Project Site and is owned and operated by the City of Anaheim. The park is large with a parking area and landscaping.

## 4.14.2 REGULATORY SETTING

### **State**

#### ***The Quimby Act***

The California Legislature first established the Quimby Act in 1975 and amended the act in 1982. Per the Quimby Act, California allows a City or County to pass an ordinance that requires, as a condition of approval of a residential subdivision, the dedication of land; the payment of a fee in lieu of dedication; or a combination of both for park or recreational purposes (California Government Code Section 66477). This legislation establishes maximum parkland dedication standards for new subdivision development unless the amount of existing neighborhood and community parkland exceeds the limit. The Quimby Act has a standard of 3 acres of parkland per 1,000 residents.<sup>1</sup>

### **Local**

#### ***City of Anaheim General Plan – Green Element***

The City of Anaheim General Plan's Green Element addresses the provision of open space, conservation, recreation, and landscaping resources. It includes existing parks and open space, and potential recreational opportunities such as schools, utility easements, water uses, and vacant land. As identified in the Green Element, the City has established a standard of two acres of parkland per 1,000 residents (City of Anaheim 2004a).

#### ***Anaheim Municipal Code***

Per Section 17.08.210 of the Anaheim Municipal Code, the City requires new development involving a subdivision of land in the City to offer to dedicate land and pay a fee for development thereof, or pay a fee in lieu thereof, as set forth in Sections 17.08.200 through 17.08.290, for the purpose of providing park and recreational facilities to serve the future residents of each tract. As noted above, the General Plan's Green Element as well as Section 17.08.250 of the Anaheim Municipal Code provides for a park standard of two acres of

---

<sup>1</sup> Cities with a ratio of higher than 3 acres per 1,000 persons are permitted to set a standard of up to 5 acres per 1,000 persons for new development. The calculation of a city's park space to population ratio is based on a comparison of the population count of the last federal census to the amount of city-owned parkland.

parkland for each 1,000 residents. The dedication may be in the form of improved land, the payment of fees in lieu of dedication, or a combination of both.

### ***Anaheim Parks Plan***

The Anaheim Parks Plan was developed by the City to guide improvement of the park system within the City (City of Anaheim 2018a). The Anaheim Parks Plan includes the following recommendations.

1. Execute more facility joint-use agreements with the seven school districts within Anaheim
2. Create sports complexes
3. Execute lease agreements with other public agencies
4. Pursue funding opportunities and increase park development fees
5. Acquire private land for park development.
6. Redesign existing parks to expand uses a. Plant trees b. Create access for all users
7. Enhance park maintenance
8. Allow for use of high school community swimming pools and plan for a new aquatic center
9. Update the general plan as needed
  - a. Add new park categories to the green element of the general plan
  - b. Protect parkland by ensuring that all parks are zoned appropriately
10. Complete a community services strategic plan

None of these recommendations directly relate to the Project or to the Project Site.

### **4.14.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim's Environmental Checklist, a project would result in significant impacts related to recreation if it would:

- a) 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; or
- b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

#### 4.14.4 IMPACT ANALYSIS

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

**Less Than Significant Impact.** The Project would result in new housing (both multiple-family and single-family) for somewhere between approximately 1,570 and 1,664 new residents<sup>2</sup> within the Project Site. The Project's residential component would increase the use of nearby parks, recreational facilities, and open space areas. With respect to the Project's commercial component, it may involve a small number of visitors utilizing nearby park, recreational and open space facilities; however, given its non-residential nature, any increase in use associated with the Project's commercial component would likely be nominal. It is most likely that future Project residents would use Deer Canyon Park Preserve to the greatest extent given its proximity to the Project Site for activities such as walking, hiking, and bicycling, coupled with the enhanced access that would be provided by the Project to the Deer Canyon Park Preserve via the installation of a new multi-use trail. The Project's residents would also likely use Eucalyptus Park and Sycamore Park since these parks contain playgrounds, basketball courts, sports fields, and other amenities that would be different from the amenities anticipated to be available within the Project Site or at Deer Canyon Park Preserve.

The Project's residents would also increase demand for other recreational facilities in the Project Site vicinity including:

- Checkers Dog Park and the Olive Hills Dog Park.
- Due to the Project's increase in school-aged population, it is likely that the Project would result in additional demand for participation in the Anaheim Aquatics Association (AAA), which is a club swim program that serves the Project Site and vicinity. This would result in additional usage of the pool facilities at Canyon High School where AAA meets.
- It is likely that children's sports leagues and organized groups such as Girl Scouts and Boy Scouts would experience an increase in demand for participation with the Project due to the increase in school-aged population that would result.

As identified in the Green Element of the City's General Plan, the City has established a standard of two acres of parkland per 1,000 residents (City of Anaheim 2004a). The Project would result in somewhere between approximately 1,570 and 1,664 new City residents,

---

<sup>2</sup> 1,570 new residents was calculated using the residential targets established in Section 17.08.240 of the AMC, which identify 3.56 persons per single-family detached unit and 3.11 persons per unit for multiple-family units. This differs from the 1,664 new residents within the Project Site that was calculated in Section 4.12, Population and Housing, which uses the City's average of 3.3 persons per dwelling unit.

which would equate to an increase in demand for parkland of 3.328 acres<sup>3</sup> to service the increased City population.

- The Specific Plan, which would serve as both a planning and regulatory document to govern development of the Project, sets forth several policies that are relevant to this analysis:
  - Preserve open space to contribute towards the goal of expanding and enhancing access to Deer Canyon Preserve Park. (Section 1.2, Goals and Objectives)
  - The multiple-family building should contain multiple high-quality amenity spaces to include a fitness center, resident office and meeting areas, a large pool deck and club room. (Section 1.9, Guiding Principles)
  - Provide public trail connections, assuming the City provides necessary access easements on the adjacent land to the south, with direct access to Deer Canyon Preserve Park. (Section 1.9, Guiding Principles)
  - Preserve ample amounts of open space and habitat by clustering the urban development footprint within a comparatively small portion of the Specific Plan Area (i.e., majority of the Specific Plan Area is planned for potential Open Space and Recreation uses). (Section 1.9, Guiding Principles)
  - Optimize common space for wellness, gathering, and recreation. (Section 1.9, Guiding Principles)

To implement the foregoing, the multiple-family residential component of the Project would provide a total of approximately 44,498 sf of indoor amenity space, approximately 67,857 sf of outdoor amenity space, and approximately 13,893 of private balcony space for a grand total of approximately 126,922 sf, or 2.913 acres, of recreational-leisure space. The multiple-family residential building would include a rooftop deck with various indoor and outdoor amenities. For example, there would be an enclosed fitness center, locker rooms, restrooms, and a club area, as well as outdoor features such as a rooftop pool, firepits, BBQ areas, and a lounging area. The building would also include additional amenities such as a resident café, meeting and social gathering spaces, and communal resident “work from home” areas. Furthermore, the multiple-family residential uses would include two courtyards that have been incorporated into the design on its northern and southern ends of the building, which would also be landscaped with new trees, and would contain small gathering spaces with tables and chairs, small water features, and fire pits or fire tables.

Each unit within the multiple-family residential building would also contain private balcony space, as noted above.

The single-family residential component would involve custom, single-family estate lots offering private yards and canyon views.

---

<sup>3</sup> 2.0 acres X 1,664 residents = 3.328 acres of parkland

In terms of recreational trail improvements, the Project would provide pedestrian paths of travel throughout the portions of the Project Site proposed for residential and commercial development. Specifically, the Project would provide new sidewalks on Santa Ana Canyon Road along the Project's frontage as well as a new multi-use (pedestrian, bicycle and equestrian) trail along Santa Ana Canyon Road between the two new proposed intersections. The Project would also include a new multi-use trail (with a public access easement) along the southeast side of the proposed extension of Deer Canyon Road within the Project Site, connecting to the City's existing trail to enhance connectivity in the Project vicinity, including access to Deer Canyon Park Preserve.

Also, as depicted in the open space exhibit provided as Exhibit 3-22 and as further detailed in the Specific Plan, the Project would rezone approximately 43.22 acres of the Project Site as Open Space, which is more than half of the total acreage (approximately 57 percent) of the Project Site. The purpose of this approach is to facilitate the retention of the existing open space, with the related aesthetic, scenic and habitat qualities, and to protect existing scenic view corridors. In addition, the Project would be required to comply with the Anaheim Municipal Code through the payment of applicable park dedication fees in lieu of land dedication. If and to the extent the City decides to pursue any future off-site park/recreational facilities development that is partially funded through the Project's development fees, this would constitute a separate project pursued by the City in the future and thus would involve a separate environmental review pursuant to the California Environmental Quality Act (CEQA).

Overall, the Project would result in increased usage of local park, recreational, and open space facilities within the City and vicinity, especially those that are noted above. Nevertheless, the above-described Project amenities would partially reduce the usage of existing parks, recreational, and open space facilities by future Project residents, employees, and other users. Furthermore, given the wide range of existing proximate parks and recreational and open space areas available to the Project's residents and other users, it is reasonable to conclude that the recreational needs of the Project would be dispersed across these existing facilities and areas.

Therefore, based on the proposed on-site Project recreational and open space amenities and given the large number of existing parks and recreational facilities and open space areas in the vicinity of the Project Site, it is unlikely that Project residents, employees, and other users would increase the usage of any one of these existing parks or other recreational facilities to the extent that substantial physical deterioration of any of these facilities would occur.

Therefore, the Project would result in a less than significant impact related to this threshold, and no mitigation is required.

***b) Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?***

**Less Than Significant Impact.** The Project would include the development of recreational amenities within the Project Site (as described above and in more detail in Section 2.0,



Project Description, and the Specific Plan), the impacts of which have been addressed through the impact analyses that are presented in each of the topical issues in this Draft EIR, where applicable. As noted above, the Project would be required to pay applicable park dedication fees in accordance with the Anaheim Municipal Code in lieu of land dedication. If and to the extent the City decides to pursue any future off-site park development that is partially funded through the Project's development fees, this would be a separate future project pursued by the City and would thus involve a separate environmental review pursuant to the California Environmental Quality Act (CEQA).

Therefore, the Project would have a less than significant impact related to this threshold, and no mitigation is required.

#### **4.14.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects, which are described in more detail in Table 4-1, Cumulative Projects List, which is provided in Section 4.0.

Collectively, the cumulative projects and the proposed Project would result in increased development that would collectively increase demand for parks and recreational facilities and open space areas. However, the City regularly reviews the needs of its residents and plans accordingly from a capital improvement as well as operation and maintenance perspective. The City's master planning efforts, such as the General Plan and the Anaheim Parks Plan, would help to ensure sufficient availability of parks and recreational facilities and open space areas for the growth in population associated with the Project, as well as other cumulative development. Similar to the Project, all cumulative projects would be required to adhere to applicable City park standards such as those set forth in the City's General Plan and its parkland ordinance through the dedication of land and/or payment of applicable development impact fees to maintain and expand park, recreational, and open space facilities as needed, as well as to provide their own private parks, recreational facilities and open space areas. Any such new or expanded facilities that are built would be required to obtain the necessary approvals and complete any required environmental review pursuant to CEQA. Accordingly, there would be less than significant cumulative impacts in this regard. Moreover, the foregoing would further ensure that the Project, which would be located in close proximity to sufficient parks, recreational facilities, and open space areas, along with providing its Project residents and other users with substantial on-site recreational and open space amenities, would not make a cumulatively considerable contribution to this already less than significant cumulative impact.

Therefore, less than significant cumulative impacts would result related to this threshold, and no mitigation measures are either required or recommended.

#### **4.14.6 MITIGATION PROGRAM**

No significant impacts pertaining to recreation were identified; therefore, no mitigation measures are required.

#### **4.14.7 SIGNIFICANCE AFTER MITIGATION**

Project impacts related to recreation would be less than significant, and no mitigation is required.

*This page intentionally left blank*

---

## 4.15 **TRANSPORTATION**

This section is based in part on the following document:

- LLG 2024a. Traffic Impact Analysis. Santa Ana, CA: LLG. Attached as Appendix L.
- LLG 2024b. Vehicle Miles Traveled (VMT) Analysis for the Hills Preserve Project. Santa Ana, CA: LLG. Attached as Appendix T.

### 4.15.1 **EXISTING CONDITIONS**

#### Regional Setting

The Project Site is located south of Santa Ana Canyon Road and west of Festival Drive in the City of Anaheim within Orange County, California. The Project Site is regionally accessible from the State Route (SR) 91 and Weir Canyon Interchange located approximately 0.63 mile east of the Project Site. The Project Site is also accessible from the SR-91 and Imperial Highway Interchange located approximately 1.86 miles to the west, and the SR-91 and Coal Canyon Interchange located approximately 2.53 miles to the east.

#### **Existing Roadway Network**

The Project Site is located immediately south of Santa Ana Canyon Road.

The Project Site consists mostly of undeveloped lands, with no existing on-site buildings. There is a private paved maintenance access road (“Deer Canyon Road”) that is located within the western portion of the Project Site that connects to Santa Ana Canyon Road in the north. There are also private dirt access roads throughout the Project Site.

More information on the existing roadway network is available in the Project’s Traffic Impact Analysis report, which is provided as Appendix L (LLG 2024a).

#### **Existing Trip Generation**

The Project Site is vacant. Therefore, the Project does not currently generate any vehicular trips.

#### **Existing Transit Service**

Public transit bus service is provided in the vicinity of the Project Site by the Orange County Transportation Agency (OCTA), with the nearest transit stop located to the east of the Project Site at the Anaheim Hills Festival shopping center. Local Fixed Route 38 provides service from Lakewood to Anaheim near the Project Site. The route traverses the cities of Lakewood, Cerritos, La Palma, Buena Park, Yorba Linda, and Anaheim. During the weekday AM and PM peak hours, Route 38 has approximate headways between 20 and 25 minutes in the eastbound and westbound directions. On the weekends, headways are approximately 45 minutes for AM and PM peak hours.

## **Bicycle and Pedestrian Facilities**

There are currently no sidewalks within the Project Site. Under existing conditions, pedestrians and other users access Deer Canyon Park Preserve through the Project Site via an existing private paved maintenance access road along the western portion of the Project Site.

There are currently no sidewalks along the northern or southern sides of Santa Ana Canyon Road adjacent to the Project Site.

There are existing Class II bike lanes on both sides of Santa Ana Canyon Road near the Project Site.

## **4.15.2 REGULATORY SETTING**

### **State**

As the owner and operator of the State Highway System, the State of California Department of Transportation (Caltrans) implements established State planning priorities in all functional plans, programs, and activities. Caltrans has the responsibility to coordinate and consult with local jurisdictions when proposed local land use planning and development may impact State highway facilities. Pursuant to Section 21092.4 of the Public Resources Code, for projects of statewide, regional, or area-wide significance, the lead agency shall consult with transportation planning agencies and public agencies that have transportation facilities which could be affected by the Project. The proposed Project would not affect any Caltrans facilities and is not considered a project of Statewide, regional, or area-wide significance.

### ***Senate Bill 743***

With the adoption of Senate Bill (SB) 743, the State of California changed the method of transportation analysis required under the California Environmental Quality Act (CEQA) for publicly- and privately-initiated projects. The law changed the way local jurisdictions analyze transportation impacts from development projects and identify mitigation measures to reduce those impacts. The previous practice of evaluating transportation impacts used on-road congestion or level of service (LOS). SB 743 requires the amount of driving and length of trips — as measured by vehicle miles traveled (VMT) — be used to assess transportation impacts on the environment for purposes of evaluating impacts under CEQA. These impacts are reduced or “mitigated” by implementing a range of measures that may include, among others, increasing transit, providing for active transportation such as walking and biking, and participating in mitigation banks. All jurisdictions have the option to tailor such measures to their unique communities within the context of the parameters set forth by CEQA.

Specifically, pursuant to SB 743, on December 28, 2018, the CEQA Guidelines were amended to add Section 15064.3, Determining the Significance of Transportation Impacts, which states that generally, VMT is the most appropriate measure of transportation impacts. In addition to making VMT the preferred metric, as noted above, Section 15064.3(a) also

prohibited the use of delay from being used to determine environmental impacts stating, “Except as provided in subdivision (b)(2) (regarding roadway capacity), a project’s effect on automobile delay shall not constitute a significant environmental impact.” This prohibition is reinforced by the CEQA Statute, Public Resources Code Section 21099(b)(2), “Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any.” Beginning on July 1, 2020, the provisions of CEQA Guidelines Section 15064.3 and Public Resources Code Section 21099 applied statewide.

#### Technical Advisory on Evaluating Transportation Impacts in CEQA

The *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory)<sup>1</sup> provides advice and recommendations to CEQA lead agencies on how to implement SB 743. This includes technical recommendations regarding the assessment of VMT, thresholds of significance, VMT mitigation measures, and screening thresholds for certain land use projects. Lead agencies may consider and use these recommendations at their discretion. Key guidance from this document includes the following:

- VMT is the most appropriate metric to evaluate a project’s transportation impact.
- OPS recommends tour- and trip-based travel models to estimate VMT but ultimately defers to local agencies to determine the appropriate tools.
- OPR recommends measuring VMT for residential and office projects on a “per rate” basis.
- OPR recommends that a per resident or per employee VMT that is 15 percent below that of existing development may be a reasonable threshold. In other words, a residential or office project that generates VMT per resident or employee that is more than 85 percent of the regional VMT average could result in a significant impact. OPR notes that this threshold is supported by evidence that connects this reduction to the State’s emission goals.
- OPR recommends that where a project replaces existing VMT-generating land uses, if the replacement would lead to an overall decrease in VMT, the project would lead to a less than significant transportation impact. If the project would lead to a net overall increase in VMT, then the thresholds above should apply.
- Lead agencies have the discretion to set or apply their own significance thresholds.

The Technical Advisory also provides guidance on impacts on transit. Specifically, the Technical Advisory suggests that lead agencies generally should not treat the addition of new transit users as an adverse impact. As an example, the Technical Advisory suggests that “an infill development may add riders to transit systems and the additional boarding and alighting may slow transit vehicles, but it also adds destinations, improving proximity and

---

<sup>1</sup> California Governor’s Office of Planning and Research. (OPR). 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. December.

accessibility. Such development also improves regional vehicle flow by adding less vehicle travel onto the regional network.”

On December 18, 2019, California’s Third District Court of Appeal published an opinion in *Citizens for Positive Growth and Preservation v. City of Sacramento*, which involved a challenge to the City of Sacramento’s adoption of its General Plan based on LOS instead of VMT for transportation impact identification. In reaching its decision in that case, the Court of Appeal applied Public Resource Code Section 21099(b)(2) and stated, “existing law is that ‘automobile delay, as described solely by level of service, or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA, except for roadway capacity projects.’” The Court therefore concluded that the General Plan’s policies that included LOS standards could not be used as a threshold to determine whether the project would have a significant environmental impact under CEQA. VMT is used to identify the proposed project’s potentially significant transportation impacts for the purposes of this Draft EIR.

### ***Senate Bill 375***

Senate Bill (SB) 375 provides guidance regarding reducing emissions from cars and light trucks. There are four major components of SB 375. First, SB 375 requires regional greenhouse gas (GHG) emissions targets. These targets must be updated every eight years in conjunction with the revision schedule of the housing and transportation elements of local general plans. Second, Metropolitan Planning Organizations (MPOs) are required to each create a Sustainable Communities Strategy (SCS) that provides a plan for helping to achieve their respective regional targets. Third, SB 375 requires housing elements and transportation plans to be synchronized on 8-year schedules. Finally, MPOs must use transportation and air emissions modeling techniques that are consistent with the guidelines prepared by the California Transportation Commission. The current SCS for Orange County is the SCAG Connect SoCal 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

### ***Assembly Bill 1358***

Assembly Bill 1358, also known as the California Complete Streets Act of 2008, requires cities and counties to include “Complete Streets” policies in their general plans. These policies address the safe accommodation of all users, including bicyclists, pedestrians, motorists, public transit vehicles and riders, children, the elderly and the disabled. These policies can apply to new streets as well as the redesign of corridors.

## **Regional**

### ***Connect SoCal 2024***

On April 4, 2024, SCAG’s Regional Council voted to approve and fully adopt Connect SoCal 2024, the 2024-2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) (SCAG 2024a). SCAG is one of 18 MPOs in the State of California and is comprised

of the following counties: Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. Connect SoCal 2024 is a long-range regional transportation plan that provides a vision for regional transportation investments, integrated with land use strategies, over a 20-year period. Connect SoCal 2024 includes a vision and goals for the region. Key components include a growth forecast and regional development pattern based on population, household, and employment growth projections for the SCAG region through the year 2050 as well as a transportation network including a list of transportation projects and investments. The Plan also identifies Regional Planning Policies and Implementation Strategies that the region could pursue over the Plan horizon. Other components include financial assumptions and expenditures, key transportation investments, and an evaluation of the Plan's performance. As part of Connect SoCal 2024, SCAG developed the Local Data Exchange (LDX) process to form the basis for the regional growth forecast. SCAG developed the LDX process to engage local partners and get information needed to fulfill state planning requirements. This included information on land use, transportation, priority development areas (PDAs), geographical boundaries, resource areas, and growth that was shared and exchanged through a combination of one-on-one meetings and data submissions with local jurisdictions. In consultation with the Technical Working Group (TWG), SCAG developed growth forecast guiding principles to ensure that the regional growth forecast yields a technically robust forecasted regional development pattern which meets its statutory objectives, which are incorporated as part of the SCS.

## **Local**

As described above, while not required by CEQA, some of the policies listed below would support a non-CEQA LOS operational evaluation; therefore, a separate report reflecting this LOS analysis for the proposed project identifying applicable improvements has been prepared by the City's transportation consultant for the City's consideration prior to approval of the Project.

### ***City of Anaheim Traffic Impact Analysis Guidelines for California Environmental Quality Act Analysis***

This section of the Draft EIR and the Project's VMT Analysis report were prepared consistent with the City of Anaheim Traffic Impact Analysis Guidelines for California Environmental Quality Act Analysis, which was adopted by the City in June 2020. These guidelines describe when a traffic impact analysis is required, and the contents required within a traffic impact analysis. The guidelines include methods and significance criteria for use on projects within the City related to a project's impacts related to VMT, active transportation, and public transit.

### ***City of Anaheim General Plan***

#### **Circulation Element**

The Circulation Element of the City's General Plan describes the existing circulation system and serves as an infrastructure plan that addresses the mobility of people, goods and services, energy, water, sewage, storm and drainage, and communications. The Element is



purposed towards meeting the current and future needs of Anaheim residents and visitors by creating and improving a circulation system within the City. The City's 'Planned Roadway Network', provided as Figure C-1 of the Circulation Element, provides a visual overview of the City's roadway classifications.

The classifications of the roadways nearest and adjacent to the Project Site boundaries include:

- Weir Canyon Road, Scenic Expressway;
- Santa Ana Canyon Road, Primary Arterial;
- Fairmont Boulevard, Hillside Secondary Arterial;
- Serrano Avenue, Hillside Secondary Arterial;
- Canyon Rim Road, Hillside Secondary Arterial.

As discussed in more detail in Section 4.1, Aesthetics, of this Draft EIR, the Project Site is visible from SR-91, which is designated as a State Scenic Corridor. The Project Site is also within the City's Scenic Corridor Overlay Zone. There are public views of the Project Site from Santa Ana Canyon Road, SR-91, the Santa Ana River Trail, Yorba Regional Park, and Deer Canyon Park Preserve.

More information on Project consistency with policies from the City's Circulation Element is provided in Section 4.10, Land Use and Planning, of this Draft EIR.

### *Bicycle Master Plan*

The Bicycle Master Plan is an appendix to the City's General Plan. The Bicycle Master Plan is the vision for the City's bikeways network. The City's Bicycle Master Plan states that the Anaheim Hills area south of Santa Ana Canyon Road and east of the SR-55 freeway, which includes the Project Site, is a hilly area which can be a hindrance to commuting and recreational cyclists but a welcomed challenge for bicycling enthusiasts. The Bicycle Master Plan identifies "Class II Existing" bicycle lanes on Santa Ana Canyon Road north of the Project Site. The Bicycle Master Plan does not identify any planned bicycle improvements on Santa Ana Canyon Road near the Project Site or within the Project Site itself. More information on Project consistency with bicycle-related policies is provided in Section 4.10, Land Use and Planning, of this Draft EIR.

### ***Know Your Way***

"Know Your Way" is a City initiative that provides guidance on primary and secondary evacuation routes in case of wildfire, flood, or earthquake events in the eastern portion of the City. Know Your Way consists of a website that contains maps that cover east Anaheim. The maps designate evacuation zones within east Anaheim as well as primary and secondary evacuation routes for each evacuation zone to use during a typical evacuation event. The maps also designate where APD would typically close or divert traffic; however, APD takes an adaptive approach to evacuations. Therefore, APD may implement different traffic

controls from what is shown in Know Your Way maps during an evacuation event based upon the particular details of that event. Generally, the Know Your Way maps direct motorists to take local arterial streets to get to SR-91, and then to travel west on SR-91.

As part of Know Your Way, students from schools within an evacuation zone would be evacuated to Orange High School during evacuation events to avoid creating additional congestion in east Anaheim that could hinder emergency response and/or evacuation. During future evacuation events, horses and livestock from affected evacuation zones would be temporarily evacuated to the Orange County Fairgrounds or to other stables in the County.

The Project Site is within Know Your Way Evacuation Zone 8, which is also referred to as the “Sycamore” zone.

### 4.15.3 THRESHOLDS OF SIGNIFICANCE

In accordance with the City of Anaheim’s Environmental Checklist, a project would result in significant impacts related to transportation if it would:

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

- a) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b);
- b) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- c) Result in inadequate emergency access.

### 4.15.4 IMPACT ANALYSIS

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

**Less Than Significant Impact.** The Project’s consistency with programs, plans, ordinances, and policies related to the circulation system, including transit, roadway, bicycle and pedestrian facilities, is evaluated below.

As described more fully in Section 3.0, Project Description, and the Hills Preserve Specific Plan (Specific Plan), the Project would increase vehicular, pedestrian, bicycle and equestrian connectivity throughout the Project Site as well as Project vicinity (e.g., existing Festival Shopping Center commercial area) via installation of trail segments as well as improvements to the existing street network, both on- and off-site.

The locations and alignments of the Project’s internal roads and driveways are depicted in the proposed Tentative Tract Map, and are also depicted on Exhibit 3-1. The Project would include a number of street network/intersection improvements to facilitate the Project’s

traffic flow. For example, as part of the Project, the median on Santa Ana Canyon Road would be modified to allow left-turn in and out of Project Driveway No. 1. A traffic signal would be installed at Deer Canyon Road and Santa Ana Canyon Road, creating a new signalized intersection. The proposed intersection would also align with the existing driveway of the self-storage business that is located north of the Project Site to the north of Santa Ana Canyon Road, creating a four-way, signalized intersection. The Project would construct a new eastbound deceleration lane on Santa Ana Canyon Road at Deer Canyon Road, subject to obtaining any necessary associated property interests to accommodate the relocated northern section of Deer Canyon Road.

The Project would also construct a new multi-use trail along Santa Ana Canyon Road between the two new proposed intersections. The Project proponent would offer for dedication a public access easement for the multi-use trails, which would ultimately connect to the City's Deer Canyon Park Preserve and would also include signage and entrance improvements for the Preserve at Santa Ana Canyon Road.

"C" Street would be built as a two-lane road with curb and gutter on each side of the road and a sidewalk on the east side of the road. The Project's paving of Deer Canyon Road would occur from the Project entrance to approximately 50-feet beyond the proposed intersection with "C" Street and would enhance access to Deer Canyon Park Preserve up to the southern boundary of the Project, but not the entirety of the existing private road. At this location, the Project's proposed multi-use trail on the south side of Deer Canyon Road would tie into the existing trail.

Alternatively, vehicles entering the Project Site from the proposed intersection of Santa Ana Canyon Road and Deer Canyon Road would have the option to make an immediate left-turn onto the proposed "A" Street, which would provide access to the north, east, and south sides of the proposed multiple-family residential uses, including "B" Street. "A" Street would also provide access to the proposed commercial uses to the east within the Project Site. "A" Street would be built as a two-lane roadway with curb and gutter, a ten-foot-wide landscaped area on the north side of the road, and a sidewalk on the south side of the road. "B" Street would be built as a two-lane roadway with curb and gutter, a sidewalk on the west side of the road, and a graded slope to the east side of the road.

The Project's on-site circulation layout has been designed to provide adequate access for all anticipated users, as detailed in its Transportation Impact Analysis, which is provided as Appendix L.

## **City of Anaheim**

### ***General Plan – Circulation Element:***

The Project's consistency with applicable goals and policies from the City's Circulation Element is provided in Table 4.10-3 in Section 4.10, Land Use and Planning.

The Project would partially conflict with Goal 2.1 of the City's Circulation Element, which is: "(To) maintain efficient traffic operations on City streets and maintain a peak hour level of

service not worse than D at street intersections.” Through the addition of trip generating land uses, the Project would result in some minor increases in congestion at nearby intersections in exceedance of this target. However, pursuant to SB 743, LOS is no longer considered an environmental impact pursuant to CEQA.

The Project would partially conflict with Goal 2.2, Policy 5 of the City’s Circulation Element, which is: “(To) minimize disruptions to traffic and pedestrian/bicycle flow.” Through the addition of trip generating land uses, the Project would result in some minor increases in congestion at nearby intersections in exceedance of this target.

Otherwise, the Project’s improvements would comply with other goals and policies relating to the Project that are contained in the City’s Circulation Element. A full evaluation of the Project’s consistency with policies from the City’s Circulation Element is provided in Section 4.10, Land Use and Planning.

Given that the two aspects of the City’s Circulation Element that the Project conflicts with both relate to vehicular level of service and congestion that would result from the Project, and in accordance with Public Resources Code Section 21099, these partial conflicts with aspects of the City’s Circulation Element would not constitute environmental effects pursuant to CEQA.

### **Bicycle Master Plan**

The Project would not conflict with any applicable provisions of the City’s Bicycle Master Plan. Consistent with what is shown in the Bicycle Master Plan, the Project would replace/realign the existing Class II bicycle lane that exists along the south side of Santa Ana Canyon Road. The Project would protect or replace wayfinding signage along the Project Site’s frontage with Santa Ana Canyon Road.

With implementation of these project design features, the Project would not result in any inconsistencies with any bicycle-related plans, policies, programs, or ordinances.

### **Pedestrian Facilities**

The Project would increase pedestrian connectivity throughout the Project Site as well as Project vicinity (e.g., existing Festival Shopping Center commercial area and Deer Canyon Park Preserve) via installation of trail segments as well as improvements to the existing street network, both on- and off-site.

For example, within the Project Site, the Project would provide pedestrian paths of travel between parking areas and amongst buildings.

The Project would provide improved pedestrian access off-site as well. For instance, it would facilitate enhanced connectivity to the existing transit stop and various land uses within the Anaheim Hills Festival shopping center, which is east of the Project Site. In addition, the Project would facilitate improved access to other nearby open space areas as well as the City’s Deer Canyon Park Preserve.

With implementation of the Project's design features, the Project would not result in conflict with any pedestrian-related plans, policies, programs, or ordinances.

## **Conclusion**

The Project would result in a less than significant impact related to this threshold and no mitigation is required.

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

**Significant Unavoidable Impact.** A Vehicle Miles Traveled Analysis report (VMT Analysis report) was prepared for the Project, which provides an evaluation of Project's potential environmental impacts pursuant to State CEQA Guidelines Section 15064.3, subdivision (b), which addresses the required approach to determining the significance of transportation impacts pursuant to CEQA (LLG 2024b). As stated therein and explained further above, generally, vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts.

The term VMT refers to the amount and distance of automobile travel that is attributable to a project.

As required by the City of Anaheim Traffic Impact Analysis Guidelines for California Environmental Quality Act Analysis, a complete VMT analysis and forecasting using the OCTAM model was conducted for the Project to determine if they have a significant VMT impact.

The Project's VMT analysis included both "Project-generated VMT" and "Project's effect on VMT" for baseline conditions, baseline plus Project conditions, cumulative no Project conditions, and cumulative plus Project conditions.

### **CEQA VMT Impact Thresholds**

The City's VMT significance criteria as stated in the City of Anaheim Traffic Impact Analysis Guidelines for California Environmental Quality Act Analysis (June 2020) are detailed below:

1. A project would result in a significant project-generated VMT impact if the baseline project-generated or cumulative project-generated VMT per service population exceeds 15% below the County of Orange baseline VMT per service population.
2. The project's effect on VMT would be considered significant if the baseline or cumulative link-level boundary Citywide VMT per service population increases under the plus project condition compared to the no project condition.

The City of Anaheim Traffic Impact Analysis Guidelines for California Environmental Quality Act Analysis further states:

- “Please note that the cumulative no project shall reflect the adopted RTP/SCS; as such, if a project is consistent with the regional RTP/SCS, then the cumulative impacts shall be considered less than significant subject to consideration of other substantial evidence.

Given that the Project would require a zone change, the Project would not be consistent with the SCAG RTP/SCS and a cumulative analysis for the Project was conducted in the VMT Analysis report.

Baseline VMT Per Service Population:

The baseline VMT for the County and for the transportation analysis zone (TAZ) containing the Project Site are provided in Table 4.15-1.

**TABLE 4.15-1  
BASELINE PROJECT-GENERATED VMT PER SERVICE POPULATION**

Baseline County of Orange VMT	147,289,102.45
Baseline County of Orange Service Population	5,726,964
Baseline County of Orange VMT/Service Population	25.72
Baseline County of Orange VMT/Service Population (Threshold)	21.86 (25.72 x 85%)
Baseline Project TAZ VMT	137,880.90
Baseline Project TAZ Service Population	4,966
Baseline Project-Generated VMT/Service Population	27.76
Compared to the City Threshold	21.25% Reduction Needed
Source: LLG 2024b. VMT: Vehicle Miles Traveled; TAZ: Transportation Analysis Zone.	

Cumulative VMT Per Service Population:

The baseline VMT for the County and for the TAZ containing the Project Site are provided in Table 4.15-2.

**TABLE 4.15-2  
BASELINE PROJECT-GENERATED VMT PER SERVICE POPULATION**

Baseline County of Orange VMT	147,289,102.45
Baseline County of Orange Service Population	5,726,964
Baseline County of Orange VMT/Service Population	25.72
Baseline County of Orange VMT/Service Population (Threshold)	21.86 (25.72 x 85%)
Cumulative Project TAZ VMT	143,277.43
Cumulative Project TAZ Service Population	4,952
Cumulative Project-Generated VMT/Service Population	28.93

Compared to the City Threshold	24.44% Reduction Needed
Source: LLG 2024b. VMT: Vehicle Miles Traveled; TAZ: Transportation Analysis Zone.	

#### Project-Generated VMT Impacts:

Based on the application of the City's VMT significance criteria, the Project would have a significant Project-generated VMT impact for both the Baseline and Cumulative scenarios (i.e., baseline and/or cumulative Project-generated VMT exceeds the City's threshold), as outlined below:

- **Baseline Project-Generated VMT** – The Baseline Project-generated VMT would need to be reduced by 21.25% to meet the City's VMT significance threshold, based on the following calculations and as further detailed below in Table 4.15-3.
  - Baseline Project-Generated VMT/Service Population (SP) = 27.76 (see Table 4.15-1)
  - City's VMT Significance Threshold = 21.86 (see Table 4.15-1)
  - $(27.76 - 21.86) / 27.76 = 21.25\%$  VMT Reduction Needed (to mitigate Baseline Project-generated VMT significant impact)

**TABLE 4.15-3  
BASELINE PROJECT'S EFFECT ON VMT**

Baseline No Project link-level 10-mile boundary VMT	28,445,480
Baseline No Project Service Population	2,250,745
Baseline No Project link-level 10-mile boundary VMT/Service Population (Threshold)	12.64
Baseline Plus Project link-level 10-mile boundary VMT	28,478,025
Baseline Plus Project Service Population	2,252,706
Baseline Plus Project link-level 10-mile boundary VMT/Service Population	12.64
Compared to the Threshold	0% (No Change)
Source: LLG 2024b. VMT: Vehicle Miles Traveled.	

- **Cumulative Project-Generated VMT** – The Cumulative Project-generated VMT would need to be reduced by 24.44% to meet the City's VMT significance threshold, based on the following and as further detailed below in Table 4.15-4:
  - Cumulative Project-Generated VMT/SP = 28.93 (see Table 4.15-2)
  - City's VMT Significance Threshold = 21.86 (see Table 4.15-2)
  - $(28.93 - 21.86) / 28.93 = 24.44\%$  VMT Reduction Needed (to mitigate Cumulative Project-generated VMT significant impact)

**TABLE 4.15-4  
CUMULATIVE PROJECT'S EFFECT ON VMT**

Cumulative No Project link-level 10-mile boundary VMT	33,496,895
Cumulative No Project Service Population	2,610,691
Cumulative No Project link-level 10-mile boundary VMT/Service Population (Threshold)	12.83
Cumulative Plus Project link-level 10-mile boundary VMT	33,508,121
Cumulative Plus Project Service Population	2,612,667
Cumulative Plus Project link-level 10-mile boundary VMT/Service Population	12.83
Compared to the Threshold	0% (No Change)
Source: LLG 2024b. VMT: Vehicle Miles Traveled.	

#### Project Effects on VMT:

Given that the Project Site is located on the eastern edge of the City of Anaheim limits and based on direction provided by the City, a 10-mile radius from the proposed Project was used to calculate the Project's Effect on VMT. Using the application of the VMT significance criteria described in this section, the Project would not result in substantial effects on VMT for either the Baseline or Cumulative scenarios. Specifically, the baseline and/or cumulative link-level 10-mile boundary VMT per Service Population would result in no change under the plus project condition when compared to the no project condition. More information on these calculations is provided below:

- **Baseline Project's Effect on VMT** – As shown below, the Baseline plus Project link-level 10-mile boundary VMT per Service Population results in no change, and is equal to the Baseline no Project link-level 10-mile boundary VMT per Service Population threshold:
  - Baseline Plus Project link-level 10-mile VMT/SP = 12.64
  - Baseline No Project link-level 10-mile VMT/SP = 12.64
  - $(12.64 - 12.64) / 12.64 = 0.00\%$  (No Change)

As shown above in Table 4.15-3, the Baseline Project-generated VMT would need to be reduced by 21.25% to meet the City's VMT significance threshold. The 0.00% cumulative Project effect on VMT would not achieve the 21.25% reduction needed. Therefore, the Project would result in a significant impact related to baseline VMT prior to mitigation.



**Cumulative Project's Effect on VMT** – As shown below, the Cumulative plus Project link-level 10-mile boundary VMT per Service Population results in no change, and is equal to the Cumulative no Project link-level 10-mile boundary VMT per Service Population threshold:

- Cumulative Plus Project link-level 10-mile VMT/SP = 12.83
- Cumulative No Project link-level 10-mile VMT/SP = 12.83
- $(12.83 - 12.83) / 12.83 = 0.00\%$  (No Change)

As shown above in Table 4.15-4, the Cumulative Project-generated VMT would need to be reduced by 24.44% to meet the City's VMT significance threshold. The 0.00% cumulative Project effect on VMT would not achieve the 24.44% reduction needed. Therefore, the Project would result in a significant impact related to cumulative VMT prior to mitigation.

#### VMT Mitigation Measures:

Since a significant VMT impact has been identified, mitigation measures to reduce the Project's VMT impact must be identified to reduce the VMT levels to a level at or below the City's thresholds to the extent feasible.

Mitigation measures were evaluated that would potentially reduce the number of vehicle trips and/or that would reduce the length of vehicle trips.

The following mitigation measures have been developed to reduce the Project's VMT impacts to the extent feasible, which consist of the following:

- **MM TRANS-1:** Implement Commute Trip Reduction Marketing
- **MM TRANS-2:** Provide Information Regarding Ridesharing Program
- **MM TRANS-3:** Provide End-of-Trip Bicycle Facilities
- **MM TRANS-4:** Provide Pedestrian Network Improvements
- **MM TRANS-5:** Provide Information Regarding Telecommute and/or Alternative Work Schedule Program; Support Telecommuting for Project Residents

The full text of these mitigation measures is provided below in Section 4.15.6.

Other potential VMT mitigation measures were explored by the City and the Property Owner/Developer that were ruled out for being infeasible. Considerations included, among others, the nature of the proposed uses and the lack of ongoing control the Property Owner/Developer has with respect to implementation. For example, the City explored the opportunity to add a transit shelter with shade on Roosevelt Road; however, the City has learned that OCTA is planning to eliminate OCTA Route 38 between Imperial Highway and Roosevelt Road, effectively cutting bus service to this location in the near future.

Also, unbundled parking was evaluated; however, it would be inconsistent with AMC Section 18.42.030.0203, which addresses residential parking requirements.

According to research conducted by Caltrans and others, the inclusion of affordable housing in new developments can reduce the amount of VMT when compared to a fully market rate housing (Caltrans 2018a, The California Housing Partnership 2015a). Key reasons for this difference in VMT are that individuals living in affordable multifamily housing have lower rates of car ownership and higher rates of transit use and use of bicycling and walking as modes of travel. To reduce the VMT that would result from the Project, the inclusion of affordable housing units into the proposed multiple-family residential portion of the Project Site. However, the Property Owner/Developer determined that affordable housing would not be economically feasible given the substantial costs to acquire and develop the Project Site.

The City considered requiring the Property Owner/Developer to provide a sidewalk on the south side of Santa Ana Canyon Road between Eucalyptus Drive and El Rancho Charter School to allow for improved pedestrian connectivity from the Project Site to the local middle school and to local amenities. However, the City is already working on a roadway improvement project along Santa Ana Canyon Road from west of Lakeview Avenue to east of Weir Canyon Road that will provide sidewalks at this location (i.e., from Eucalyptus Drive to El Rancho Charter School) as part of a separate City initiative. Therefore, this was not incorporated as a mitigation measure.

Also, to reduce the Project's VMT the City considered including a mitigation measure that would reduce the number of parking spaces available on the Project Site by 25 percent. The idea being that a smaller supply of parking would potentially lead individuals living and working at the Project Site to have fewer cars and to carpool, bicycle, walk, and use transit more. However, due to the potential for spillover parking and due to inconsistency with AMC requirements, this measure was ruled out. Also, this measure was ruled out due to the lack of transit near the Project Site, which makes it unlikely in existing conditions that residents and employees would be able to commute by non-vehicular modes to the Project Site.

Finally, the City considered several other measures that would obligate implementation of specified TDM strategies but ultimately determined these could not be feasibly implemented given the nature of the proposed uses and the ultimate lack of control the Property Owner/Developer would have with respect to future implementation. Such TDM measures are typically intended for, and work most effectively in the context of, for example, large employment-generating uses where one employer has the ability to manage and implement measures over time with respect to a large workforce that is commuting from specified locations to one office site. For example, instituting an ongoing shuttle/van service for employees with jobs at the Project's multi-family residential component could not be efficiently implemented given the relatively few number of total on-site employees that the Project's multi-family component is expected to generate. Also, since the Property Owner/Developer would not have the ability to ultimately control whether and/or how various commercial tenants located within the Project or employers of Project residents allow for telecommuting and/or alternative work schedules, this type of measure was determined infeasible.

In summary, the focus of the recommended mitigation measures is to encourage the use of alternative modes of transportation through (1) the installation of multi-use trail facilities

and sidewalks to facilitate connectivity, (2) on-site information provision and assistance with coordination of carpooling, public transit and similar efforts, and (3) economic incentives for those Project users who elect to take advantage of available opportunities for alternative modes. Such focus helps to ensure successful and consistent implementation of these measures, while taking into appropriate account the realistic constraints of TDM strategies given the nature of the proposed uses, etc.

Based on the combined implementation of the recommended VMT mitigation measures described above and detailed below, the Project's VMT impact could be offset by up to 7.51%, which is less than the 21.25% and the 24.44% reductions required to fully offset the Project's VMT impact for baseline and cumulative conditions, respectively. A full accounting of the calculations that have been prepared related to the effectiveness of each of the VMT measures is provided in the VMT analysis provided as Appendix T of this Draft EIR.

Therefore, even with implementation of **MM TRANS-1** through **MM TRANS-5**, the Project would result in a significant impact related to this threshold.

***c) Would the Project 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.**

As required under CEQA, the focus of this analysis was whether the Project would introduce geometric design feature(s) or incompatible uses such that it would substantially increase hazards with respect to the transportation network.

See Section 3.0, Project Description, of this Draft EIR and the Specific Plan for a detailed description of the Project's proposed circulation plan, which are summarized in Section 3.10.3 of this Draft EIR.

As part of the Project's Traffic Impact Analysis report, five years of collision history was reviewed via the Statewide Integrated Traffic Records System (SWITRS) for the section of Santa Ana Canyon Road along the Project frontage. Data was reviewed for 2017 through 2023 (LLG 2024a). Review of this data shows that during this 5-year period, a single crash between a motorist and a fixed object occurred due to unsafe speed, which indicates no existing safety condition within proximity of the Project Site. As such, there is no existing safety condition that the proposed Project could in any way exacerbate.

The Project's proposed transportation improvements are summarized in Section 3.10.3, Circulation, of this Draft EIR. All Project circulation improvements have been designed and would be required to be constructed to comply with applicable City standards. These intersections and roadways have been reviewed and preliminarily approved by the City and by Anaheim Fire and Rescue staff, with ultimate review and approval to occur at the final design/site plan review stage.

The Project's Transportation Impact Analysis included a sight distance evaluation for the two proposed Project driveways off of Santa Ana Canyon Road, which determined that both

of these driveways would maintain a substantially clear line of sight between the intersection and drivers along Santa Ana Canyon Road (LLG 2024a). The sight distance evaluation also found that there was adequate vertical sight distance so that drivers would be able to see the upcoming traffic signal with ample time to be able to react.

Therefore, based on the foregoing, the Project would not result in design hazards due to geometric design features such as sharp curves or dangerous intersections.

The Project would consist of residential, commercial, and open space land uses that would not result in abnormal equipment (such as, e.g., slow-moving farm equipment) entering or leaving the Project Site that could present a significant transportation safety hazard.

In addition, the Project would include a sidewalk connection along Santa Ana Canyon Road and other connectivity improvements that would substantially increase pedestrian and bicycle safety.

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

***d) Would the Project result in inadequate emergency access?***

**Less than Significant With Mitigation Incorporated.** The Project would incorporate primary and second access routes pursuant to applicable requirements. For example, the Project's entry driveway and internal circulation system have been designed and would be required to be constructed to comply with all applicable design and safety standards required by adopted fire codes, safety codes, and building codes.

As described in more detail in Section 4.8, Hazards and Hazardous Materials, in response to threshold (g), access roads to the Project Site would be required to be designed, built and maintained to comply with all applicable Anaheim Fire and Rescue requirements for road widths, vertical clearances, and connectivity. Also, the Project's roads have been designed and would be required to be constructed to allow for sufficient turning radii and slope grade requirements to enable adequate access for fire apparatus and other emergency vehicles. All internal roads have been designed and would be required to be constructed to be all-weather roads with a maximum grade of 10% that are capable of supporting an imposed load of 78,000 pounds in accordance with applicable requirements. Also, any roads that have traffic lights would be required to have approved traffic pre-emption devices (Opticom) compatible with devices on the Fire Apparatus to enable efficient ingress and egress during an emergency. The edges of fire access routes would be fuel modified pursuant to applicable requirements to ensure these areas remain accessible during an emergency event. No parking would be allowed along any of the internal fire access roads in the Project Site. Signage would be required to be installed and vehicles would be towed to ensure adequate access is maintained. The Project Developer/Owner would be required to establish an appropriate funding mechanism to ensure its long term funding and maintenance of internal private roads. The location of the Project Site combined with these Project design features would ensure adequate emergency access to and from the Project Site.

Through the provision of a new traffic signal, improved driveways, and new internal roads within the Project Site, the Project would improve emergency access within the Project Site. Furthermore, the Project would modify the median on Santa Ana Canyon Road to allow for left-turn in and out of Project Driveway No. 1 at Deer Canyon Road and Santa Ana Canyon Road, further enhancing access.

During construction of the Project, there would be a temporary increase in traffic on local roads related to construction employees, material deliveries, and haul trucks when compared to existing conditions. Also, during Project construction, as is typical, there would be limited instances where there would be temporary closures of up to one lane in each direction on Santa Ana Canyon Road. These temporary lane closures would be needed to allow for roadway and utility improvements that are required to accommodate the Project. These typical temporary closures and additional construction traffic could potentially impair implementation of Know Your Way if an evacuation event were to occur during construction. Therefore, as required by **MM HAZ-4**, the Project would be required to minimize, to the extent feasible, potential effects to local circulation and to emergency response times and to evacuation through the preparation and implementation of a Construction Management Plan (approved and enforced by the City) that would specify the methods by which traffic would be maintained and managed along Santa Ana Canyon Road and other local roads throughout the Project's construction process.

As discussed in more detail in Section 4.18, Wildfire, during operation of the Project, due to the additional vehicles that would need to evacuate the Project Site in the event of an emergency, when compared to conditions without the Project, the Project would result in it taking an average of approximately 24 additional minutes for vehicles to evacuate from the Project Site and from nearby neighborhoods during an evacuation event. Rather than under existing conditions without the Project, where it would take approximately 186 minutes to fully evacuate the Project Site and other nearby properties, with the Project, it would take an additional approximately 24 minutes (for a total of approximately 210 minutes) (LLG 2024c). This increased delay would constitute a significant impact pursuant to this threshold if it were to impair emergency access. However, as detailed further in Section 4.18, Wildfire, the delay would not substantially impair emergency access given that, based on reasonable assumptions as detailed in the evacuation modeling, half of Santa Ana Canyon Road would always be open thereby facilitating emergency evacuation efforts. On a related note, as discussed further in Section 4.18, Wildfire, of this Draft EIR, the Project would enhance wildfire resilience for the Project Site as well as the existing nearby neighborhoods. By enhancing the existing street network and providing fuel modification relating to vegetation, and non-combustible construction areas, this should help to prevent wildfire spread to neighboring communities, and thus potentially decrease needs associated with emergency evacuation in the first instance.

Also, during operation of the Project, the Project would result in minor additional vehicular congestion on local streets that would result in lower vehicular levels of service than would occur without the Project. However, as described in the Project's Traffic Impact Analysis, the Project, particularly with its numerous design features that are intended to facilitate traffic flow, is forecast to only add five to six vehicles per minute to the roadways near the Project Site during peak conditions, which would not measurably worsen traffic congestion in the

area as compared to existing conditions given the significant amount of traffic capacity at many of the study intersections.

Therefore, with implementation of **MM HAZ-4** and **MM HAZ-5**, the Project would result in a less than significant impact related to this threshold.

#### **4.15.5 CUMULATIVE IMPACTS**

The geographic context for this analysis includes the transportation study area as identified herein, and the rest of the City of Anaheim. Projects considered in the cumulative impact analysis consist of relevant past, present and reasonably foreseeable future projects, including those eight projects that are described in more detail in Table 4-1, Cumulative Projects List (see Section 4.0). This analysis evaluates whether the impacts of the Project, together with the impacts of other cumulative development, could result in a cumulatively significant impact with respect to transportation. This analysis then considers whether incremental contribution of impacts associated with the implementation of the Project would be cumulatively considerable and thus significant. Both conditions must apply for the Project's cumulative effects to rise to the level of significance.

Collectively, the cumulative projects and the proposed Project would result in increased development that would collectively increase demand for local roads (and thus increased congestion generally), as well as transit and use of pedestrian and bicycle facilities, and would result in increased VMT.

The Project, as well as each cumulative project, would be reviewed for consistency with applicable plans, policies, and ordinances relating to the transportation system, including the City's General Plan Circulation Element and the City's Bicycle Master Plan, and would be required to be consistent therewith, including the incorporation of any necessary improvement and/or mitigation measures to address same as they relate to transit, roadway, bicycle and pedestrian facilities. In so doing, this would result in a less than significant cumulative impact. Furthermore, with respect to the Project's contribution to this already less than significant impact, it would not be cumulatively considerable given the nature of the proposed uses and the incorporation of a number of project design features, including those that would facilitate bicycle and pedestrian connectivity.

With respect to VMT, the Project would result in a significant unavoidable impact related to VMT. Other cumulative projects would also result in increased VMT when compared to existing uses as most of these cumulative projects would result in a greater density and intensity of development with a greater level of activity and users as compared to existing conditions. The Project, as well as each cumulative project, would be required to mitigate for their VMT impacts through the implementation of TDM measures to the extent feasible; however, overall the Project and the other cumulative projects would collectively result in VMT that is greater than what was assumed in SCAG's RTP/SCS. As such, the Project, combined with other cumulative projects, would result in a significant cumulative impact in this regard (LLG 2024b).

In terms of the Project's contribution to this significant impact, the Project would be required to incorporate numerous TDM measures that reduce its VMT impact to the extent feasible. However, because it is not feasible to reduce Project-generated VMT below 15% of the County baseline, its contribution would be cumulatively considerable.

The Project, combined with other cumulative projects, would each be appropriately evaluated and considered during the development review process in terms of any geometric design features or incompatible uses that could result in a substantial increase in this regard. To the extent any significant impacts would occur, these would need to be appropriately addressed through modifications to design features or the incorporation of feasible mitigation measures. In addition, the Project, as well as other cumulative development, would be required to adhere to all applicable standards and requirements, which would help further reduce the risk of hazard in this regard. For example, the Project and all other cumulative projects' circulation improvements would be required to be constructed to comply with applicable City standards, such as sight distance, vertical clearance, horizontal clearance, weight loading requirements, grade requirements, etc. Therefore, the Project, combined with other cumulative projects, would not result in design hazards due to geometric design features such as sharp curves or dangerous intersections or incompatible land uses that could present a significant transportation safety hazard, and thus cumulative impacts in this regard would be less than significant. With respect to the Project's contribution to this already less than significant cumulative impact, it would not be cumulatively considerable for the reasons set forth above.

#### 4.15.6 MITIGATION PROGRAM

**MM TRANS-1 Implement Commute Trip Reduction Marketing.** This measure consists of the implementation of a marketing strategy to promote the Project's Commute Trip Reduction (CTR) program that would be available to all employees within the commercial component (through provision of same to the relevant tenants) and multiple-family residential component of the Project. This measure is not applicable to contractors. The intention of this measure is that additional information sharing and marketing as required by this measure shall promote and educate employees about their travel choices to the employment location beyond driving, such as carpooling, taking transit, walking, and biking, thereby reducing VMT and GHG emissions. 100% of employees (i.e., employees who are employed by tenants housed in the commercial component as well as those who are employed by the Property Owner/Developer to serve the multiple-family component) shall be eligible to participate in the CTR program. Prior to issuance of a certificate of occupancy for the multi-family component or the commercial component of the Project, as applicable, the Property Owner/Developer shall document the provision of designated priority parking to the employees of the commercial or multi-family component, as applicable, in the amount required pursuant to applicable requirements for those employees who carpool and also for those that travel to work using electric vehicles and/or zero emission vehicles. As part of the CTR program, the

Property Owner/Developer shall provide a minimum \$50 monthly stipend to each participating employee that bicycles or walks to work an average of three or more days per week each month. By February 1 of each year, the Property Owner/Developer shall submit a memorandum to the City describing the marketing measures that had been implemented in the prior year.

**MM TRANS-2 Provide Information Regarding Ridesharing Opportunities.** Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips, VMT and GHG emissions. Prior to issuance of an occupancy permit for the commercial component or the multiple-family residential component in the Project, the Property Owner/Developer shall develop and implement a ridesharing information program for participating employees within the Project Site as part of the CTR program discussed above in **MM TRANS-1**. As part of this measure and implementation of the CTR Program, the Property Owner/Developer shall establish, support, maintain, and fund a transportation demand management (TDM) coordinator, whose role would be to provide information regarding ridesharing opportunities to all employees in the Project Site. The CTR program shall provide information regarding ride-matching opportunities to facilitate committed vanpool groups for employees traveling similar routes at similar times. The CTR program shall also include a minimum \$100 monthly stipend per person to each participating employee that carools to work at least three days per week per month. By February 1 of each year, the Property Owner/Developer shall submit a memorandum to the City describing the measures taken pursuant to this measure to promote ridesharing that had been implemented in the prior year.

**MM TRANS-3 Provide End-of-Trip Bicycle Facilities.** This measure includes the installation and maintenance of end-of-trip facilities for employees of the multiple-family residential and commercial buildings in the Project Site. End-of-trip facilities shall include bike parking, bike lockers, showers, and personal lockers, which will be provided by the Property Owner/Developer. In addition to the provision of showers and/or personal lockers that may be required to be incorporated into the Project pursuant to applicable laws and regulations, the Property Owner/Developer shall provide a total of: (a) 52 long-term bicycle parking spaces via secure bike lockers and/or storage rooms and two short-term bike stalls for the multiple-family component, and (b) 20 long-term bicycle parking spaces via secure bike lockers and/or storage rooms and two short-term bicycle parking stalls for the commercial component. The facilities discussed in this measure shall be depicted on the relevant Project plans to be reviewed and approved by the City, and the facilities shall be installed prior to issuance of the relevant occupancy permit.

**MM TRANS-4 Provide Pedestrian Network Improvements.** As part of this measure and to ensure implementation of the relevant design features, prior to issuance



of a certificate of occupancy for the commercial and/or multiple-family residential components (whichever comes first), the Property Owner/Developer shall construct approximately 2,850 linear feet of a multi-use (pedestrian, bicycle and equestrian) trail along the south side of Santa Ana Canyon Road that would extend from the northwestern limits of the Project Site (approximately 385 feet east of Eucalyptus Avenue) to an existing sidewalk that ends approximately 385 feet west of Festival Drive. Also, prior to issuance of a certificate of occupancy for the commercial and/or multiple-family residential components (whichever comes first), the Property Owner/Developer shall construct approximately 2,950 linear feet of new sidewalk along the north side of Santa Ana Canyon Road from Eucalyptus Avenue to approximately 760 feet west of Festival Drive, if feasible. The Property Owner/Developer shall include a pedestrian crossing at the intersection of Deer Canyon Road and Santa Ana Canyon Road. During final design and prior to issuance of a grading permit as part of the City's Right-of-Way Construction Application Permit, the Property Owner/Developer shall provide the City with updated roadway improvement plans for review and approval that depict the sidewalk improvements described in this measure.

**MM TRANS-5 Provide Information Regarding Telecommute and/or Alternative Work Schedule Opportunities; Support Telecommuting for Project Residents.** Prior to issuance of an occupancy permit for the commercial components in the Project, the TDM coordinator shall provide, as part of the Project's CTR program discussed above under MM TRANS-1, to all tenants of the commercial component available information regarding ways in which employers may consider telecommuting and alternative work schedule opportunities. In addition, the Property Owner/Developer shall provide all Project residents of the multiple-family residential component access to on-site "work-from-home" communal spaces, and shall also consider reasonable opportunities for employees of the multiple-family residential component, taking into due account job responsibilities, to telecommute to work at least one day per work week, and/or to have an alternative work schedule such as a 9/80 or 10/40 schedule to allow for fewer overall trips to the office.

#### **4.15.7 SIGNIFICANCE AFTER MITIGATION**

Even with implementation of **MM TRANS-1** through **MM TRANS-5**, **MM HAZ-4**, **MM HAZ-5**, and **MM HAZ-9** the Project would result in a significant unavoidable impact related to transportation with respect specifically to VMT. The Project would have less than significant impacts related to the other transportation thresholds.

## **4.16 TRIBAL CULTURAL RESOURCES**

### **4.16.1 EXISTING CONDITIONS**

#### **Native American Heritage Commission**

Psomas submitted a request to the Native American Heritage Commission (NAHC) for a Sacred Lands File (SLF) search for the Project Site and 0.5-mile radius on November 2, 2022. Results were received on November 29, 2022. The result of the SLF check conducted through the NAHC was negative, meaning there were no known sacred lands within the Project Site. The SLF results summary from the NAHC is presented in Appendix G.

#### **Tribal Consultation**

On September 21, 2023, the City sent an invitation to consult pursuant to Assembly Bill 52 and Senate Bill 18 for the Project to 19 tribal contacts that were identified on the Native American Heritage Commission Tribal Consultation List. The letter included a description of the Project, maps depicting the Project's location, and a request for the tribes to request consultation within 90 days if they wish to consult pursuant to AB 52 and/or SB 18.

As of December 20, 2023, the 90<sup>th</sup> day since September 21, 2023, the Gabrieleno Band of Mission Indians-Kizh Nation were the only Tribe to request to consult with the City on this Project. During consultation, the Gabrieleno Band of Mission Indians-Kizh Nation identified the Project Site as being located within their Ancestral Tribal Territory, which included much of Los Angeles and Orange County; however, they did not identify any known tribal cultural resources (TCRs) or other historical resources within or near the Project Site.

### **4.16.2 REGULATORY SETTING**

#### **Federal**

##### ***Archaeological Resources Protection Act***

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 United States Code [USC] 431–433) and set a broad policy that archaeological resources are important to the nation and should be protected, and required special permits before the excavation or removal of archaeological resources from public or Native American lands. The purpose of ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Native American lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

### ***American Indian Religious Freedom Act***

The American Indian Religious Freedom Act (AIRFA) established federal policy to protect and preserve the inherent rights of freedom for Native groups to believe, express, and exercise their traditional religions. These rights include but are not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.

### ***Native American Graves Protection and Repatriation Act***

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 sets forth provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

## **State**

### ***California Register of Historical Resources***

The California Register of Historical Resources (CRHR) program encourages public recognition and protection of resources of architectural, historical, archaeological, TCRs, and cultural significance; identifies historical resources for State and local planning purposes; determines eligibility for State historic preservation grant funding; and affords certain protections under the California Environmental Quality Act (CEQA). The criteria established for eligibility for the CRHR are directly comparable to the national criteria established for the National Register of Historic Places (NRHP). See Section 4.4, Cultural Resources, for more information on the NRHP.

To be eligible for listing in the CRHR, a building, object, or structure must satisfy at least one of the following four criteria:

- 1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- 2) It is associated with the lives of persons important to local, California, or national history.
- 3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
- 4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Archaeologists and Tribal Representatives assess sites based on all four of the above criteria but usually focus on the fourth criterion provided above. Historical resources eligible for listing in the CRHR must also retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. For the purposes of eligibility for the CRHR, integrity is defined as “the authenticity of an historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance”. This general definition is generally strengthened by the more specific definition offered by the NRHP—the criteria and guidelines on which the CRHR criteria and guidelines are based upon.

### ***Assembly Bill 52***

AB 52, which was approved in September 2014 and became effective on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a project, if so requested by the tribe. A provision of the bill, chaptered in CEQA, Public Resources Code Section 21084.2, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment. Under prior law, TCRs were typically addressed under the umbrella of “cultural resources,” more generally. AB 52 formally added the category of “tribal cultural resources” to CEQA and extends the consultation and confidentiality requirements to all projects, rather than just projects subject to SB 18 as discussed below.

Defined in Section 21074(a) of the Public Resources Code, TCRs are:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - a. Included or determined to be eligible for inclusion in the CRHR; or,
  - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  - c. 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
2. TCRs are further defined under Section 21074 as follows:
  - a. A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and,
  - b. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe(s) pursuant to newly chaptered Section 21080.3.2, or according to Section 21084.3. The parties must consult in good faith, and consultation is deemed concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect on a TCR (if such a significant effect exists); or (2) when a party concludes that mutual agreement cannot be reached. Mitigation measures agreed upon during consultation must be recommended for inclusion in the environmental document. AB 52 also identifies mitigation measures that may be considered to avoid significant impacts if there is no agreement on appropriate mitigation. Section 21084.3 identifies mitigation measures that include, among others, avoidance and preservation of TCRs and treating TRCs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource. The City's consultation with tribes pursuant to AB 52 is described above in this Section 4.16 of this EIR, Tribal Cultural Resources.

### ***Senate Bill 18***

SB 18 (Government Code Section 65352.3) incorporates the protection of California traditional tribal cultural places into land use planning for cities, counties, and other public agencies by requiring local governments to contact, refer plans to and consult with California Native American tribes identified by the NAHC for the purpose of protecting and/or mitigation impacts to cultural places as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB 18 stipulates that, "Prior to the adoption or any amendment of a general or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purposes of preserving, or mitigating, impacts to cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment..." (OPR 2017b). SB 18 requires public notice to be sent to tribes listed on the NAHC SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that may be affected by the proposed adoption or amendment to a general or specific plan.

### ***Native American Historic Resource Protection Act***

Established in 2002, the Native American Historic Resource Protection Act, establishes a misdemeanor for unlawfully and maliciously excavating upon, removing, destroying, injuring, or defacing a Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the CRHR. The focus of this legislation was to provide additional legal protection for Native American historical and cultural sites, art, and other cultural artifacts found at those sites. The Act also encourages collaborative relationships for the protection of Native American cultural resources between Native Americans and landowners. Funding and other State assistance should be encouraged for support of voluntary agreements to

conserve, maintain, and provide physical access for Native Americans to these cultural resources.

### ***California Health and Safety Code (Sections 7050.5, 7051, and 7054)***

These sections of the California Health and Safety Code collectively address the illegality of interference with human burial remains (except as allowed under applicable sections of the [California Public Resources Code (PRC)]). These sections also address the disposition of Native American burials in archaeological sites and protect such remains from disturbance, vandalism, or inadvertent destruction. Procedures to be implemented are established for (1) the discovery of Native American skeletal remains during construction of a project; (2) the treatment of the remains prior to, during, and after evaluation; and (3) reburial.

Section 7050.5 of the California Health and Safety Code specifically provides for the disposition of accidentally discovered human remains. Section 7050.5 states that if human remains are found, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined the appropriate treatment and disposition of the human remains.

### ***California Public Resources Code Section 5097.91—Native American Heritage Commission***

Section 5097.91 of the Public Resources Code established the NAHC, whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.91 of the Public Resources Code, a State policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the Public Resources Code specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a County Coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

### ***California Public Resources Code (Section 5097.98)***

Section 5097.98 of the PRC provides protocol for the discovery of human remains. It states that, if remains are determined by the County Coroner to be of Native American origin, the County Coroner must notify the NAHC within 24 hours. When the NAHC receives this notification from a County Coroner, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land or his or her authorized representative, inspect the site of the remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. This law also requires that, upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted

cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations and all reasonable options regarding their preferences for treatment. It also sets forth provisions for what should be done if the commission is unable to identify a descendant. This section of the PRC has been incorporated into Section 15064.5(e) of the State CEQA Guidelines.

### ***State CEQA Guidelines Section 15064.5(d)—Effects on Human Remains***

Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (State CEQA Guidelines § 15064.5(d); Public Resources Code [PRC] § 5097.98). CEQA and other State laws and regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community:

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (State CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the Coroner must contact the NAHC within 24 hours. The NAHC must identify the Most Likely Descendant (MLD) to provide the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items.
- If the MLD fails to make recommendations within 24 hours of notification or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance within the project site (PRC § 5097.98).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification.

### 4.16.3 THRESHOLDS OF SIGNIFICANCE

In accordance with the City of Anaheim's Environmental Checklist, a project would result in significant impacts related to TCRs if it would:

- a) Cause a substantial adverse change in the significance of a TCR, 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 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
- b) Cause a substantial adverse change in the significance of a TCR, 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 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 Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

### 4.16.4 IMPACT ANALYSIS

- a) *Would the project cause a substantial adverse change in the significance of a TCR, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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)?*

**Less Than Significant Impact.** For purposes of CEQA impact analysis, as noted above, a TCR is considered a site, feature, place, cultural landscape, sacred place, or object which is of cultural value to a California Native American Tribe and is either eligible for the CRHR<sup>1</sup> or a local register. A significant impact would occur if the Project's grading, excavation, and/or demolition activities were to disturb TCR(s).

Based on tribal consultation conducted pursuant to SB 18 and AB 52, background research, and a pedestrian site survey, there are no known TCRs within the Project Site. The cultural resources records search and literature review conducted for the Project identified the presence of three archaeological resources within one mile of the Project Site, all of which

---

<sup>1</sup> Section 5020.1 of the Public Resources Code established the California Register of Historic Resources, as "an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change."



are outside of the Project Site. As described in Section 4.4, Cultural Resources, pedestrian survey was conducted by an archaeologist at the Project Site in 2023, during which no potential historical or potential TCRs were observed. The SLF search did not identify any known resources or sacred lands within the Project Site. Finally, there were no known TCRs or other historical resources that were identified by the consulting tribes during the AB 52 and SB 18 tribal consultations that were conducted for this Project. During tribal consultation the Gabrieleno Band of Mission Indians-Kizh Nation identified the Project Site as being located within their Ancestral Tribal Territory, which included much of Los Angeles and Orange County, but they did not identify any particular resources known to occur within the Project Site. In summary, the Project would not cause a substantial adverse change in the significance of a known TCR.

Therefore, the Project would have a less than significant impact related to this threshold and no mitigation is required.

***b) Would the project would cause a substantial adverse change in the significance of a TCR, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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 Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?***

**Less Than Significant With Mitigation Incorporated.** On September 21, 2023, the City sent an invitation to consult pursuant to Assembly Bill 52 and Senate Bill 18 for the Project to 19 tribal contacts that were identified on the Native American Heritage Commission Tribal Consultation List. The letter included a description of the Project, maps depicting the Project's location, and a request for the tribes to request consultation within 90 days if they wish to consult pursuant to AB 52 and/or SB 18.

The Gabrieleno Band of Mission Indians-Kizh Nation were the only Tribe to request to consult with the City on this Project. During consultation, the Gabrieleno Band of Mission Indians-Kizh Nation identified the Project Site as being located within their Ancestral Tribal Territory, which included much of Los Angeles and Orange County; however, they did not identify any known TCRs or other historical resources within or near the Project Site.

Although consultation did not reveal the existence of known TCRs on the Project site, unknown TCRs could be unexpectedly discovered during construction activities given that the Project Site is within the Ancestral Tribal Territory of at least one tribe. Also, there is potential for Native American human remains and funerary items to be discovered during Project construction.

If evidence of human remains be discovered during Project construction, the Project would be required to comply with **MM CUL-1** which includes mandatory compliance with the provisions of State Health and Safety Code Section 7050.5.

To avoid and minimize, to the extent feasible, potential impacts related to unknown tribal cultural resources that could be encountered during construction, the Project would be required to implement **MM TCR-1**, which requires tribal monitoring during construction activities that could potentially encounter tribal cultural resources.

With implementation of **MM CUL-1** and **MM TCR-1**, the Project would result in a less than significant impact related to this threshold.

#### **4.16.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects within the City of Anaheim. These cumulative projects include new industrial, commercial, and residential land uses on a mix of previously developed and undeveloped project sites. These cumulative projects are described in more detail in Table 4-1, which is provided in Section 4.0.

As described above, there is a possibility that undiscovered TCRs may be present within the Project Site. As such, **MM TCR-1** is included as part the Project, which requires a Tribal Monitor is present to observe grading activities within native sediments. If TCRs were to be encountered, the Project's archaeologist (see **MM CUL-2**) in consultation with the Tribal Monitor would handle treatment and curation of the encountered resource(s). Also, although no known cemeteries exist within or near the Project Site, there is the possibility that human remains could be uncovered during construction. Therefore, **MM CUL-1** has been incorporated as part of the Project, which requires that if suspected human remains are uncovered, that all activities near the remains be ceased and that the Corner be notified until the remains can be assessed and recovered.

Other cumulative projects involving grading and other types of ground disturbance within previously undisturbed soils would be required to evaluate their potential impacts related to TCRs and to implement mitigation measures, such as tribal monitoring, as appropriate. Therefore, cumulative impacts from the Project and other cumulative projects related to TCRs would be less than significant.

#### **4.16.6 MITIGATION PROGRAM**

**MM TCR-1** Prior to the issuance of the first grading permit, the Property Owner/Developer or contractor as designee shall provide evidence in the form of an executed Agreement to the City of Anaheim Planning and Building Department that they have retained a qualified Native American tribal monitor to provide third-party monitoring (Monitor) during specified excavation and grading activities and to evaluate any previously unknown TCRs that are discovered during Project ground-disturbing activities, and also to provide recommended mitigation measures, such as, for example, recovery and catalogue, as necessary to the extent the find is determined to be significant. The Monitor shall be from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation, and shall be a qualified professional based on

generally accepted professional qualifications and/or certifications, as may be applicable.

The Agreement shall include (i) professional qualifications of Monitor; (ii) a reasonably detailed scope of services to be provided including but not limited to pre-construction education, observation, evaluation, protection, salvage, notification, and/or curation requirements, as applicable, with final documentation/report to Public Works Inspector; (iii) contact information; (iv) communication protocols between Contractor and Monitor for scheduling to facilitate timely performance; (v) acknowledgment that if the Monitor is unavailable or unresponsive based on terms stipulated in the Agreement, Property Owner/Developer or Contractor as designee may contract with another qualified Monitor reasonably acceptable to the City.

The cover sheet of the grading plans shall include a note to identify that (a) third party monitoring for tribal cultural resources is required during specified excavation and grading activities in accordance with the Agreement; and (b) contact information for the Tribe-approved Monitor shall be provided by the Contractor to the City inspector at the pre-construction meeting.

#### **4.16.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of mitigation measures **MM CUL-1** and **MM TCR-1**, the Project would result in a less than significant impact related to TCRs.

## **4.17 UTILITIES AND SERVICE SYSTEMS**

### **4.17.1 EXISTING CONDITIONS**

#### **Potable Water**

The Project Site is within the existing service area of Anaheim Public Utilities (APU), which is a city-owned, not-for-profit electric and water utility that offers electric and water services to residents and businesses in Anaheim. APU provides potable water supply and distribution to the City.

APU has existing facilities near the Project Site, including southwest of the Project Site on Santa Ana Canyon Road near the intersection of Eucalyptus Drive, downstream of an existing pressure reducing station. There is also an existing 36-inch potable water line within Santa Ana Canyon Road.

The Project Site is primarily undeveloped and is currently vacant; therefore, the Project Site does not currently generate any demand for potable water. There are no potable water lines within the Project Site; however, there are existing facilities nearby as described above.

#### **Wastewater/Sewer**

The City of Anaheim owns, operates, and maintains the local sanitary sewer collection facilities within the City. Sewage is collected by City collector facilities, then conveyed to trunk sewers and regional treatment facilities which are owned and operated by the Orange County Sanitation District (OCSD, now called OC San). The Project Site is within the existing service area of the City/OC San; therefore, the Project's sewer collection needs would be served by the City and its regional sewer collection and treatment needs would be served by OC San.

There is an existing underground 12-inch vitrified clay pipe (VCP) sewer line that traverses the Project Site in the north-south direction that was installed to service residential developments that are located to the south of the Project Site (City of Anaheim 1990a). This sewer line is located beneath the existing access and maintenance road that is located within the Project Site. The sewer line ultimately connects to an 18-inch sewer trunk line within Santa Ana Canyon Road north of the Project Site.

Because the Project Site is primarily undeveloped and currently vacant, the Project Site does not currently generate any wastewater or demands for wastewater conveyance and treatment.

#### **Drainage and Water Quality**

The Project Site contains an existing 96-inch reinforced concrete pipe storm drain. The existing storm drain is located within an existing 25-foot-wide easement. This storm drain was constructed in 1990 as a condition of the nearby "The Highlands" residential development. The existing storm drain receives runoff from the upper Deer Canyon drainage

basin and “The Highlands” development, and conveys this runoff in a northerly direction, ultimately draining into the Santa Ana River.

Off-site stormwater also currently flows through natural drainage courses that are upslope of the Project Site to the south and east.

The Project Site consists mostly of undeveloped open space with limited impervious surfaces. In existing conditions, approximately 98.4 percent of the Project Site is pervious (Hunsacker 2024b). There are some limited impervious surfaces in the Project Site including a paved access road that is located within the western portion of the Project Site that connects to Santa Ana Canyon Road in the north.

### **Electricity**

The Project Site is within the service area of APU, and thus APU provides electrical services to the Project Site.

There are Southern California Edison (SCE) transmission line towers east of and adjacent to the Project Site.

Because the Project Site is primarily undeveloped and currently vacant, the Project Site does not currently generate any demand for electricity.

### **Natural Gas**

The Southern California Gas Company (SCGC) is the natural gas provider for the City of Anaheim, including the Project Site.

Existing natural gas facilities near the Project Site consist of a gas main line within Santa Ana Canyon Road right-of-way.

Because the Project Site is primarily undeveloped and currently vacant, the Project Site does not generate any current demand for natural gas.

### **Telecommunications**

Telecommunication and telephone services in the vicinity of the Project Site are provided by AT&T, which is the anticipated service provider of telecommunications services for the Project Site.

Because the Project Site is primarily undeveloped and currently vacant, the Project Site does not generate any current demand for telecommunications.

### **Solid Waste**

The City of Anaheim maintains an exclusive contract with Republic Waste Services of Southern California LLC (Anaheim Disposal) to provide waste hauling services. OC Waste & Recycling provides the landfill resources for Orange County as a whole. According to

coordination with OCWR and depending on the ultimate timing for the Project's buildout, solid waste that is generated from the Project would most likely be disposed of at the Olinda Alpha Landfill, which is part of the Orange County landfill system operated by OCWR (OCWR 2024a). The Olinda Alpha Landfill is located at 1942 North Valencia Avenue in the City of Brea. It is permitted to accept up to 8,000 tons of solid waste per day according to data contained in CalRecycle's Solid Waste Information System (SWIS) and based on correspondence with OCWR staff in 2024 (CalRecycle 2023a, OCWR 2024a). The landfill currently has estimated capacity of 11.7 million cubic yards (OCWR 2024a). The Olinda Alpha Landfill is permitted to 2036, however, because it is nearing capacity, it is expected to be closed to accepting waste from transfers/haulers in approximately December 2026 (OCWR 2024a).

Once the Olinda Alpha Landfill is closed, it is anticipated that solid waste from the Project would be directed to the Frank R. Bowerman Landfill (FRB Landfill) (OCWR 2024a). The FRB Landfill is located at 11002 Bee Canyon Access Road in Irvine and is approximately 725 acres, of which approximately 534 acres are permitted for disposal. The FRB Landfill can accept 11,500 tons per day with an estimated remaining air space capacity of 162 million cubic yards as of December 31, 2022 (OCWR 2024a). The closure date for the FRB Landfill is anticipated in the year 2053. (CalRecycle 2023b). If needed, Prima Dishecha Landfill in San Juan Capistrano could also be used to serve the Project (OCWR 2024a)

Because the Project Site is primarily undeveloped and currently vacant, the Project Site does not currently generate any demand for solid waste pick up or disposal.

## **4.17.2 REGULATORY SETTING**

### **Federal**

#### ***Safe Drinking Water Act***

The Safe Drinking Water Act (SDWA) of 1974 gave the United States Environmental Protection Agency (EPA) the authority to set standards for contaminants in drinking water supplies. The EPA was required to establish primary regulations for the control of contaminants that affected public health and secondary regulations for compounds that affect the taste, odor, and aesthetics of drinking water. Under the provisions of SDWA, the California Department of Health Services (DHS) has the primary enforcement responsibility. Title 22 of the California Administrative Code establishes DHS authority, and stipulates State drinking water quality and monitoring standards.

#### ***Clean Water Act (National Pollutant Discharge Elimination System)***

Treated wastewater is closely regulated for health and environmental concerns and is included in the National Pollutant Discharge Elimination System (NPDES) program. The Regional Water Quality Control Board, Santa Ana Region (RWQCBSAR), regulates operations and discharges from sewage systems through the NPDES permit. The Project Site, located within the City of Anaheim, falls within the jurisdiction of the RWQCBSAR (Region 8), and the Project would be subject to the waste discharge requirements of the RWQCBSAR

Municipal Permit (General MS4 Permit) Order No. R8-2002-0010, NPDES No. CAS618030 (adopted January 2002). The City of Anaheim is a Permittee under the General MS4 permit and therefore has legal authority for enforcing the terms of the permit in its jurisdiction.

### ***Energy Policy Act of 1992***

The Federal Energy Regulatory Commission (FERC) regulates the transmission and sale of electricity in interstate commerce (including interstate gas pipelines that serve California), licensing of hydroelectric projects, and oversight of related environmental matters. As part of the license application process, environmental analysis pursuant to the National Environment Policy Act (NEPA) must be conducted. FERC acts under the legal authority of the Federal Power Act of 1935, the Public Utility Regulatory Policies, and the Energy Act of 1992, in addition to several other federal acts. Energy Act of 1992 addresses energy efficiency, energy conservation and energy management, natural gas imports and exports, and alternative fuels (including as used in motor vehicles). It amended parts of the Federal Power Act of 1935.

### ***Title 40 of the Code of Federal Regulations***

Title 40 of the Code of Federal Regulations, Part 258 (Resource Conservation and Recovery Act [RCRA], Subtitle D), contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs incorporating the federal landfill criteria.

## **State**

### ***California Water Plan***

The California Water Plan is prepared by the California Department of Water Resources (DWR), most recently updated in 2023. The California Water Plan Update 2023 Update was approved recently in May 2024 (DWR 2024). The plan provides a framework for water managers, legislators, tribes, agencies, businesses, academia, stakeholders, and the public to consider options and make decisions regarding California's water future. The California Water Plan, which is updated every 5 years, presents basic data and information on California's water resources, including water supply evaluations and assessments of agricultural, urban, and environmental water uses, to quantify the gap between water supplies and uses. The California Water Plan also identifies and evaluates existing and proposed statewide demand management and water supply augmentation programs and projects to address the State's water needs. The California Water Plan provides resource management strategies and recommendations to strengthen integrated regional water management. The resource management strategies help regions meet future demands and sustain the environment, resources, and economy, involve communities in decision-making, and meet various goals. A resource management strategy is a project, program, or policy that helps local agencies and governments manage their water and related resources. These strategies can reduce water demand, improve operational efficiency, increase water supply, improve water quality, practice resource stewardship, and improve flood management.

Additionally, the California Water Plan includes a finance plan that identifies critical priorities for state investment in integrated water management activities.

### ***California Water Code***

The California Water Code contains provisions that control almost every consideration of water and its use. Division 2 of the California Water Code provides that the SWRCB consider and act on all applications for permits to appropriate waters. Division 6 of the California Water Code controls conservation, development, and utilization of the State water resources, whereas Division 7 addresses water quality protection and management.

### ***Urban Water Management Planning Act***

The Urban Water Management Planning Act (UWMP Act) (California Water Code Sections 10610, et. seq.) was enacted in 1983. The UWMP Act applies to municipal water suppliers, such as the City of Anaheim/APU, that serve more than 3,000 customers or that provide more than 3,000 acre feet per year (afy) of water. The UWMP Act requires these suppliers to update their Urban Water Management Plan (UWMP) every five years to demonstrate an appropriate level of reliability in supplying anticipated short-term and long-term water demands during normal, dry, and multiple dry years.

Specifically, UWMPs must:

- Provide current and projected population, climate, and other demographic factors affecting the supplier's water management planning;
- Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier;
- Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage;
- Describe plans to supplement or replace that source with alternative sources or water demand management measures;
- Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis (associated with systems that use surface water);
- Quantify past and current water use;
- Provide a description of the supplier's water demand management measures, including a schedule of implementation, programs to measure effectiveness of measures, and anticipated water demand reductions associated with the measures; and
- Assess the water supply reliability.

### ***Senate Bill 610 and Senate Bill 221***

Senate Bill (SB) 610 amended State law to improve the link between information on water supply availability and certain land use decisions made by cities and counties. Specifically, it



requires land use planning entities (in this case, the City of Anaheim), when evaluating certain large development projects, to request an assessment of water supply availability from the water supply entity that would provide water to a project. A water supply assessment (WSA) must be prepared in conjunction with the land use approval process associated with a project and must include an evaluation of the sufficiency of the water supplies available to the water supplier to meet existing and anticipated future demands, including the demand associated with the project in question, over a 20-year horizon that includes normal, single dry, and multiple dry-years. An SB 610 WSA is required for any “project” that is subject to CEQA and that proposes, among other things, residential development of more than 500 dwelling units.<sup>1</sup>

In addition, SB 221 requires land use planning agencies, such as the City, to include (as a condition of approval for a tentative map that includes a subdivision involving more than 500 dwelling units) a requirement to obtain a written verification from the applicable public water system or, where there is no existing water supplier from a consultant directed by the City, that sufficient water supplies are available for the subdivision. SB 221 also addresses the issue of land use and water supply, but at a different point in the planning process than does SB 610. SB 221 requires a City or County to deny approval of a final or parcel map if the City or County finds that the project does not have a sufficient, reliable water supply as defined in the bill.

Due to the size of the Project Site, the State of California, through SB 610, requires that a WSA be completed to evaluate the potential effect of the proposed development on current and future water supplies. Therefore, a Water Supply Assessment has been prepared to evaluate the impacts of the Project (Psomas 2024b). However, an SB 221 verification would not be triggered since the Project does not involve consideration of a major tentative subdivision map involving more than 500 dwelling units.

### ***Sustainable Groundwater Management Act (SB 1262)/Implications for SB 610 WSA***

Senate Bill 1262 adopted in September 2016 amends Section 66473.7 of the Government Code to require WSAs to address certain elements regarding groundwater sustainability if the project relies in whole or in part on groundwater as a source of supply.

For a WSA, the portions of SB 1262 that are applicable are as follows:

- For a basin that has not been adjudicated that is a basin designated as high- or medium-priority pursuant to California Water Code Section 10722.4, information regarding the following should be provided:

---

<sup>1</sup> Specifically, SB 610 defines a “project” as including any of those proposing: over 500 housing units; 250,000 square feet of commercial office space (or more than 1,000 employees); a shopping center or business establishment with over 500,000 square feet (or more than 1,000 employees); a proposed hotel or motel, or both, having more than 500 rooms; or a mixed-use project that includes one or more of the foregoing projects; or equivalent usage.

- Whether the California Department of Water Resources (DWR) has identified the basin as being subject to critical conditions of overdraft pursuant to California Water Code Section 12924.
- If a groundwater sustainability agency has adopted a groundwater sustainability plan or has an approved alternative, a copy of that alternative or plan.

### ***Porter-Cologne Water Quality Control Act***

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The Porter-Cologne Act sets forth the obligations of the California State Water Resources Control Board (State Water Board) and the nine RWQCBs, which engage in several water quality functions in their respective regions and regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. The Project Site, located within the City of Anaheim, falls within the jurisdiction of the RWQCBSAR (Region 8).

### ***Senate Bill 606 and Assembly Bill 1668***

In 2018, two laws were passed that built on California's ongoing efforts to make water conservation a way of life. They emphasized efficiency and stretching water supplies in cities and farms. The laws were jointly designed to overhaul California's approach to conserving water. The measures impose new and expanded requirements on State water agencies and local water supplies and provide for greater state oversight of local water suppliers' water use, even in non-drought years. Assembly Bill (AB) 1668 and Senate Bill (SB) 606 require the State Water Resources Control Board, in coordination with the Department of Water Resources, to establish long-term urban water use efficiency standards by June 30, 2022. Those standards include components for indoor residential use, outdoor residential use, water losses, and other uses.

Regarding indoor residential use, these laws set a standard of 55 gallons per-person, per-day through January 1, 2025. After that date, the amount will be incrementally reduced over time. For the development of outdoor residential use standards, the bills require DWR to conduct studies of landscaping and climate throughout the State by 2021. DWR will then provide the resulting data to SWRCB and local water suppliers for development of urban water use objectives. In addition, the bills will require local water suppliers to calculate and comply with their water use objectives and report those objectives and actual use to DWR. New five-year drought risk assessments and water shortage contingency plans must also be incorporated into Urban Water Management Plans.

### ***Model Water Efficient Landscape Ordinance***

The Model Water Efficient Landscape Ordinance (MWELo or Ordinance) was adopted by the Office of Administrative Law in September 2009 and requires local agencies to implement water-efficiency measures as part of their review of landscaping plans. Local agencies can either adopt the MWELo or incorporate provisions of the Ordinance into code requirements for landscaping. Drought Executive Order of April 1, 2015 (Executive Order B-29-15) directed DWR to update the State's MWELo through expedited regulation. The California Water Commission approved the revised Ordinance on July 15, 2015. New development projects that include landscape areas of 500 square feet or more are subject to the Ordinance. This applies to residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review. The previous landscape size threshold for new development projects ranged from 2,500 square feet to 5,000 square feet. The size threshold for existing landscapes that are being rehabilitated has not changed, remaining at 2,500 square feet. Only rehabilitated landscapes that are associated with a building or landscape permit, plan check, or design review are subject to the Ordinance.

### ***California Health and Safety Code***

Section 64562 of the California Health and Safety Code establishes water supply requirements for service connections to public water systems. Before additional service connections can be permitted, enough water must be available to the public water system from its water sources and distribution reservoirs to adequately, dependably, and safely meet the total requirements of all water users under maximum-demand conditions.

### ***Assembly Bill 715***

Assembly Bill (AB) 715, enacted in 2007, requires that any toilet or urinal sold or installed in California on or after January 1, 2014, cannot have a flush rating exceeding 1.28 and 0.5 gallons per flush, respectively. AB 715 superseded the State's previous standards for toilet and urinal water use set in 1991 of 1.6 and 1.0 gallons per flush, respectively. On April 8, 2015, in response to the Governor's Emergency Drought Response Executive Order (Executive Order B-29-15), the California Energy Commission approved new standards for urinals requiring that they not consume more than 0.125 gallons per flush, 75 percent less than the standard set by AB 715.

### ***Water Conservation Act of 2009***

The Water Conservation Act of 2009 (SB X7-7) requires all water suppliers to increase water use efficiency. The legislation set an overall goal of reducing per capita water by 20 percent by 2020 in each water district. Effective in 2016, urban retail water suppliers who do not meet the water conservation requirements established by this bill are not eligible for State water grants or loans.

### ***Senate Bill 407***

SB 407, enacted in 2009, mandates that all existing buildings in California come up to current State plumbing fixture standards within this decade. This law establishes requirements that residential and commercial property built and available for use on or before January 1, 1994, replace plumbing fixtures that are not water conserving, defined as “noncompliant plumbing fixtures.” This law also requires a seller or transferor of single-family residential property show to the purchaser or transferee, in writing, the specified requirements for replacing plumbing fixtures and whether the real property includes noncompliant plumbing. Similar disclosure requirements went into effect for multi-family and commercial transactions on January 1, 2019. SB 837, passed in 2011, reinforces the disclosure requirement by amending the statutorily required transfer disclosure statement to include disclosure about whether the property follows SB 407 requirements.

### ***Title 22 of California Code of Regulations***

Title 22 regulates the use of reclaimed wastewater (recycled water) and sets forth water quality standards related thereto. In most cases, only disinfected tertiary water may be used on food crops where recycled water would encounter the edible portion of a crop. Disinfected secondary treatment may be used for food crops where the edible portion is produced below ground and will not encounter secondary effluent. Lesser levels of treatment are required for other types of crops, such as orchards, vineyards, and fiber crops.

### ***General Waste Discharge Requirement***

On May 2, 2006, the State Water Board adopted a General Waste Discharge Requirement (Order No. 2006-0003) for all publicly owned sanitary sewer collection systems in California with more than one mile of sewer pipe. The Order provides a consistent Statewide approach to reducing sanitary sewer overflows by requiring public sewer system operators to take all feasible steps to control the volume of waste discharged into the system, to prevent sanitary sewer waste from entering the storm sewer system, and to develop a Sewer System Management Plan (SSMP). The General Waste Discharge Requirement also requires that storm sewer overflows be reported to the State Water Board using an online reporting system. The State Water Board delegated authority to its nine RWQCBs to enforce these requirements.

### ***Assembly Bill 341***

The purpose of AB 341 is to reduce greenhouse gas (GHG) emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California. In addition to Mandatory Commercial Recycling, AB 341 sets a Statewide goal for 75 percent disposal reduction by the year 2020.

### ***California Integrated Waste Management Act, Assembly Bill 939***

AB 939 (Public Resources Code [PRC] § 41780) requires cities and counties to prepare Integrated Waste Management Plans and to divert 50 percent of solid waste from landfills beginning in calendar year 2000 and each year thereafter. AB 939 also requires cities and counties to prepare Source Reduction and Recycling Elements as part of the Integrated Waste Management Plan (IWMP). These elements are designed to develop recycling services to achieve diversion goals, stimulate local recycling in manufacturing, and stimulate the purchase of recycled products.

### ***Senate Bill 1016***

SB 1016 builds on AB 939 compliance requirements by requiring that the 50 percent solid waste diversion be measured in terms of per capita disposal expressed as pounds per person per day. The new per capita disposal and goal measurement system moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a factor. Every year CalRecycle calculates each jurisdiction's per capita (per resident and per employee) disposal rates and reviews jurisdiction compliance on a case-by-case basis. Jurisdictions are not compared to other jurisdictions or the Statewide average but compared to their own 50 percent per capita disposal target.

### ***Senate Bill 1383***

SB 1383 was signed in September 2016 to reduce emissions of short-lived climate pollutants. As it pertains to CalRecycle, SB 1383 establishes targets to achieve a 50 percent reduction in the level of the Statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste currently disposed edible food<sup>16</sup> is recovered for human consumption by 2025.<sup>17</sup> SB 1383 further supports California's efforts to achieve the Statewide 75 percent recycling goal by 2020 established in AB 341.

### ***California Public Utilities Commission***

The California Public Utilities Commission (CPUC) regulates privately owned telecommunication, electric, natural gas, water, railroad, rail transit, and passenger transportation companies. It is the responsibility of the CPUC to (1) assure California utility customer safety, reliable utility service at reasonable rates; (2) protect utility customers from fraud; and (3) promote a healthy California economy. The Public Utilities Code, adopted by the legislature, defines the jurisdiction of the CPUC.

### ***California Code of Regulations Title 24***

#### **Part 6 (Energy Efficiency Standards for Residential and Nonresidential Buildings)**

California Code of Regulations Title 24 Part 6 (California's Energy Efficiency Standards for Residential and Nonresidential Buildings) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated

periodically to allow consideration and possible incorporation of new energy-efficient technologies and methods and are now considered some of the most stringent in the nation. Energy-efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2022 Building Energy Efficiency Standards went into effect on January 1, 2023.<sup>19</sup>

#### Part 11 (California Green Building Standards Code)

California Code of Regulations Title 24, Part 11, is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went into effect January 1, 2011. The code is updated on a regular basis with requirements that are now considered some of the most stringent in the nation, with the most recent update consisting of the 2019 California Green Building Standards Code (CALGreen) that became effective January 1, 2020.<sup>20</sup> Local jurisdictions are permitted to adopt more stringent requirements, as State law provides methods for local enhancements. The code recognizes that many jurisdictions have existing construction and demolition ordinances and defers to them as the ruling guidance if they provide a minimum 50 percent waste diversion requirement. The code also provides exemptions for areas not served by construction and demolition recycling infrastructure. The California Building Standards Code (CBC) provides the minimum standard that buildings must meet to be certified for occupancy, which is enforced by the local building or planning departments with jurisdiction over the building.

#### ***Solid Waste Reuse and Recycling Act***

The Solid Waste Reuse and Recycling Access Act requires areas in development projects to be set aside for collecting and loading recyclable materials. The Solid Waste Reuse and Recycling Access Act required CalRecycle to develop a model ordinance for adoption by any local agency relating to adequate areas for collection and loading of recyclable materials as part of development projects. Local agencies are required to adopt the model or an ordinance of their own to govern adequate areas in development projects for collection and loading of recyclable materials.

#### ***County Sanitation District Act***

Section 4700, et seq. of the California Health and Safety Code is also known as the County Sanitation District Act. This act regulates the formation, operation, and governance of County Sanitation Districts, including the construction, maintenance, and operation of a sewerage system and sewage disposal or treatment plant, a refuse transfer or disposal system, or both. It also authorizes the districts to charge a fee for connection to the sewer system or increases in the strength or quantity of wastewater from a specific parcel or operation. The capital facilities fee shall be sufficient to construct the incremental expansion of the sewer system in order to accommodate the development.

## **Local**

### ***City of Anaheim General Plan – Public Service and Facilities Element***

The Public Services and Facilities Element outlines the City's goals and policies concerning fire protection and emergency services, police services, electric and water utilities, sewer and storm drain systems, schools and libraries, and other utilities and services. The goals and policies identified in this element help guide the City's provision of new and expanded public facilities to support the continued growth of the City.

The Public Services and Facilities Element contains several maps showing the locations of public facilities and utility systems (Figure PSF-1, PSF-6, PSF-7, and PSF-9), however these maps are partially out-of-date since the last revision of this Element occurred in 2010. As such, see Section 4.13, Public Services, for the latest locations and analyses of public service facilities and see section 4.17, Utilities and Service Systems, for the latest locations and analyses of utility systems. The goals and policies identified in the Public Services and Facilities Element that are relevant to this analysis are provided in Table 4.10-3.

### ***Anaheim Municipal Code***

#### **Water Conservation Ordinance**

Chapter 10.18 of the AMC provides voluntary and mandatory water restrictions for the City to respond to different degrees of water shortages. Four Water Reduction Plans are defined in Chapter 10.18. Plan I is intended for mild water shortages and encourages voluntary reduction in outdoor irrigation. Plans II through IV include mandatory restrictions for significant to extreme water shortages. Restrictions include no irrigation runoff, required shutoff nozzles on hoses, no water driveways or sidewalks, the prohibition of non-circulation fountains, only nighttime irrigation, water service upon request in restaurants, launder linens upon request in hotels, and limited to restricted irrigation days. This ordinance implements and enforces water shortage contingency rules and regulations during periods of water supply shortages and water shortage emergencies to ensure that there is sufficient water for human consumption, sanitation, and fire protection.

#### **Landscape Water Efficiency Ordinance**

This ordinance, codified at AMC Section 10.19, establishes an alternative ordinance acceptable under Executive Order B-29-15 as being at least as effective as the State Model Water Efficient Landscape Ordinance and is to promote the design, installation, and maintenance of landscaping in a manner that conserves regional water resources by ensuring that landscaping projects are not unduly water-needy and that irrigation systems are appropriately designed and installed to minimize water waste.

### ***Orange County Sanitation District Wastewater Discharge Regulations***

In accordance with the Clean Water Act, the General Pretreatment Regulations, and the Porter-Cologne Water Quality Control Act, the Orange County Sanitation District (OCSA) has

adopted Wastewater Discharge Regulations to address the types of discharges that may enter into the sewer system. The OCSD requires permits or waivers for specific discharges such as groundwater, surface runoff, or subsurface drainage; industrial wastewater; toxic materials in wastewater; fats, oil, and grease from food service establishments; medical wastes; and sludge subject to prohibitions, on-site treatment, self-monitoring, and reporting requirements.

Liquid waste pumpers must also register with the Orange County Health Care Agency and obtain a Waste Hauler Permit from OCSD for the disposal of septage, chemical toilet, and grease trap wastes at Treatment Plant No. 1.

The regulations include fees and charges for service, connection, permits, violations, and penalties to fund operation and maintenance of the regional sewer system.

### ***California Integrated Waste Management Act (AB 939)***

The California Integrated Waste Management Act of 1989 (AB 939) requires all counties to prepare an Integrated Waste Management Plan. The County of Orange has an adopted plan that includes the following mandated components: a Source Reduction and Recycling Element; a Household Hazardous Waste Element; a countywide Siting Element that identifies 15 years of available disposal capacity; and a statement of significant solid waste disposal problems facing the jurisdiction.

The Source Reduction and Recycling Element (SRRE) of the Integrated Waste Management Plan is required by AB 939 to identify how each jurisdiction would meet the mandatory State waste diversion goals of 25 percent by the year 1995 and 50 percent by the year 2000. The purpose of AB 939 was to “reduce, recycle, and re-use solid waste generated in the state to the maximum extent feasible”. Noncompliance with the goals and timelines set forth within AB 939 can be severe, as the bill imposes fines of up to \$10,000 per day on jurisdictions (cities and counties) not meeting these recycling and planning goals.

The term “integrated waste management” refers to the use of a variety of waste management practices to safely and effectively handle the municipal solid waste stream with the lowest adverse impact on human health and the environment. AB 939 has established a waste management hierarchy as follows:

- Source Reduction;
- Recycling;
- Composting;
- Transformation; and
- Disposal.



### ***California Mandatory Commercial Recycling Measure (AB 341)***

Mandatory Commercial Recycling was one of the measures adopted in the Assembly Bill 32 Scoping Plan by the Air Resources Board (ARB) pursuant to the California Global Warming Solutions Act (Chapter 488, Statutes of 2006). The Mandatory Commercial Recycling Measure focuses on increased commercial waste diversion as a method to reduce GHG emissions. It is designed to achieve a reduction in GHG emissions of 5 million metric tons of carbon dioxide (CO<sub>2</sub>) equivalents. To achieve the measure's objective, an additional 2 to 3 million tons of materials annually will need to be recycled from the commercial sector by the year 2020 and beyond.

The regulation was adopted at CalRecycle's January 17, 2012 Monthly Public Meeting. On June 27, 2012 the Governor signed Senate Bill 1018 which included an amendment that requires a business that generates 4 cubic yards or more of commercial solid waste per week to arrange for recycling services (CalRecycle 2023a).

### ***California Mandatory Commercial Organics Recycling Bill (AB 1826)***

In October 2014, Governor Brown signed AB 1826 Chesbro (Chapter 727, Statutes of 2014), requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units (please note, however, that multifamily dwellings are not required to have a food waste diversion program). Organic waste (also referred to as organics throughout this resource), for the purposes of AB 1826, means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

The law phased in the requirements for businesses over time, while offering an exemption process for rural counties. Additionally, the law contains a 2020 trigger that further increased the scope of affected businesses. As such, in September of 2020, CalRecycle reduced the threshold to 2 cubic yards of solid waste (solid waste is the total of trash, recycling, and organics) generated by covered businesses (CalRecycle 2023b).

### ***Short-Lived Climate Pollutants: Organic Waste Reductions (SB 1383)***

In September 2016, Governor Brown signed SB 1383, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California's economy. Decomposition of organic waste in landfills is a significant source of greenhouse gas (GHG) emissions, particularly methane emissions, contributing to global climate change; and organic waste is the largest waste stream in California. Organic waste includes food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges. SB 1383 established the following organic waste reduction targets: 75 percent reduction of organic waste disposal in landfills and 20 percent recovery of currently wasted edible food by 2025. This law complements and

expands upon the goals of AB 341 (Mandatory Commercial Recycling) and AB 1826 (Mandatory Commercial Organics Recycling).

On January 1, 2022, SB 1383 regulations took effect and State enforcement of numerous responsibilities established for all California jurisdictions began. SB 1383 requires jurisdictions to (1) provide organics collection services to all residents and businesses, (2) establish an edible food recovery program, (3) conduct education and outreach, (4) procure recyclable and recovered organic products, (5) secure access to recycling and edible food recovery capacity, and (6) monitor compliance. Collection requirements are defined for residential and non-residential land uses, dependent on type, size, and other factors. Residents, employees, tenants, and customers are required to properly sort organic materials into the correct containers. Jurisdictions can select from a variety of organic waste collection services to match their unique communities and local infrastructure, while producing clean streams of organic feedstock that can be recycled into recycled products (CalRecycle 2023c).

### ***Construction and Demolition Waste Diversion Requirements***

Materials generated from construction projects must be recycled to meet statutory obligations under various State legislation and California Green Building Codes, which require 65% of all debris to be diverted from the landfill. To meet reporting obligations, the City of Anaheim requires individuals pulling permits with construction and demolition debris to provide information on where the materials would be taken and the percentage of materials diverted from the landfill. A Construction & Demolition Waste Diversion Application must be submitted before a permit may be issued (City of Anaheim 2024h).

## **4.17.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim's Environmental Checklist, the Project would result in significant impacts related to utilities and service systems if it would:

- a) require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater 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?

#### 4.17.4 IMPACT ANALYSIS

- a) Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater 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 Project's proposed potable water improvements are shown in the utility plan provided as Exhibit 3-20. The Project would be served by the APU and would install new public water lines within Deer Canyon Road, "A" Street, "B" Street, and "C" Street. The Project would also install new potable water service lines, water meter, pressure reducing valves, and backflow devices as needed.

The Project would connect to the City's existing system at two locations. The first location is southwest on Santa Ana Canyon Road near the intersection of Eucalyptus Drive downstream of an existing pressure reducing station. This would require a new public water main within Santa Ana Canyon Road from the project site to the new point of connection. The second is on an existing 36-inch potable water line within Santa Ana Canyon Road near the proposed intersection of "A" Street and Santa Ana Canyon Road on the northeast side of the Project Site. The second connection would also require the construction of a new pressure reducing station.

Potable water improvements for the Project would be required to be designed and constructed in accordance with the applicable City of Anaheim, Public Utilities Department of Water Services Standard Specifications and Administrative Procedures and Design Guidelines.

Per City requirements, all common area or homeowner association irrigation shall be served through separate meters so that all landscaped areas could be converted more easily to recycled water, if it becomes available in the future. However, recycled water is not readily available in this area of the City at this time and therefore, for purposes of a conservative analysis, potable water use is assumed in the Project's technical analyses for landscape irrigation (Psomas 2024b).

As described further below, a Water Supply Assessment (WSA) has been prepared for the Project in accordance with applicable sections of the California Public Resources Code and California Water Code. (Psomas 2024b). The purpose of the WSA was to evaluate whether there is sufficient City water supply for the Project in addition to other City's existing and future water demands projected through the year 2045 during normal, single-dry, and multiple-dry years. The WSA estimates the additional water demand that would result from the Project and analyzes the impact on the City's water supply. The WSA determined that the Project would result in average water demand of approximately 101 acre-feet, or 32,910,994 gallons, per year (Psomas 2024b).

As discussed below under threshold 4.17(b), the Project's WSA determined that the APU would have sufficient water supplies available to serve the Project and other existing and reasonably foreseeable future development during normal, single-dry and multiple dry years. Also, a will serve letter was received from APU Water Engineering Division on January 31, 2024 stating that the Project Site is located within APU's service boundaries and that the City will permit new water service connections to serve the Project. The letter from APU stated that the Project would be required to comply with applicable APU rates, rules, and regulations (City of Anaheim 2024c). Moreover, the Project would be required to pay applicable fees, including capital improvement fees, where triggered, which would contribute toward the already planned upgrades so that the City would continue to have adequate capacity to serve the Project's projected demand in addition to the provider's existing and other planned future commitments within its service area.

### ***Conclusion***

The Project would not require or result in the relocation or construction of any new or expanded water facilities that could cause significant environmental effects. The only water improvements that would be implemented are those described above, which are accounted for in the impact analyses contained throughout this Draft EIR.

### **Wastewater/Sewer**

Wastewater from the Project would be conveyed to the OC San Treatment Facility in compliance with applicable requirements and standards established by the and under applicable laws and regulations.

In terms of existing infrastructure on or near the Project Site, as noted above, there is an existing underground 12-inch vitrified clay pipe (VCP) sewer line that traverses the Project Site in the north-south direction that was installed to service residential developments that are located to the south of the Project Site (City of Anaheim 1990a). This sewer line is generally located beneath the access and maintenance road that is located within the Project Site. The sewer line ultimately connects to an 18-inch sewer trunk line within Santa Ana Canyon Road north of the Project Site.

The existing 12-inch sewer line would need to be relocated to the west as part of the Project. A 25-foot easement would be provided around the new sewer line alignment. The 12-inch line would be replaced with the new 12-inch line that has been sized to serve the existing developments south of the Project Site as well as the proposed Project uses (GHD 2024a).

The Project would include 8-inch sewer lines within "A" Street, "B" Street, and "C" Street that would capture wastewater generated from all uses proposed within the Project Site. These flows would be conveyed to the 12-inch sewer line within Deer Canyon Parkway or directly to the 18-inch sewer trunk line in Santa Ana Canyon Road.

The final sewer improvements for the Project shall be designed and constructed in accordance with the City of Anaheim Sewer Design Manual and the City's Department of Public Works Standard Plan and Details.

A Sewer Study was prepared for the Project, which was reviewed and approved by the City of Anaheim Department of Public Works, which is included as Appendix P (GHD 2024a). The Sewer Study determined that the existing sewer system, including the trunk line within Santa Ana Canyon Road, would be able to accommodate the Project as well as other reasonably foreseeable projects in both existing and future conditions. In January 2024, City engineering staff confirmed that the sewer study was approved. However, City Department of Public Works staff have confirmed that during final design the Property Owner/Developer shall be required to submit to the City of Anaheim an approval from OCSd for adequate capacity in its sewer system to accept the sewer flow from the City sewer system, since the sewer study that has been prepared only analyzed the impact to the City sewer system and did not include specific analysis to the Orange County Sanitation District Line.

Moreover, the Project would be required to pay applicable fees, including capital improvement fees, where triggered, which would contribute toward the already planned upgrades so that OC San would continue to have adequate capacity to serve the Project's projected demand in addition to the provider's existing and other planned future commitments within its service area.

## ***Conclusion***

As noted above, the Project's Sewer Study determined that existing receiving sewer facilities owned and maintained by City of Anaheim and OCSd have adequate capacity to accommodate the Project and other planned growth in the Project vicinity (GHD 2024a). Also, a will serve letter was received from City of Anaheim Department of Public Works confirming ability to serve the Project, as documented in Appendix Q. The Project would not require or result in the relocation or construction of any new or expanded wastewater facilities that could cause significant environmental effects. The only wastewater improvements that would be implemented are those described above, which are accounted for in the impact analyses contained throughout this Draft EIR.

## **Drainage and Water Quality**

A Preliminary Hydrology and Hydraulic Study and a Preliminary Water Quality Management Plan were prepared for the Project to serve as the basis of the Project's drainage system design, which is attached as Appendix K (Hunsacker 2024a and 2024b).

The Project Site is located within the Santa Ana River Watershed and is tributary to Reach 2 of the Santa Ana River. Currently, there is no approved WIHMP for the Santa Ana River Watershed. There is currently no TMDL established for the Santa Ana River downstream from the Project Site.

Within the Project Site, the Project would remove an existing 96-inch pipe that currently serves adjacent development and would replace it with a new 108-inch storm drain to accommodate the drainage from this existing adjacent development as well as the Project's drainage. The alignment of the proposed storm drain would be shifted to the west to accommodate the Project's design and to align with the new proposed Deer Canyon Road alignment. A new 25-foot-wide easement would be granted to the City adjacent to this new

storm drain alignment. The alignment of the relocated storm drain would follow the proposed street system from south to north where it would connect into portions of the Open Space and Recreational Area where the existing 96-inch pipe splits into two 86-inch pipes in Santa Ana Canyon Road. The Project's drainage system has been designed to receive and carry flows from to the south, including runoff from nearby "The Highlands" residential development (TTM 16440) through the Project Site.

The Project Site also receives off-site stormwater flows from natural drainage courses that are upslope of the Project Site to the south and east. These off-site flows would be captured by hillside drainage interceptors and would be conveyed by brow ditches and storm drain lines into the Project's proposed stormwater system.

As shown in Table 4.17-1, the Project would result in an increase in impervious surface within the Project Site from approximately 1.22 acres in existing conditions to approximately 17.6 acres with the Project.

**TABLE 4.17-1  
IMPERVIOUSNESS WITH AND WITHOUT THE PROJECT**

Project Area	Pervious		Impervious	
	Approximate Area	Percentage	Approximate Area	Percentage
<b>Pre-Project Conditions</b>	74.79 acres	98.4%	1.22 acres	1.6%
<b>Post-Project Conditions</b>	58.41	76.8%	17.6 acres	23.2%
Source: Hunsacker 2024b.				

As noted above, the Project would result in an increase in on-site impervious surfaces compared with existing conditions. Also, because the Project would disturb more than 1 acre of land and would replace more than 10,000 square feet of impervious surface; therefore, the Project would be required to adhere to the applicable provisions of the Construction General Permit, which would require preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The Project would also be required to develop and implement a Water Quality Management Plan to address construction and post-construction. In addition, the Project would be required to adhere to all other applicable requirements and standards including the incorporation of applicable best management practices.

Specifically, the Project would be required to install an on-suite storm drainage system that would adhere to all applicable design criteria, standards, and other requirements under applicable laws. For example, stormwater generated within the Project Site would be captured using curbs and gutters, inlets, and catch basins that would lead to lateral storm drain lines that would range from 18-inch to 48-inch in size. On-site stormwater would all ultimately be conveyed to the northern boundary of the Project Site near Deer Canyon Road and Santa Ana Canyon Drive as it does in existing pre-Project conditions.

The Project would include water quality basins at various locations throughout the Project Site as specified in Exhibit 3-23. Riprap would be utilized at inlets and outlets of the proposed basins to limit potential for erosion. Stormwater BMPs have been specified in the Project's PWQMP which would be required to be incorporated into the Project's design. The basins would be designed to promote percolation into the soil and would release runoff into the municipal drainage system. The Project's drainage design would serve to capture, slow, reduce, and meter the volume of runoff leaving the project site in accordance with applicable standards (e.g., post-development flows being equal to or less than predevelopment flows) and would ensure that downstream storm drainage facilities would not be inundated with project-related stormwater. The City has reviewed the Project's PWQMP for consistency with: applicable provisions of the Orange County Drainage Area Management Plan; the intent of the non-point source NPDES Permit for Waste Discharge Requirements for the County of Orange; applicable Orange County Flood Control District requirements; and additional applicable City of Anaheim requirements. Therefore, the stormwater runoff from the Project Site would not exceed the capacity of the storm drain system, and no infrastructure improvements would be required beyond the installation of on-site storm drain facilities.

Moreover, the Project would be required to pay applicable fees, including capital improvement fees, where triggered, which would contribute toward the already planned upgrades so that the City would continue to have adequate capacity to serve the Project's projected demand in addition to the provider's existing and other planned future commitments within its service area.

## ***Conclusion***

The Project would not require or result in the relocation or construction of any new or expanded stormwater drainage facilities that could cause significant environmental effects. The only stormwater drainage improvements that would be implemented are those described above, which are accounted for in the impact analyses contained throughout this Draft EIR.

## **Electricity**

The Project would be served with electric power by APU. The Project's electricity demands during construction and operations were calculated as part of the Project's overall energy analyses within Section 4.5, Energy, of this Draft EIR.

The Project's buildings would be designed and constructed in accordance with then-current Tier 2 CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of regarded as the most advanced and stringent energy efficiency standards in the nation, would help reduce the amount of electricity required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation. The Project's dry utility plans depict the Project's proposed underground electrical lines that would connect the Project's proposed commercial buildings and multiple-family residential building to the existing electrical main line that is

within Santa Ana Canyon Road. The new electrical lines would generally be installed within joint utility trenches that would also contain telephone/CATV/technology conduits, as shown in the “Typical Joint Trench Profile” that is included in the dry utility plan provided as Exhibit 3-24 (Morrow Management 2023a). APU pick up points within Santa Ana Canyon Road and transformer locations within the Project Site are shown in the dry utility plan.

A will serve letter was received from APU on August 10, 2023, conditionally confirming that APU would be able to provide electrical service to the Project, which is provided within Appendix Q. APU mentioned in their letter that final confirmation of service could be provided during final design once more precise electrical load information and other such information is provided (City of Anaheim 2023i). For these reasons, it is not anticipated that the proposed project would result in a significant increase in electrical demand, and therefore is not anticipated to result in a significant increase in electrical demand such that new or relocated facilities (other than proposed on-site connections) would be required.

### ***Conclusion***

The Project would not require or result in the relocation or construction of any new or expanded electrical facilities that could cause significant environmental effects. The only electrical facilities that would be implemented are those described above, which are accounted for in the impact analyses contained throughout this Draft EIR.

### **Natural Gas**

The Project would be required to adhere to relevant mitigation related to natural gas. Natural gas infrastructure would be installed to allow for proposed uses in accordance with applicable mitigation. Conclusion

The Project would not require or result in the relocation or construction of any new or expanded natural gas facilities that could cause significant environmental effects. The only natural gas-related improvements that would be implemented are those described above, which are accounted for in the impact analyses contained throughout this Draft EIR.

### **Telecommunications**

There are existing telecommunications facilities located near the Project Site. Additionally, there are Master License Agreements between the City and small cell service providers covering the area. While the Project would increase the demand for these facilities to a certain extent given the proposed development of urban uses on the Project Site, because the Project Site is within an urbanized area, it is anticipated that sufficient telecommunications facilities can readily be extended, as needed, to serve the Project; no new telecommunication facilities would be required nor would any existing facilities need to be relocated or expanded to do so.

The Project’s dry utility plans depict the Project’s proposed telephone/CATV/technology conduits that would connect the Project’s proposed commercial buildings and multiple-family residential building to the existing facilities that are within Santa Ana Canyon Road.



The new lines would generally be installed within joint utility trenches that would also contain electric conduits, as shown in the “Typical Joint Trench Profile” that is included in the dry utility plan provided as Exhibit 3-24 (Morrow Management 2023a). The exception to this would be when telephone/CATV/technology conduits are buried in their own trenches. The dry utility plan also depicts the telephone/CATV/technology conduits points of connection within Santa Ana Canyon Road.

## **Conclusion**

The Project would not require or result in the relocation or construction of any new or expanded telecommunications facilities that could cause significant environmental effects. The only telecommunications facilities that would be implemented are those described above, which are accounted for in the impact analyses contained throughout this Draft EIR.

## **Overall Conclusion for all Utility Infrastructure**

The impacts of the proposed utility connections, construction of new utility infrastructure, as well as the relocation/expansion of existing utility infrastructure that would occur to serve the Project are discussed at length from a ground disturbance perspective in each of the relevant environmental topical areas throughout this Draft EIR as part of the Project development footprint. No other new construction, relocation or expansion of utilities, outside of the Project Site, would occur.

Therefore, the Project would have a less than significant impact related to this threshold and no mitigation is required.

### ***b) Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry year?***

**Less Than Significant Impact.** A WSA has been prepared for the Project in accordance with applicable sections of the California Public Resources Code and California Water Code. (Psomas 2024b). The purpose of the WSA is to evaluate whether there is sufficient City water supply for the Project in addition to other City water demands projected through the year 2045. The WSA estimates the additional water demand that would result from development of the Project and analyzes the impact on the City’s water supply. The WSA determined that the Project would result in average water demand of 101 acre-feet (32,910,994 gallons) per year (Psomas 2024b). As discussed more fully in the WSA and below, APU would have sufficient water supplies to serve the Project as well as other existing and reasonably foreseeable future development within APU’s service area during normal, single-dry and multiple-dry years.

## **City Water Demand**

As described in the WSA, the City’s water demands were developed and projected in the City’s 2020 UWMP. The City’s total water use in FY 2020 was 56,912 AF, an 8.3 percent decrease from FY 2015 water use reported in the previous 2015 UWMP (Psomas 2024b).

The water demand forecast was carried out in coordination with Municipal Water District of Orange County (MWDOC) and Orange County Water District (OCWD) as a regional effort. Demand projections were based on existing use data as well as projected land use, population, economic growth, and future passive and active conservation measures. Projected City water demands are expected to be approximately 58,878 acre feet in 2025 and are projected to rise to 66,337 acre feet in 2045.

As described more in Section 4.12, Population and Housing, the SCAG RTP/SCS anticipates a growth in the City's population to 416,800 residents by the year 2045 (SCAG 2020a). The approximately 1,664 new residents that would result from the Project would comprise 0.48 percent of the City's current population and 0.40 percent of the City's projected 2045 population.

The City's future water demands were developed and projected in the City's 2020 UWMP based on land use, population, and economic growth. Demographic projections from the Center for Demographic Research (CDR) were used to develop the forecast, which is informed by the SCAG RTP/SCS data.

Therefore, along with existing development, other reasonably foreseeable future development within the City was evaluated in the Project's WSA to confirm that sufficient growth was accounted for in the UWMP to account for the Project plus other existing and reasonably foreseeable future demand. The WSA determined that the City water demand as estimated in the 2020 UWMP included sufficient increased demand to account for the combined proposed development in the Project Site and other areas within the City. The WSA concluded that the 2020 UWMP assumed for growth in population and in housing units that has accounted for the Project's water demands as well as other existing and future demand (Psomas 2024b).

In part, this is due to the fact that the 2020 UWMP assumed a higher population than which currently reside within the City. As of July 1, 2022, the City had an estimated population of 344,461 compared to the 365,987 residents that the UWMP assumed for 2020 and 378,170 residents the UWMP assumed for 2025.

The WSA evaluated the projected water demand associated with the Project in the context of APU's system-wide projected water availability during normal, single dry, and multiple dry years over a 20-year period, in addition to APU's existing and other planned future uses. As detailed more fully in the WSA, the Project would increase water use at the Project Site; however, this demand would be well within the expected range of increased water demand for APU.

In summary, APU's total projected water supplies available during normal, single-dry and multiple-dry water years during a 20-year projection are sufficient to meet the projected water demand associated with the proposed project, in addition to APU's existing and planned future uses, including agricultural and manufacturing uses. The Project Site is located within APU's existing service area and is in an urbanized area. The WSA concludes that water demand associated with the Project would not significantly constrain APU's

supply over the long-term and can be assumed to be accounted for in the APU demand projections as detailed in the WSA (Psomas 2024b).

## **Water Supply**

The City relies on a combination of imported water, local groundwater, and recycled water (to a limited degree) to meet its water needs. The City works together with two primary agencies, Metropolitan Water District of Southern California (Metropolitan or MWD) and OCWD to ensure a safe and reliable water supply that would continue to serve the community in periods of drought and shortage. The sources of imported water supplies include the Colorado River and the State Water Project (SWP) provided by Metropolitan (Psomas 2024b).

The City's main source of water supply is groundwater from the Orange County Groundwater Basin (OC Basin). The City has historically relied on approximately 70 percent groundwater (previous 10-year average) and 30 percent imported water under normal conditions. Over the 25-year planning period of the 2020 UWMP, groundwater supplies are anticipated to increase to between 80 and 85 percent of total water use. Recycled water represents less than 0.2 percent of the City's total water supply.

## ***Reliability of Water Supplies***

The primary source of water for the City is the OC Basin. OCWD is responsible for the protection of water rights to the Santa Ana River in Orange County as well as the management and replenishment of the Basin. OCWD replenishes and maintains the Basin at safe levels while increasing the Basin's annual yield by utilization of the best available technology. Other than recycled water, OCWD primarily recharges the Basin with water from the Santa Ana River and to a lesser extent with imported raw water purchased from Metropolitan.

OCWD continues to develop new replenishment supplies, recharge capacity, and basin protection measures to meet projected production from the OC Basin during average/normal rainfall, during drought periods, and in planning for climate change.

Metropolitan's 2020 UWMP finds that Metropolitan can meet, full-service demands of its member agencies from 2020 through 2045 during normal years, single dry year, and multiple dry years. Metropolitan's 2020 UWMP was developed as part of the 2020 Integrated Water Resources Plan (IRP) planning process. The IRP represents Metropolitan's comprehensive blueprint for long-term water reliability, including key supply development and water use efficiency goals.

In addition to the City's groundwater and imported supplies, the City recycles a small portion of wastewater at the downtown Water Recycling Facility. A recycled water supply of 120 AFY is projected in the 2020 UWMP for the Plan period through 2045.

City water demand estimates for normal year, single-dry year, and multiple dry years through FY 2045 are estimated in the City's 2020 UWMP and are compared with projected available groundwater and imported water supplies. Demands for single dry-year and five

consecutive multi-dry year scenarios were increased based on historical hydrology from MWDOC and Metropolitan, consistent with the City's 2020 UWMP. It is assumed that demands estimated for the Project and other proposed projects within the planning period of the WSA are included in the 2020 UWMP demand projections given that the Project is within the population forecasts used to develop the 2020 UWMP.

The City is projected to have sufficient imported and groundwater supplies to meet normal year, single-dry year, and multiple-dry year conditions. Over the 20-year planning period, groundwater supplies are anticipated to increase from 77 percent to between 80 and 85 percent of total water use due to the expansion of OCWD's Groundwater Replenishment System (GWRS) which recharges recycled water into the OC Basin. With the expansion of the GWRS, an estimated BPP of 82% is assumed in the 2020 UWMP for the period from 2025 through 2045.

The estimated buildout water supply requirement for the Project is projected to be 101 AFY, including water loss. This is approximately 0.15 percent of the total City supply requirement estimated for FY 2045 in the City's 2020 UWMP.

The City is projected to have sufficient imported and groundwater supplies to meet normal year, single-dry year, and multiple-dry year conditions including new Project demands, existing demand, and new demands from other planned development within the planning period because:

1. Metropolitan has projected supply surpluses for each of these conditions
2. The City can increase groundwater production consistent with their available well capacity, if needed

Additionally, the Project would be required to adhere to all applicable federal, State and local laws and regulations, including AB 715 and SB 407, which sets standards with respect to plumbing, Water Conservation Act of 2009, which requires the reduction of per capita water usage, AMC Section 10.19, which requires compliance with the State of California MWEL and water conservation through water efficient landscaping methods, programs, and standards, including goals, policies, and actions provided in the General Plan, which would help to reduce water consumption and thus further limit the need for the expansion of existing facilities or the construction of new water facilities and/or increased water supplies.

The information included in the WSA identifies a sufficient and reliable water supply for the City, now and into the future, including a sufficient water supply for the Project's proposed uses. These supplies are also sufficient to provide for overall City-wide growth at the rate projected in the City's 2020 UWMP and the Project's WSA.

## **Conclusion**

The Project's WSA determined that the Project would have sufficient water supplies available to serve the Project, as well as other existing demand and reasonably foreseeable future development during normal, single-dry, and multiple dry years.

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

- c) Would the Project 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.** The Project would require the relocation of existing sewer lines in the Project Site as well as the development of new land uses that would require new sewerage service.

The Project would involve the installation of new sewer lines in the Project Site, the relocation of an existing sewer line in the Project Site, and connection to the existing main sewer line in Santa Ana Canyon Road.

Based on the Sewer Study that was prepared for the Project and based on coordination with City of Anaheim Department of Public Works staff, the existing sewer system, including the trunk line within Santa Ana Canyon Road, would be able to accommodate the Project as well as other reasonably foreseeable projects in both existing and future conditions.

The final sewer improvements for the Project shall be designed and constructed in accordance with the City of Anaheim Sewer Design Manual and the City's Department of Public Works Standard Plan and Details.

Therefore, the Project would result in a less than significant impact related to this threshold, and no mitigation is required.

- d) Would the Project 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 Generated During Construction**

Solid waste generated during construction has been estimated using the U.S. Environmental Protection Agency's (USEPA's) construction and demolition waste generation rate of approximately 3.89 pounds per square foot (lbs/sf) for non-residential uses and 4.38 lbs./sf for residential uses (USEPA 1998). The Project would include construction of approximately 5.30 acres (approximately 230,868 square feet) of single-family residential development, approximately 14.17 acres (approximately 617,245 square feet) of multi-family residential development and approximately 11.82 acres (approximately 514,879 square feet) commercial development; the foregoing construction activities would generate approximately 2,859 tons (approximately 5,717,614 lbs.) of waste, before recycling. The Project would also involve the demolition of a portion of the existing asphalt paved road within the Project Site, which would generate waste that would need to be hauled out of the Project Site.

Since it would require building, construction, and demolition permits, the Project would be required to comply with the applicable provisions of AB 939, SB 1016, and the CALGreen Code. Diversion through reuse, recycling, and/or composting of construction and demolition materials at City-approved facilities or by the Republic Services would achieve compliance therewith. To meet these demands, the Project would be required to meet the applicable CalGreen Construction and Demolition (C&D) recycling requirement, which requires that all new construction projects divert at least 65 percent of the construction materials generated during the project.

The Project would require the export of approximately 1,071,705 cubic yards of soil. This soil would be transported to and disposed of at the Olinda Alpha Landfill, which is located approximately 10 miles from the Project Site. Haul trucks containing soils and debris would travel eastbound along Santa Ana Canyon Road to Weir Canyon Road, which is a designated truck route. Haul trucks would travel along Weir Canyon Road to Imperial Highway to Valencia Avenue to reach the landfill.

As noted above, the Olinda Alpha landfill is permitted to accept up to 8,000 tons of solid waste per day. The landfill currently accepts 7,000 tons per day on average, which means that there is 1,000 tons of remaining capacity per day at this landfill (OC Waste and Recycling 2023a). Based on coordination with OC Waste and Recycling, they have confirmed that the Olinda Alpha Landfill would have adequate capacity for the solid waste generated by the Project's construction (OC Waste and Recycling 2024a).

### **Solid Waste Generated During Operation**

A Solid Waste Management Plan has been prepared for the Project, which would be required to be adhered to as part of the Project's conditions of approval. and which provides details on waste truck circulation routes, bin and barrel storage, and how waste, recycling, and organics would be collected for each of the proposed land uses (Hunsaker & Associates 2023b). The locations of trash/recycle collection routes and pick up locations for the Project are depicted in the waste management exhibit provided as Exhibit 3-21. Internal access roads for the Project are designed to accommodate the required truck turning radii for 35-foot-long trash trucks that are likely to service the Project once built.

Using the CalEEMod data included as Appendix E, the Project would generate a total of approximately 488 tons per year or 0.001 tons (2,668 pounds) per day of solid waste during Project operations, assuming no diversion.

Furthermore, the quantities of solid waste described above does not account for state requirements as well as waste diversion programs that are implemented by the City and would be required to be implemented by the Project, including residential curbside residential green waste collection, commercial self-haul green waste, commercial organics recycling, food waste composting, waste exchange, and residential buy-back. With implementation of these requirements, the Project's impact related to this threshold would be further reduced.

As noted above, the Olinda Alpha landfill is permitted to accept up to 8,000 tons of solid waste per day. The landfill currently accepts 7,000 tons per day on average, which means that there is 1,000 tons of remaining capacity per day at this landfill (OC Waste and Recycling 2024a). Based on coordination with OC Waste and Recycling staff, they have confirmed that the County's landfill system would have adequate capacity for the solid waste generated by the Project's operations (OC Waste and Recycling 2024a).

## **Conclusion**

Therefore, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

### ***e) Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

**Less Than Significant Impact.** During construction and operation, the Project would be required to comply with applicable federal, State, and local management and reduction laws and regulations regarding the proper disposal of solid waste. Under AB 939, the Integrated Waste Management Act of 1989, the City is required to develop source reduction, reuse, recycling, and composting programs to reduce the amount of solid waste entering landfills. Local jurisdictions, including Anaheim, are mandated to divert at least 50 percent of their solid waste generation to recycling. Additionally, under SB 1838, the State Organics Law, includes targets for a 75 percent reduction in compost materials disposed in landfills by 2025 and reduction of at least 20 percent of edible food currently disposed for human consumption by 2025. The City implements municipal codes and ordinances that help to reduce the waste source and increase the diversion rate. The City program, Recycle Anaheim, consists of an automated trash collection program and a recycling and yard waste collection system. In collaboration with Republic Services, the City's franchise contractor, the City provides an automated curbside recycling program for solid waste disposal, which uses the three-can automated collection system for trash, commingled recyclable materials, and yard waste. Additionally, the City of Anaheim requires that all materials generated from construction activities be recycled to meet the 65 percent diversion rate from the landfill system.

The Project would be required to comply with federal, state, and local management and reduction statutes and regulations related to solid waste during construction and operations. Therefore, the Project would result in less than significant impacts related to this threshold, and no mitigation measures are either required or recommended.

## **4.17.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects within the City of Anaheim. These related projects are described in more detail in Table 4-1, Cumulative Projects List, which is provided in Section 4.0.

Collectively, the cumulative projects and the Project would result in increased development that would collectively increase demand for utilities and service systems including potable

water, wastewater, stormwater, electrical, telecommunications, and solid waste services. However, cumulative development occurring within the relevant geographical area, combined with the Project, would not result in significant adverse cumulative impacts to the physical capacity, service levels, or funding available because demand projections for these utilities and service systems have taken Citywide growth into consideration and planned accordingly with respect to infrastructure and improvements that can accommodate cumulative growth. Additionally, cumulative development has been and would continue to be required to adhere to all applicable federal and State laws and regulations, programs, and standards, including goals, policies, and actions discussed above, and would be required to demonstrate that sufficient capacity is available and provided by existing infrastructure prior to project approval or would be required to construct or pay the identified fair share toward any needed upgrades if existing systems are insufficient. Moreover, the Project as well as other cumulative development in the City would be required to pay for their own utility impact and connection fees and to pay ongoing usage fees to each utility provider that would be used by each of those providers for future facility improvements that are necessary to ensure adequate levels of service for these utilities. Therefore, cumulative impacts related to utilities and service systems would be less than significant.

Moreover, with respect to the Project's contribution to this already less than significant impact, as described above, the Project would not have a cumulatively considerable contribution. While development and growth under the Project would result in an increased demand on utilities and service systems as described above, each applicable utility and service system has enough existing and/or already-planned capacity to adequately serve the Project (see Impact UTIL1 through UTIL-5). Furthermore, as noted above, the Project would be required to adhere to all applicable federal and state laws and regulations, programs, and standards, including goals, policies, and actions described above. The foregoing would further ensure that the Project would not make a cumulatively considerable contribution to this already less than significant cumulative impact and no mitigation is required.

#### **4.17.6 MITIGATION PROGRAM**

No significant impacts pertaining to utilities and service systems were identified; therefore, no mitigation measures are required.

#### **4.17.7 SIGNIFICANCE AFTER MITIGATION**

Project impacts related to utilities and service systems would be less than significant and no mitigation measures are required.



*This page intentionally left blank*

---

## 4.18 **WILDFIRE**

### 4.18.1 EXISTING CONDITIONS

The Project Site and nearby vicinity are susceptible to wildfires and are designated as VHFHSZs. A full description of existing wildfire-related conditions within and near the Project Site including the vegetation, topography, and weather patterns is provided in Section 4.8.1, Hazards and Hazardous Materials, of this Draft EIR.

### 4.18.2 REGULATORY SETTING

#### **State**

##### ***California Public Resources Code***

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that use an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire prone areas.

These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (PRC Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period—from April 1 to December 1 (PRC Section 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain the appropriate fire suppression equipment (PRC Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (PRC Section 4431).

##### ***California Green Building Standards Code***

The 2022 California Green Building Standards Code (24 CCR, Part 11), also known as the CALGreen code, contains mandatory requirements and voluntary measures for new residential and nonresidential buildings (including buildings for retail, office, public schools, and hospitals) throughout California) (CBSC 2023a).

New construction in any FHSZ must comply with California Building Standards Code (CBSC) Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure. CBSC

Chapter 7A sets forth requirements pertaining to roofing; vents (covered with metal wire mesh or other materials with openings no larger than 0.125 inch); exterior coverings; floor projections; underfloor protection; exterior windows, skylights, and doors; decking; accessory structures; and use of ignition-resistant materials. (DGS 2018a).

### ***California Fire Code***

The California Fire Code, California Code of Regulations, Title 24, Part 9 includes requirements for the installation of fire sprinkler; building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures within wildfire hazard areas. In addition, the California Fire Code addresses fire flow requirements, fire hydrant spacing, and access road specifications.

California Fire Code Chapter 49, Requirements for Wildland-Urban Interface Fire Areas, sets forth requirements for hazardous vegetation and fuel management and defensible space and requires compliance with construction methods mandated in CBSC Chapter 7A (CBSC 2022a).

### ***California Emergency Response Plan***

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the California Governor's Office of Emergency Services, which coordinates the responses of other agencies. The Orange County Emergency Management Division provides emergency management and preparedness services coordinates response to emergencies to the unincorporated areas of Orange County and supports the efforts of the Orange County Operational Area. ""

## **Local**

### ***City of Anaheim General Plan – Safety Element***

The Safety Element of the City of Anaheim General Plan addresses fire hazards, geologic and seismic hazards, flood hazards, risk-reduction strategies, hazard abatement measures, and potential hazard locations throughout the City (Anaheim 2023a). An analysis of Project consistency with the goals and policies from the Safety Element that are related to hazards and hazardous materials and that are applicable to this analysis are provided in Table 4.10-1 in Section 4.10, Land Use.

### 4.18.3 THRESHOLDS OF SIGNIFICANCE

In accordance with the City of Anaheim's Environmental Checklist, the Project would result in a significant wildfire impact if it is located in or near state responsibility areas or lands classified as VHFHSZs, and would:

- 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 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 change?

### 4.18.4 IMPACT ANALYSIS

- a) *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?*
- b) *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?*

**Less Than Significant With Mitigation Incorporated.** The Project would result in an anticipated population increase of approximately 1,664 new City residents and new structures within the Project Site. The Project Site is located within a VHFHSZ and is prone to wildfire based on topography, fuels, and meteorological patterns affecting the Project Site as discussed in response to threshold (g) in Section 4.8, Hazards and Hazardous Materials. Therefore, the Project would expose additional people and structures to wildfire hazards and secondary effects when compared to existing conditions.

As detailed in the response to threshold (f) in Section 4.8, Hazards and Hazardous Materials, the Project would incorporate numerous design features that would help reduce fire risk, increase emergency access, and increase wildfire resilience with respect to the Project Site and surrounding neighborhoods. Moreover, the Project would be required to adhere to all applicable laws and regulations as well as plans and programs, including those set forth in the Building, Fire and CALGreen Codes, the General Plan, the Municipal Code, the City's Emergency Operations Plan, the Be Ready Anaheim plan, and the City's Know Your Way initiative. In addition, the Project would be required to implement **MM HAZ-4, MM HAZ-5, and MM HAZ-9.**

As required by **MM HAZ-4**, the Project would minimize potential effects to local circulation and to emergency response times and to evacuation through the preparation and implementation of an approved Construction Management Plan that would, among other things, specify the methods by which traffic would be maintained along Santa Ana Canyon Road and other local roads throughout the Project's construction process.

To improve the City's ability to more effectively manage traffic along Santa Ana Canyon Road during a future evacuation, the Project would be required to implement **MM HAZ-5**, which requires that prior to issuance of a certificate of occupancy for the first multiple-family residential unit, the Property Owner/Developer shall fund and implement closed-circuit television (CCTV) cameras at Imperial Highway/Santa Ana Canyon Road, Anaheim Hills Road/Santa Ana Canyon Road, Fairmont Boulevard/Santa Ana Canyon Road, Deer Canyon Road/Santa Ana Canyon Road, S. Festival Drive/Santa Ana Canyon Road, and Weir Canyon Road/Santa Ana Canyon Road.

As required by **MM HAZ-9**, prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of "Know Your Way" evacuation planning and protocols. The community education and outreach for the larger eastern portion of the City would help to improve the Community's understanding of "Know Your Way", which will better facilitate more efficient and safer future evacuation events.

See also the detailed discussion in Section 4.8, Hazards and Hazardous Materials, of this Draft EIR for additional analysis in this regard.

Based on the forgoing and with implementation of **MM HAZ-4**, **MM HAZ-5**, and **MM HAZ-9**, the Project would result in a less than significant impact related to these thresholds.

- c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project require 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?***

**Less Than Significant Impact.** The Project includes the installation and maintenance of infrastructure, including roads within the Project Site, as well as wet and dry utilities within the Project Site and within the existing, developed portions of Santa Ana Canyon Road just north of the Project Site. These improvements have no features about them that would substantially exacerbate wildfire risks during construction, operation, or ongoing maintenance. Electrical and gas lines serving the Project would be underground and within proposed and existing roadway rights-of-way. Moreover, as noted above, the Project would incorporate numerous design features that would help reduce fire risk, increase emergency access, and increase wildfire resilience with respect to the Project Site and surrounding neighborhoods. In addition, the Project would be required to adhere to all applicable laws and regulations as well as plans and programs, including those set forth in the Building, Fire

and CALGreen Codes, the General Plan, the Municipal Code, the City's Emergency Operations Plan, the Be Ready Anaheim plan, and the City's Know Your Way initiative.

See also the detailed discussion in Section 4.8, Hazards and Hazardous Materials, of this Draft EIR for additional analysis in this regard.

Therefore, based on the foregoing, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

***d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage change?***

**Less Than Significant Impact.** The Project Site is located upslope and directly adjacent to Santa Ana Canyon Road, which is an important arterial roadway.

### **Downslope or Downstream Flooding**

The Project would include drainage improvements to capture and convey stormwater flows that would be designed to comply with all applicable requirements and standards, which would minimize the potential for flooding downslope of the Project Site following a wildfire event. More information and analysis on the Project's effects related to hydrology and water quality are provided in Section 4.9 of this Draft EIR; see also Section 4.6, Geology and Soils.

### **Downslope or Downstream Landslides**

As part of the CEQA process for the Project, a Geotechnical Report that included an evaluation of landslide susceptibility in the Project Site was prepared and considered (see attached Appendix I). The State Zones of Required Investigation Map indicates portions of the slopes within the Project Site are mapped as having potential for earthquake-induced landslide hazard. Review of CGS Landslide Inventory reports indicate the western and northern facing slopes have a high landslide susceptibility and are considered unstable in place (CGS 2023c). The potential instability is primarily a result of adverse geologic structure and bedding in the formational materials.

The Project would include grading and the installation of retaining walls to accommodate the proposed buildings and related Project improvements. Implementation of the Project's approved grading plan, which would be required to adhere to all applicable laws and regulations, would result in stabilized slopes that would not present any significant hazards to any existing or proposed buildings due to landslides in the event of a wildfire event.

The Project's proposed buildings would be designed in accordance with all applicable requirements and standards, including provisions of the California Green Building Standards Code, which contains stringent standards regulating the design and construction of excavations, foundations, retaining walls, and other building elements to control the effects of seismic ground shaking and adverse soil conditions. Project implementation would also be required to comply with the recommendations outlined in the Geotechnical Investigation

Report prepared for the Project. Based on the Geotechnical Investigation Report, the Project is geotechnically feasible provided that the recommendations in the report are reviewed and integrated in the context of the final Project design and are incorporated during the Project's construction phase.

Slope stability evaluations are included in the Geotechnical Investigation Report and provide design procedures for global and surficial stability to avoid significant damage to proposed structures from landslides or slope instability. Slope instability at the Project Site can be properly addressed with ground anchor retaining walls and a buttress fill, as specified by the Geotechnical Investigation Report (Group Delta 2023a). Compliance with the applicable laws and regulations, and adherence to the proper grading, design, and building construction methods specified in the Geotechnical Investigation Report would avoid and/or minimize, to the extent feasible, potential impacts related to landslides. In addition, the Project would be required to adhere to all other applicable federal and State laws and regulations, programs, and standards, including those set forth in the NEHRP, Alquist-Priolo Earthquake Zoning Act, SHMA, and the CBC. Furthermore, the Project would be required to adhere to applicable goals and policies in the General Plan including, among others, those set forth in the Green Element and the Safety Element, and applicable provisions of the Municipal Code, Title 9, Chapter 9. Adherence to the foregoing laws, regulations, and programs and standards would ensure that impacts with respect to landslides would be minimized.

See also Section 4.6, Geology and Soils, of this Draft EIR for additional information and analysis in this regard.

### **Post-Fire Slope Instability and Drainage Change**

Highly combustible vegetation would be removed from all development footprints within the Project Site, which would have a significant amount of increased impervious surface in order to implement the Project. In doing so, this would help to reduce wildfire risk.

Nevertheless, given the significant open space component of the Project, much of the existing vegetation within the Project Site would remain with implementation of the Project, which has the potential to act as fuel during a wildfire event. A great deal of this vegetation that would remain is located on slopes that lead down to the proposed developed area of the Project Site. However, Anaheim Fire & Rescue has Brush Clearance and Vegetative Growth Guidelines, as well as Fuel Modification Plans and Maintenance Specifications and Requirements, as discussed above in the Regulatory Setting section. These documents provide best management practices for maintenance of brush and vegetation, as well as fuel modification design, installation, and maintenance that can reduce risk of wildfire, for which the Project would be required to comply. If a fire event were to occur on these slopes, it is possible that erosion and sedimentation could occur in rain events that would follow. If this were to occur it is reasonably foreseeable that the Property Owner/Developer would clean and maintain all catch basins and other drainage facilities to ensure their proper operation to minimize the potential for downslope flooding as part of standard maintenance typical of this type of mixed-use development. In doing so, this would help alleviate concerns regarding any potential slope instability and drainage change due to a wildfire event.

Also, see Section 4.8, Hazards and Hazardous Materials, of this Draft EIR for additional information and analysis in this regard.

## **Conclusion**

Therefore, based on the foregoing, the Project would result in a less than significant impact related to this threshold and no mitigation is required.

### **4.18.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects within the City of Anaheim. These related projects are described in more detail in Table 4-1, Cumulative Projects List, which is provided in Section 4.0.

The Project, along with other cumulative development, could increase the potential exposure of persons or the environment to hazards and hazardous materials, including common hazardous materials that would be used in the construction and operation of same; however, the use, transport, storage, and disposal of hazardous materials are regulated by numerous federal, State, and local laws and regulations including, but not limited to those set forth in or otherwise governed by the comprehensive regulatory framework detailed above, as well as applicable goals and policies of the General Plan, the Municipal Code, the City's Emergency Operations Plan, Be Ready plan, and Know the Way initiative (among others).

Furthermore, similar to the Project, other cumulative projects would be required to mitigate, to the extent necessary, any significant impacts in this regard on a project-by-project basis. With respect to potential impacts associated with impairment of or physical interference with an adopted emergency response plan or emergency evacuation plan, the Project, as well as other cumulative projects, would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to applicable goals and policies of the General Plan, the Municipal Code, the Emergency Operations Plan, the Be Ready plan and the Know the Way initiative. Regarding potential impacts associated with wildland fires, while the Project Site and vicinity is in an area of high threat to people and structures from wildland fire, each development would be required to mitigate such risks to the extent feasible on a project-by-project basis, similar to the above-described mitigation for the Project. In doing so, this could help reduce combustible fuel loads, harden structures, increase access roadways, and otherwise enhance wildfire resilience. In addition, cumulative development would be required to adhere to applicable federal, State, and local laws and regulations, including, but not limited to applicable goals and policies of the General Plan, as well as applicable provisions in the Municipal Code and Fire and Building Codes.

To avoid potential effects related to known hazardous materials sites and contaminated soils, it is reasonably foreseeable that lead agencies for each of the cumulative projects would require the developer for each of these projects provide a Phase I Environmental Site Assessment or similar documentation that provides evaluation of hazardous waste sites nearby and which recommend additional studies and/or remediation that may be needed on each of these cumulative project sites. Therefore, with implementation of standard



environmental review of each of these projects, less than significant impacts would result related to known hazardous materials sites.

None of the cumulative projects are located with an airport land use plan or within two miles of a public airport or a public use airport. Therefore, none of the cumulative projects have the potential to result in a safety hazard or in excessive noise for people residing or working in the Project Site or vicinity.

Particularly with respect to cumulative impacts associated with emergency access and evacuation, there are two cumulative projects that have the potential to increase evacuation traffic on Santa Ana Canyon Road, which are discussed below.

DEV2023-00043 consists of a project that would include approximately 450 multiple-family residential units within the Anaheim Hills Festival Specific Plan area. This project site is currently developed as a movie theater; therefore, the existing land use generates some demand for emergency evacuation routes. Using a 2.5 car per unit assumption, which is the same as was used in the Project's Evacuation Travel Time Analysis report, this cumulative project could result in up to approximately 1,125 additional cars needing to evacuate the area during an emergency, which does not account for existing traffic/people on-site associated with the movie theater use. This cumulative project is near the center of the Anaheim Hills Festival shopping center and distant from natural open space areas, and is assumed to evacuate eastbound in the event of a wildfire event, while the Proposed Project would evacuate westbound, which is consistent with Know Your Way. Therefore, this cumulative project would not substantially add to evacuation travel time for individuals in the Project Site or in evacuation zones 8, 9, 10, or 13.

DEV2020-00204 consists of a project that would include a 180-acre cemetery just east of Gypsum Canyon Road and Santa Ana Canyon Road. This project site is currently undeveloped and it therefore does not result in any evacuation demand. This cumulative project would result in visitors and employees at the cemetery site throughout each day of the week. Therefore, this project would increase demands for evacuation routes above existing conditions. Know Your Way does not cover this far east within the City of Anaheim; however, it is unlikely that users of the cemetery site would compete for evacuation routes with individuals coming from the Project Site or from other cumulative project sites given the proposed cemetery's location near the intersection of Gypsum Canyon Road and Santa Ana Canyon Road. During an evacuation event, it is likely that individuals would evacuate the cemetery by going north on Gypsum Canyon Road, then westbound on SR-91. Therefore, this cumulative project would not substantially add to evacuation travel time for individuals in the Project Site or in evacuation zones 8, 9, 10, or 13.

Except for DEV2020-00204, the cemetery project, the cumulative projects would not occur on project sites that are particularly prone to wildfire hazards. Therefore, based on the foregoing reasons, these cumulative projects would generally not result in a substantial direct fire risk to people, property, or structures. DEV2020-00204 would be required to develop any proposed structures using urban wildland interface best practices. Also, DEV2020-00204 would be required to implement fuel modification zones and other measures to minimize potential wildfire risk. Collectively, DEV2020-00204, other

cumulative developments and the Project would increase demand for fire protection from Anaheim Fire and Rescue during a future wildfire event; however, through coordination with Anaheim Fire and Rescue staff the Project's increased demand on fire department resources has been evaluated and was confirmed to not be significant. This conclusion is further supported by the above-described considerations.

Therefore, for the foregoing reasons, there would be less than significant cumulative impacts with respect to hazards and hazardous materials.

The Project would be required to implement identified mitigation to reduce impacts associated with hazardous materials, which would help to ensure that any such hazardous materials are not allowed to migrate off-site and combine with other hazardous materials handling operations. Furthermore, similar to the other cumulative developments, the Project would be required to adhere to all applicable laws, regulations, plans and policies, which would further ensure impacts in this regard are less than significant. As described above, development of the Project could increase the potential exposure of persons to hazardous materials, including hazardous building materials; however, the use, storage, and disposal of hazardous materials are regulated by various federal, State, and local laws and regulations including those described in detail above. Furthermore, the Project would be required to adhere to numerous mitigation measures and otherwise ensure compliance with all applicable laws and regulations governing hazards and hazardous materials. Moreover, the Project would be required to implement the above-described numerous design features and proactive planning and management tools intended to enhance wildfire resilience, increase safety and reduce risk to both persons and structures in the event of fire. In particular, these features, mitigation measures and programs, along with compliance with all applicable laws and regulations, would ensure that the Project would not make a cumulatively considerable contribution to this already less than significant cumulative impact, including, without limitation, those related to evacuation and emergency access.

#### **4.18.6 MITIGATION PROGRAM**

See Section 4.8, Hazards and Hazardous Materials, for mitigation measures referenced in this section.

#### **4.18.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of **MM HAZ-4**, **MM HAZ-5**, and **MM HAZ-9**, the Project would result in a less than significant impact related to wildfire.

*This page intentionally left blank*

## 5.0 ALTERNATIVES

---

The California Environmental Quality Act (CEQA) requires that an EIR describe a reasonable range of alternatives to a proposed project, or to its location, that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant environmental impacts identified for the project. A fundamental mandate of CEQA is that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project.” (PRC Section 21002 and Section 21081). Important considerations for this alternatives analysis are noted below and are incorporated herein pursuant to State CEQA Guidelines Section 15126.6.

This section includes discussion of three alternatives to the proposed Project to foster informed decisionmaking and public participation. As required under CEQA, this Draft EIR also evaluates the comparative merits of the alternatives that are carried forward for consideration. This chapter of the Draft EIR describes and evaluates project alternatives as required by CEQA. This chapter also identifies the Environmentally Superior Project Alternative as required by State CEQA Guidelines Section 15126.6(e)(2).

Under CEQA, alternatives do not need to be described or analyzed at the same level of detail as the proposed project (State CEQA Guidelines Section 15126.6(d)). However, they need to be described in enough detail to allow a comparative analysis of the alternatives against the proposed project. That is, it must be in sufficient detail for the Lead Agency to differentiate the impacts between the alternatives and to select the environmentally superior alternative.

The discussion of alternatives is subject to a rule of reason and the scope of alternatives to be analyzed must be evaluated on the facts of each case. Accordingly, analysis of the following three alternatives to the Project is provided to allow the decision-makers, interested organizations and members of the public to consider the Project in light of hypothetical alternative development options, thereby promoting CEQA’s purpose as an information disclosure statute.

This analysis is guided by the following considerations set forth under State CEQA Guidelines Section 15126.6:

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives;
  - Infeasibility; or
  - Inability to avoid significant environmental effects.

## **5.1 PROJECT OBJECTIVES**

Section 15124(b) of the State CEQA Guidelines requires “[a] statement of objectives sought by the project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and would aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits.” Not only is a project analyzed in light of its objectives, but compatibility with project objectives is one of the criteria used in selecting and evaluating a reasonable range of project alternatives. Clear project objectives simplify the selection process by providing a standard against which to measure project alternatives.

The underlying purpose of the Project is to increase the availability of housing units in Anaheim. Specifically, the Project is proposed to meet the following Project objectives:

- OBJ-1: To provide additional multiple-family residential housing in an economically viable manner in an area that is otherwise predominantly single-family residential within the eastern portion of Anaheim near existing freeway interchanges and arterial streets.
- OBJ-2: To provide opportunities for development of the proposed commercial uses in a manner that complements and serves nearby developments.
- OBJ-3: To provide a multiple-family residential use with considerable amenities, near transportation corridors, commercial uses, and public recreational amenities.
- OBJ-4: To provide a clustered development with homes and commercial uses condensed into a smaller overall footprint that considers and accommodates topographical constraints, which protects the top of ridgelines; and allows for the remaining areas of the Project Site to be retained as open space with related aesthetic, scenic, and habitat qualities.
- OBJ-5: To develop the Project Site in a manner that maintains public views from Santa Ana Canyon Road and SR-91.
- OBJ-6: To develop the Project Site in a way that improves wildfire resilience for the Project’s residents, other users, and buildings within the Project Site, as well as neighboring properties by enhancing the existing street network, and providing fuel modification relating to vegetation, and non-combustible construction areas to help prevent wildfire spread to neighboring communities.
- OBJ-7: To improve bicycle, pedestrian, and equestrian connectivity through the provision of an additional trails and street/sidewalk improvements to facilitate access to the City’s existing trail system and park/recreational amenities (including Deer Canyon Park Preserve), as well as nearby residential and commercial developments.

## **5.2     SIGNIFICANT AND UNAVOIDABLE IMPACTS FOR THE PROJECT**

As discussed within this Draft EIR, the Project would result in significant unavoidable impacts related to air quality, greenhouse gas (GHG) emissions, and transportation (VMT).

## **5.3     SELECTION OF ALTERNATIVES**

The range of alternatives and methods for selection is governed by CEQA and applicable CEQA case law. As stated in the State CEQA Guidelines Section 15126.6(a), the lead agency is responsible for selecting a range of alternatives and must disclose its reasoning for selecting those alternatives. This chapter includes the range of Project alternatives that have been selected by the City as lead agency for examination, as well as its reasoning for selecting these alternatives, as required by CEQA.

The lead agency must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public. As stated in Section 15126.6(a) of the State CEQA Guidelines and as noted above, there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. This rule is described in Section 15126.6(f) of the State CEQA Guidelines and requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. As defined in Section 15126.6(f), the rule of reason limits alternatives analyzed to those that would avoid or substantially lessen one or more of the significant effects of a project. Of those alternatives, an EIR needs to examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. As noted above, other relevant provisions in the State CEQA Guidelines state that EIRs do not need to consider every conceivable alternative to a project, nor are they required to consider alternatives that are infeasible.

The lead agency may make an initial determination as to which alternatives are potentially feasible and, therefore, merit in-depth consideration, and which are clearly infeasible. Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (State CEQA Guidelines, Section 15126.6(f)(3)).

In developing this alternatives analysis, the City, as lead agency, took into appropriate account the following:

- Identification of the Project's significant construction and operational impacts;
- Focus on finding alternatives that avoid or minimize those significant impacts;
- Consideration of any potentially feasible offsite locations;
- Consideration of any potentially feasible alternative site plans on the Project Site;
- Consideration of any potentially feasible reductions in Project size or intensity of uses;

- Consideration of any potentially feasible alternative construction methods or materials;
- Consideration of any alternative Project operations; and
- Confirmation of whether each alternative meets most of the basic project objectives.

The following analysis adheres to the foregoing requirements and is provided for each alternative to allow a meaningful comparison with the Project.

### **5.3.1 ALTERNATIVES CONSIDERED BUT REJECTED FROM FURTHER CONSIDERATION**

The State CEQA Guidelines require that an EIR identify alternatives that were considered by the lead agency but rejected as infeasible, and thus not further considered, along with a brief explanation of the reasons underlying this determination. Among the factors that may be used to eliminate alternatives from further detailed consideration in the EIR are:

1. Failure to meet most of the basic project objectives,
2. Infeasibility,
3. Inability to avoid significant environmental impacts (State CEQA Guidelines Section 15126.6(c)), or
4. Implementation of the alternative is remote and speculative and the effects cannot be reasonably ascertained.

In accordance with 15126.6(c) of the State CEQA Guidelines, alternatives were considered by the City but rejected from further analysis due to one or more of the above reasons. Specifically, the City, as lead agency, took into appropriate account the following factors when considering the potential feasibility of alternatives:

- Site suitability for the proposed use(s);
- Economic viability;
- Availability of infrastructure to serve the Project Site;
- General plan consistency, other plans or regulatory limitations; and
- Whether the proponent can reasonably acquire, control or otherwise have access to an alternative site (or the site is already owned by the proponent).

A description of each potential alternative initially considered but ultimately not further evaluated, and the rationale for it being rejected from further consideration is provided below.

## **Alternative Site Alternative**

Pursuant to Section 15126.6(f)(2) of the State CEQA Guidelines, the City considered the potential for alternative location(s) to the Project Site to construct and operate the Project. As stated in Section 15126.6(f)(2)(A) of the State CEQA Guidelines, the key question in analyzing potential alternative sites is whether any of the significant effects of the project would be avoided or substantially lessened by relocating the project. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered in the EIR. Also, in addition to the specific considerations noted above, in accordance with State CEQA Guidelines Section 1516.6(f)(3), an alternative site need not be considered when implementation is “remote and speculative,” such as when the alternative site is beyond the control of a property owner/developer.

### ***Potential Alternative Sites Considered***

There are sites within the City that could be developed or redeveloped for residential and commercial uses. For example, in terms of housing development, the Candidate Sites are identified in the City of Anaheim Housing Element for the Sixth Cycle: 2021-2029 (City of Anaheim 2024f).

The primary constraint on the feasibility of this alternative is that the Property Owner/Developer does not own, control, or otherwise have access to any other sites and the ability to assemble sufficient lands would be remote and speculative. This is particularly the case here where the Project that is contemplated incorporates substantial amounts of open space retention as well as multi-use trail and roadway network improvements. To accomplish the foregoing, the Project’s site plan involves approximately 76 acres.

However, the residential portion of the Project Site could theoretically be developed on an alternative site within the City. Therefore, potential alternative sites were initially considered, as discussed below.

### ***Ability For An Alternative Site Alternative To Meet Most Of The Project Objectives***

An alternative site that had sufficient land available to allow for the contemplated residential development of up to 498 multiple-family units as well as six large-lot estate homes would achieve the underlying purpose of the Project, which is to increase the availability of housing units in Anaheim. Also, depending on the nature of the alternative site, this alternative could partially or wholly achieve OBJ-1, OBJ-2, and OBJ-3, which are:

- OBJ-1: To provide additional multiple-family residential housing in an economically viable manner in an area that is otherwise predominantly single-family residential within the eastern portion of Anaheim near existing freeway interchanges and arterial streets.
- OBJ-2: To provide opportunities for development of the proposed commercial uses in a manner that complements and serves nearby developments.



- OBJ-3: To provide a multiple-family residential use with considerable amenities, near transportation corridors, commercial uses, and public recreational amenities.

However, depending on the nature of the alternative site, this alternative would not likely achieve most of the Project's other objectives, including, for example, the following:

- OBJ-5, which is to develop the Project Site in a manner that maintains public views from Santa Ana Canyon Road and SR-91.
- OBJ-6, which is to develop the Project Site in a way that improves wildfire resilience for the Project's residents, other users, and buildings within the Project Site, as well as neighboring properties by enhancing the existing street network, and providing fuel modification relating to vegetation, and non-combustible construction areas to help prevent wildfire spread to neighboring communities.
- OBJ-7, which is to improve bicycle, pedestrian, and equestrian connectivity through the provision of an additional trails and street/sidewalk improvements to facilitate access to the City's existing trail system and park/recreational amenities (including Deer Canyon Park Preserve), as well as nearby residential and commercial developments.

### ***Feasibility Of An Alternative Site Alternative/Implications for Environmental Impacts***

In addition to concerns about an alternative site's ability to meet most of the Project objectives (as discussed above), the City has considered but ultimately rejected from further consideration an alternative site location for the following additional reasons.

1. There is no other similarly sized site (of approximately 76 acres) within the City's municipal boundaries that could be developed with all of the Project components, including the residential and commercial uses as well as designating more than half of the lands for open space.
2. The fact that there is not a similarly sized site available for development makes sense given the economic, legal and practical challenges of land assemblage within Anaheim. The Property Owner/Developer has invested years of effort to acquire parcels from individual owners that are large enough to support the residential, commercial and open space land uses that are proposed by the Project.
3. The Property Owner/Developer does not own or control another site within the City of comparable land area, and it is not reasonable to expect them to acquire or otherwise obtain an alternative site to construct the proposed housing, commercial and open space components in the City or nearby vicinity. One of the factors for feasibility of an alternative is "whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (State CEQA Guidelines Section 15126.6(f)(1))."
4. The size and nature of the site is critical to achieving most of the Project objectives.

5. Depending on the nature of the alternative site, there may be substantial ground disturbance similar to the Project; thus, combined with potential proximity of sensitive receptors, the scope of contemplated uses, and potential limited public transit opportunities, may equate to similar environmental impacts as compared to the proposed Project.

For these reasons, relocating the Project to an alternative site is not considered “potentially feasible” and thus the City, as lead agency, has decided not to carry forward an alternative site for further consideration.

### **Single-Family Residential Development Alternative**

The City considered whether an alternative consisting solely of development of the southern portion of the Project Site with 34 single-family residences, similar to the Stonegate Project (Tentative Tract Map No. 16440) that was previously proposed and approved within a portion of the Project Site would be potentially feasible and thus warrant further evaluation.

This alternative would not include the designation of lands for open space nor would it include any multi-use trail or roadway network improvements that would occur with the proposed Project.

### ***Ability For Single-Family Residential Alternative To Meet Most Of The Project Objectives***

This alternative was dismissed given that it would fail to meet most of the Project’s objectives. For example, this alternative would not achieve OBJ-1, which is to provide additional multiple-family residential housing in an economically viable manner in an area that is otherwise predominantly single-family residential within the eastern portion of Anaheim near existing freeway interchanges and arterial streets. This alternative would also not achieve OBJ-2, which is to provide opportunities for development of the proposed commercial uses in a manner that complements and serves nearby developments. Nor would this alternative fulfill OBJ-3, which is to provide a multiple-family residential use with considerable amenities, near transportation corridors, commercial uses, and public recreational amenities. This alternative would also only partially achieve OBJ-4, which is to provide a clustered development with homes and commercial uses condensed into a smaller overall footprint that considers and accommodates topographical constraints, which protects the top of ridgelines; and allows for the remaining areas of the Project Site to be retained as open space with related aesthetic, scenic, and habitat qualities. This alternative would also not achieve OBJ-6, which is to develop the Project Site in a way that improves wildfire resilience for the Project’s residents, other users, and buildings within the Project Site, as well as neighboring properties by enhancing the existing street network, and providing fuel modification relating to vegetation, and non-combustible construction areas to help prevent wildfire spread to neighboring communities. Also, OBJ-7 would not be achieved with this alternative, which is to improve bicycle, pedestrian, and equestrian connectivity through the provision of an additional trails and street/sidewalk improvements to facilitate access to the City’s existing trail system and park/recreational amenities

(including Deer Canyon Park Preserve), as well as nearby residential and commercial developments.

### ***Feasibility Of A Single-Family Residential Development Alternative/Implications for Environmental Impacts***

The Single-Family Residential Development alternative does not to be potentially feasible, as discussed below.

It would be speculative to assume that the Single-Family Residential Development alternative would be economically feasible. While this type of custom large lot housing product could potentially be sold for comparatively higher amounts (e.g., similar residences to the west of the Project Site are listed as of July 2024 for sale between \$1.75 million and \$2.25 million each), this does not take into account significant land costs associated with the purchase of the Project Site or the substantial infrastructure costs associated with this type of development.

The lack of likely feasibility is further bolstered by the fact that a similar project has already been fully approved by the City, including CEQA coverage and an approved final map; and yet, this development has not gone forward.

Moreover, in terms of environmental impacts, while this alternative would involve an overall reduction in intensity and density, which would reduce impacts to a certain degree, this alternative would: (1) still involve substantial ground disturbance and soil export; (2) not involve the designation of additional lands for open space; (3) not involve the installation of substantial multi-use trails and related roadway network improvements that would help to enhance connectivity.

### **5.1.1 ALTERNATIVES CARRIED FORWARD FOR CONSIDERATION**

Pursuant to Section 15126.6 of the State CEQA Guidelines and as discussed further above, the City selected a reasonable range of potentially feasible alternatives to the Project that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen one or more of the effects of the Project.

The three alternatives carried forward for detailed consideration are described below in sufficient detail to allow for meaningful evaluation, analysis, and comparison of the alternatives with the Project.

#### **Alternative 1 – No Project/No Build**

##### **Description of Alternative 1**

As required by State CEQA Guidelines Section 15126.6(e)(1), a No Project/No Build alternative was considered. State CEQA Guidelines Section 15126.6(e) requires EIRs to evaluate a “No Project Alternative,” which is The No Project alternative represents conditions in the study area in the absence of approval of the proposed project (State CEQA Guidelines Section 15126.6(e)(1)).

Under Alternative 1, the No Project/No Build alternative, the Project Site would remain as mostly undeveloped lands. The existing private paved maintenance access road (“Deer Canyon Road”) that is located within the western portion of the Project Site that connects to Santa Ana Canyon Road in the north would remain. There are also private dirt access roads throughout the Project Site that would remain. The limited ongoing fuel modification activities (i.e., basic vegetation management) that would be mandated to occur within the Project Site in accordance with AMC and Anaheim Fire & Rescue requirements are assumed to continue. With Alternative 1, there would be no installation of buildings or utility/roadway/trail network improvements and the Project Site would remain in its current state.

##### ***Ability For Alternative 1 To Meet Most Of The Project Objectives***

Alternative 1 would fail to meet any of the Project’s objectives. Alternative 1 would not achieve OBJ-1, which is to provide additional multiple-family residential housing in an economically viable manner in an area that is otherwise predominantly single-family residential within the eastern portion of Anaheim near existing freeway interchanges and arterial streets. Also, Alternative 1 would also not achieve OBJ-2, which is to provide opportunities for development of the proposed commercial uses in a manner that complements and serves nearby developments. Nor would this alternative fulfill OBJ-3, which is to provide a multiple-family residential use with considerable amenities, near transportation corridors, commercial uses, and public recreational amenities. Alternative 1 would also not achieve OBJ-4, which is to provide a clustered development with homes and commercial uses condensed into a smaller overall footprint that considers and

accommodates topographical constraints, which protects the top of ridgelines; and allows for the remaining areas of the Project Site to be retained as open space with related aesthetic, scenic, and habitat qualities. Alternative 1 would also not achieve OBJ-6, which is to develop the Project Site in a way that improves wildfire resilience for the Project's residents, other users, and buildings within the Project Site, as well as neighboring properties by enhancing the existing street network, and providing fuel modification relating to vegetation, and non-combustible construction areas to help prevent wildfire spread to neighboring communities. Also, OBJ-7 would not be achieved by Alternative 1, which is to improve bicycle, pedestrian, and equestrian connectivity through the provision of an additional trails and street/sidewalk improvements to facilitate access to the City's existing trail system and park/recreational amenities (including Deer Canyon Park Preserve), as well as nearby residential and commercial developments.

### ***Feasibility Of Alternative 1***

Given that no development would occur under this alternative, Alternative 1 would not be considered to economically feasible given the substantial financial investment that the Property Owner/Developer has committed to the Project.

Furthermore, as discussed above, Alternative 1 would not meet most of the project objectives that are outlined above in Section 5.1, which is relevant since "feasibility" is evaluated through the lens of whether the alternative proposal can potentially feasibly be built while still achieving most of the project objectives.

### ***Comparison of the Environmental Effects of Alternative 1 (No Project/No Build) to the Project***

With Alternative 1, because no buildings would be constructed, no new uses would be introduced to the Project Site, and no utility, trail or roadway network infrastructure would be installed. Therefore, Alternative 1 would have fewer significant impacts than the proposed Project for all environmental topic areas.

#### **Aesthetics**

Alternative 1 would result in no temporary or permanent impacts to scenic vistas. Also, Alternative 1 would result in no impacts to the ridgelines and natural open space areas, which meet the definition of scenic resources pursuant to the City's Community Design Element, nor would Alternative 1 require the removal of any specimen trees or other vegetation within the Project Site.

The Project Site is visible from a City-designated scenic corridor, Santa Ana Canyon Road, and a State-designated scenic highway, SR-91, which are both to the north of the Project Site. Alternative 1 would result in no changes to public views of the Project Site.

Alternative 1 would involve no development; therefore, Alternative 1 would be consistent with scenic corridor requirements of the AMC.

Alternative 1 would not add any lighting or sources of glare within the Project Site.

***Therefore, Alternative 1 would result in fewer impacts related to aesthetics than the proposed Project.***

#### Air Quality

Alternative 1 would involve no construction activities; therefore, Alternative 1 would have no impact related to construction air quality emissions.

Alternative 1 would involve no changes in land uses within the Project Site that would increase or change vehicular trips to/from the Project Site; therefore, Alternative 1 would result in no impact related to operational air quality emissions.

Therefore, given it would have no temporary or permanent air quality impacts, Alternative 1 would not conflict with or obstruct implementation of any applicable air quality plan including the SCAQMD's 2022 AQMP nor would Alternative 1 result in a cumulatively considerable net increase of any criteria pollutants. Also, Alternative 1 would result in no impact related to the exposure of sensitive receptors to substantial pollutant concentrations.

***Therefore, Alternative 1 would result in fewer impacts related to air quality than the proposed Project.***

#### Biological Resources

Alternative 1 would involve no construction activities; therefore, Alternative 1 would result in no temporary removal of habitat for special status animal species. Also, Alternative 1 would result in no temporary impacts to wildlife related to human presence, noise, vibration, and dust.

Alternative 1 would involve no development. Therefore, Alternative 1 would result in no removal of vegetation within the Project Site or grading of the Project Site. No CDFW-classified sensitive natural community would be impacted by Alternative 1. No impacts to special status wildlife species would occur with Alternative 1 to species that could occur in the Project Site including Crotch's bumble bee, Coast Range newt, western spadefoot, Orange-throated whiptail, coastal California gnatcatcher, burrowing owl, and other wildlife species. Alternative 1 would result in no impacts to USFWS-designated critical habitat for coastal California gnatcatcher, which occurs on the Project Site. Alternative 1 would also result in no impacts to ephemeral streams that are located within the Project Site.

***Therefore, Alternative 1 would result in fewer impacts related to biological resources than the proposed Project.***

#### Cultural Resources

Alternative 1 would involve no construction activities such as ground disturbance or removal of structures.

***Therefore, Alternative 1 would result in fewer impacts related to cultural resources than the proposed Project.***

#### Energy

Alternative 1 would involve no construction activities that would use energy, nor would the Project result in any new land uses that would result in an increased demand for the use of energy or in new trips to/from the Project Site.

***Therefore, Alternative 1 would result in fewer impacts related to energy than the proposed Project.***

#### Geology and Soils

Alternative 1 would not result in any development within the Project Site; therefore, Alternative 1 would not expose people or structures to geological risks such as strong seismic ground shaking, seismic-related ground failure, landslides, etc.

The State Earthquake Zones of Required Investigation map indicates portions of the slopes within the Project Site are mapped with the potential for earthquake induced landslide hazard. Review of the CGS Landslide Inventory reports indicate the western and northern facing slopes within the Project Site have a high landslide susceptibility and are considered unstable. These slopes would remain with Alternative 1.

Alternative 1 would involve no drainage improvements and no stormwater capture or treatment best practices that would be implemented with the proposed Project.

Alternative 1 would involve no ground disturbance. Therefore, there is no potential for paleontological resources to be impacted by Alternative 1.

***In summary, Alternative 1 would have fewer impacts related to geology and soils than the proposed Project.***

#### Greenhouse Gas Emissions

Alternative 1 would involve no construction activities; therefore, Alternative 1 would result in no generation of GHG emissions related to construction.

Similarly, Alternative 1 would involve no changes in land uses within the Project Site that would increase or change vehicular trips to/from the Project Site or energy usage in the Project Site. Therefore, Alternative 1 would result in no impact related to operational greenhouse emissions.

***In summary, Alternative 1 would have fewer impacts related to GHG emissions than the proposed Project.***

### Hazards and Hazardous Materials

Alternative 1 would not require any construction or ground disturbance. Therefore, Alternative 1 would not result in any increased hazards related to the transport, use, or disposal of hazardous materials.

Alternative 1 would not add new buildings or additional residents, employees, or other users to the Project Site; therefore, Alternative 1 would not impair implementation or physically interfere with any adopted emergency response or evacuation plans. Alternative 1 would not result in any delays to emergency response or evacuation. Also, Alternative 1 would not develop any new buildings; therefore, Alternative 1 would not expose any new buildings or people to risk of loss, injury, or death involving wildland fires.

***In summary, Alternative 1 would have fewer impacts related to hazards and hazardous materials than the proposed Project.***

### Hydrology and Water Quality

Alternative 1 would result in no construction activities; therefore, there would be no potential for stormwater quality or stormwater quantity to change in the short-term as a result of Alternative 1.

Alternative 1 would involve no drainage improvements and no stormwater capture or treatment best practices, which would be implemented with the proposed Project. Alternative 1 would not alter the hydrology in the Project Site nor would Alternative 1 increase the amount of impervious surface within the Project Site. Therefore, Alternative 1 would have no impact related to operational hydrology and water quality.

***In summary, Alternative 1 would have fewer impacts related to hydrology and water quality than the proposed Project.***

### Land Use and Planning

Alternative 1 would involve no construction activities that would have the potential to physically divide any established communities near the Project Site. Similarly, Alternative 1 would involve no new structures; therefore, Alternative 1 would have no permanent affects related to physically divided established communities.

The Project Site is currently zoned Single-Family Residential (RS-2), Open Space (OS), and Transitional (T) (City of Anaheim 2024a). Alternative 1 would not require any discretionary actions.

Alternative 1 would not conflict with any land use plans, policies, or regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect.

***Therefore, Alternative 1 would result in fewer impacts related to land use and planning than the proposed Project.***



### Noise

Alternative 1 would result in no construction activities; therefore, Alternative 1 would not cause any construction noise effects.

Alternative 1 would result in no development in the Project Site, there would be no new trips to/from the Project Site that could change operational traffic noise. Also, Alternative 1 would involve new land uses in the Project Site that would result in any new operational noise effects.

***Therefore, Alternative 1 would result in fewer impacts related to noise than the proposed Project.***

### Population and Housing

Alternative 1 would result in no new housing being developed on the Project Site. Therefore, Alternative 1 would not induce any substantial unplanned population growth in the City. However, Alternative 1 would not provide any housing in furtherance of the City's RHNA allocation.

Alternative 1 would not require the displacement of existing housing in the Project Site nor would Alternative 1 displace any existing residents from the Project Site.

***As such, Alternative 1 would have fewer impacts related to population and housing than the proposed Project.*** Public Services

Alternative 1 would involve no construction activities; therefore, Alternative 1 would not increase demand for public services temporarily.

The Project Site already requires the provision of public services and would continue to do so under Alternative 1. However, Alternative 1 would result in no new buildings, residents, or employees in the Project Site that would increase demand for police, fire, educational, and library services as would occur with the proposed Project.

Alternative 1 would not include emergency vehicle preemption or CCTV camera installation on Santa Ana Canyon Road between Weir Canyon Road and Imperial Highway to improve public service responses, which would occur with the proposed Project.

***Therefore, Alternative 1 would have fewer impacts related to public services than the proposed Project.***

### Recreation

Alternative 1 would involve no changes in land uses within the Project Site that would increase or change demand for parks and other recreational facilities.

Alternative 1 would not provide new multi-use trails, sidewalks, and crosswalks to improve access to Deer Canyon Park Preserve as would occur with the proposed Project.

***Therefore, Alternative 1 would result in fewer impacts related to recreation than the proposed Project.***

#### Transportation

Alternative 1 would involve no construction activities; therefore, Alternative 1 would result in no trips to/from the Project Site during construction and resultant VMT. Also, there would be no temporary impacts to the transportation system with Alternative 1.

Similarly, Alternative 1 would involve no changes in land uses within the Project Site that would increase or change vehicular trips to/from the Project Site that could increase VMT in any way. However, Alternative 1 would not add sidewalks and a multi-use trail as would occur with the proposed Project.

***Therefore, Alternative 1 would result in fewer impacts related to transportation than the proposed Project.***

#### Tribal Cultural Resources

Alternative 1 would involve no ground disturbance. Therefore, there is no potential for tribal cultural resources to be affected by Alternative 1.

***In summary, Alternative 1 would have fewer impacts related to tribal cultural resources than the proposed Project.***

#### Utilities and Service Systems

Alternative 1 would involve no short-term construction activities that would require utilities.

Also, given that Alternative 1 would involve no development, operation of Alternative 1 would result in no increased usage of or demand for utilities or other service systems.

***Therefore, Alternative 1 would have fewer impacts related to utilities and service systems than the proposed Project.***

#### Wildfire

Alternative 1 would result in no changes within the Project Site that would substantially alter the likelihood or magnitude of wildfire risk or wildfire-related hazards. Alternative 1 would not introduce any people or structures into a Very High Fire Hazard Severity Zone. No changes to evacuation travel times would result from this alternative.

However, Alternative 1 would not reduce the amount of flammable vegetation in the Project Site near existing single-family residences to the west of the Project Site; would not establish and maintain fuel modification zones in the Project Site around new fire-hardened structures; would not provide new water distribution lines, fire hydrants, or fire access lanes in the Project Site.

***Therefore, Alternative 1 would have fewer impacts related to wildfire than the proposed Project.***

## **Alternative 2 – Reduced Development**

### ***Description of Alternative 2***

Alternative 2 would consist of the following development components, which would reflect a substantial reduction in the overall scope of development as compared to the proposed Project. Specifically, Alternative 2 would include:

- A maximum total of 40,000 square feet of commercial would be developed instead of 80,000 square feet of commercial as proposed for the Project.
- The six single-family residences and supporting road proposed by the Project would not be developed. This would result in a reduction of approximately 227,509 cubic yards of soil export and a reduction of approximately 10.4 acres of ground disturbance. Instead, this alternative assumes that these 10.4 acres of the Project Site would instead be rezoned as open space.
- The Property Owner/Developer would limit the number of daily users of the multiple-family residential amenities to 50 or fewer non-resident members, which would result in no more than 100 total trips per day related to this aspect of the Project, which is less than the 438 trips that the Traffic Impact Assessment assumes would result from the membership aspect of the Project (LLG 2024a).
- This alternative assumes that the other Project improvements, including multi-use trail and roadway improvements would be installed similar to the Project.

The same regulatory requirements and mitigation measures as identified for the Project are assumed to be applicable to Alternative 2.

### ***Comparative Assessment of Project Objectives Under Alternative 2***

Alternative 2 would meet all the project objectives (albeit to a lesser degree in regard to the scope of commercial uses) that are outlined above in Section 5.1, Project Objectives, and listed below. In particular, this is because Alternative 2 would involve (1) the same number and type of residential housing that would continue to be clustered and sited primarily at the lower elevations; (2) a reasonable amount of commercial uses; and (3) the significant multi-use trail and related roadway network improvements. Following are the Project objectives that are relevant to this analysis.

- OBJ-1: To provide additional multiple-family residential housing in an economically viable manner in an area that is otherwise predominantly single-family residential within the eastern portion of Anaheim near existing freeway interchanges and arterial streets.

- OBJ-2: To provide opportunities for development of the proposed commercial uses in a manner that complements and serves nearby developments.
- OBJ-3: To provide a multiple-family residential use with considerable amenities, near transportation corridors, commercial uses, and public recreational amenities.
- OBJ-4: To provide a clustered development with homes and commercial uses condensed into a smaller overall footprint that considers and accommodates topographical constraints, which protects the top of ridgelines; and allows for the remaining areas of the Project Site to be retained as open space with related aesthetic, scenic, and habitat qualities.
- OBJ-5: To develop the Project Site in a manner that maintains public views from Santa Ana Canyon Road and SR-91.
- OBJ-6: To develop the Project Site in a way that improves wildfire resilience for the Project's residents, other users, and buildings within the Project Site, as well as neighboring properties by enhancing the existing street network, and providing fuel modification relating to vegetation, and non-combustible construction areas to help prevent wildfire spread to neighboring communities.
- OBJ-7: To improve bicycle, pedestrian, and equestrian connectivity through the provision of an additional trails and street/sidewalk improvements to facilitate access to the City's existing trail system and park/recreational amenities (including Deer Canyon Park Preserve), as well as nearby residential and commercial developments.

### ***Comparison of the Environmental Effects of Alternative 2 (Reduced Development) to the Project***

#### Aesthetics

Alternative 2 would result in temporary and permanent effects to scenic vistas to a similar extent as the proposed Project.

Alternative 2 would result in a similar degree of impacts to the ridgelines and natural undeveloped areas within the Project Site, which meet the definition of scenic resources pursuant to the City's Community Design Element. While there would be less overall development on the Project Site with Alternative 2, the general locations of proposed development would continue to be sited and clustered primarily in the lower elevations under both Alternative 2 and the proposed Project.

Alternative 2 would require the removal of approximately 69 specimen trees pursuant to the AMC, which is four fewer than the 73 specimen trees that would need to be removed for the proposed Project. Alternative 2 would be required to obtain a Specimen Tree Removal Permit from the City, which would include compensation for trees to be removed similar to the Project.

Alternative 2 would also require the removal of approximately 10.4 acres less of vegetation when compared to the proposed Project including the following vegetation communities: Sagebrush - Black Sage Scrub; Sagebrush - Black Sage Scrub / Ruderal; Coyote Brush Scrub; Toyon-Sumac Chaparral; Toyon-Sumac Chaparral / Ruderal Xeric Cliff Face.

The Project Site is visible from a City-designated scenic corridor, Santa Ana Canyon Road, and a State-designated scenic highway, SR-91, which are both to the north of the Project Site. Alternative 2 would result in similar changes to public views of the Project Site from Santa Ana Canyon Road and SR-91 except there would be 40,000 square feet less of commercial development visible and more open space.

Alternative 2 would have similar visual impacts to the proposed Project for public viewpoints on Santa Ana River Trail and Yorba Regional Park, although would be reduced to a certain degree given the overall reduction in the scope of development that would occur. For public viewpoints on Eucalyptus Drive and Deer Canyon Park Preserve, Alternative 2 would result in more views of open space and fewer views of single-family residential development that would be visible from these vantage points with the proposed Project.

Alternative 2 would involve development of residential, commercial and open space uses in the Project Site that would be similar to the proposed Project but at a lesser commercial intensity and without the single-family residences in the southern portion of the Project Site. Moreover, there would be more open space with the additional 10.4 acres that would be designated as open space (as compared to single-family uses proposed under the Project.) As with the Project, Alternative 2 would require approval of several discretionary actions including but not limited to a General Plan amendment and adoption of a specific plan for Alternative 2 to be consistent with applicable zoning and other regulations governing scenic quality, including the AMC and the Community Design Element of the City's General Plan.

Alternative 2 would add lighting and sources of glare within the Project Site to a similar extent as would the proposed Project, although would be reduced to a certain degree given the overall reduction in the scope of development that would occur.

Alternative 2 would include implementation of **MM AES-1**, which requires construction fencing be installed, and **MM AES-2**, which includes requirements for construction night lighting, and **MM AES-3**, which includes screening and aesthetic treatment requirements for retaining walls visible from Santa Ana Canyon Road, and **MM BIO-11**, which contains requirements for permanent lighting within the Project Site.

***In summary, Alternative 2 would have fewer impacts related to aesthetics than the proposed Project.***

#### Air Quality

As with the proposed Project, Alternative 2 would involve construction activities that would result in air quality emissions. Alternative 2 would result in fewer construction air quality emissions than the proposed Project given that Alternative 2 would require approximately 227,509 cubic yards less of soil export from the Project Site as well as the related truck trips and resultant air quality emissions. Also, Alternative 2 does not include construction of the

six single family homes that are proposed by the Project, which would further reduce air quality emissions below the levels that were calculated for the Project and presented in Section 4.2, Air Quality, of this Draft EIR. Construction air quality emissions would also be reduced by the reduction from 80,000 square feet of commercial with the proposed Project to 40,000 square feet of commercial with Alternative 2. This reduction in the size of the commercial area for Alternative 2 would generally cut the air quality emissions from construction of the commercial uses in half when compared to the construction emission of the commercial uses that were assumed for the proposed Project.

Alternative 2 would consist of the development and operation of a maximum total of 498 new residential units and 40,000 square feet of commercial space that would result in less than significant operational air quality emissions in most respects, similar to the proposed Project. Operational air quality emissions from these uses would primarily come from vehicles coming to/from the Project Site. Using the rates provided in the Project's Traffic Impact Analysis, Alternative 2 would result in approximately 490 fewer daily trips<sup>1</sup> when compared to the proposed Project. Given the reductions in commercial square footage and residential units and related reduction in daily trips, Alternative 2 would have a lesser impact than the proposed Project related to operational air quality emissions.

Alternative 2 would include the implementation of **MM AQ-1**, which requires the use of Tier 4 offroad engines during construction, and **MM AQ-2**, which requires that the Property Owner/Developer shall use super compliant paints, and **MM TRANS-1** through **MM TRANS--5**, which require implementation of measures to reduce VMT.

***In summary, Alternative 2 would have fewer impacts related to air quality when compared to the proposed Project, which was identified as a significant unavoidable impact for the proposed Project.***

### Biological Resources

Similar to the proposed Project, Alternative 2 would involve construction activities and permanent improvements that would result in temporary and permanent impacts to biological resources. The primary difference between the proposed Project and Alternative 2 is that Alternative 2 would require the permanent removal of approximately 10.4 acres less of vegetation when compared to the proposed Project. Specifically, Alternative 2 would result in 10.4 acres fewer permanent impacts to the following vegetation communities: Sagebrush - Black Sage Scrub; Sagebrush - Black Sage Scrub / Ruderal; Coyote Brush Scrub; Toyon-Sumac Chaparral; Toyon-Sumac Chaparral / Ruderal Xeric Cliff Face. Given that these vegetation communities contain habitat for special status wildlife species, Alternative 2 would require the permanent removal of habitat for special status animal species but at a lesser extent than the proposed Project.

When compared to the proposed Project, Alternative 2 would result in fewer temporary impacts to wildlife that occur during construction that can result from increased human

<sup>1</sup> 490 fewer daily trips was determined by: (57 Daily 2-Way trips that would be eliminated by not building the single-family residential units)+(433 Daily 2-Way trips that would be eliminated by reducing from 80,000 square feet to 40,000 square feet of commercial land uses.

presence, noise, vibration, and dust given that the six single family homes in the southern portion of the Project Site would not be developed with Alternative 2, which is surrounded by undeveloped areas, some of which contains habitat for sensitive wildlife species.

Alternative 2 would result in a similar level of impacts to special status wildlife species as would occur with the proposed Project, except that Alternative 2 would result in approximately 10.4 acres less of impacts to vegetation communities. Species that could occur within these areas that would be avoided by Alternative 2 include: Crotch's bumble bee, Coast Range newt, western spadefoot, Orange-throated whiptail, coastal California gnatcatcher, burrowing owl, and other wildlife species.

The proposed Project would result in approximately 44.09 acres of impacts to USFWS-designated critical habitat for the coastal California gnatcatcher; whereas, Alternative 2 would result in approximately 33.49 acres of impacts to USFWS-designated critical habitat for coastal California gnatcatcher, which is 10.4 acres fewer of permanent impacts than the proposed Project. Furthermore, these portions of the Project Site that would be avoided by Alternative 2 are the areas of the Project Site that are nearest to the habitat in which a pair of coastal California gnatcatcher were observed mating within the Project Site in 2023.

Also, Alternative 2 would result in fewer permanent impacts (in terms of reduced acreage impacted) to ephemeral streams that are located within the southern portion of the Project Site, including Drainage 3, Drainage 4, and portions of Drainage 5. These drainages are depicted in the jurisdictional resources mapping provided in the Project's Biological Technical Report, which is provided as Appendix F.

By not developing the six single-family residences in the southern portion of the Project Site, Alternative 2 would preserve more habitat than the proposed Project, and Alternative 2 would result in reduced urban-edge impacts to natural communities and to wildlife in the southern portion of the Project Site that would have otherwise been exposed to additional lighting, human presence, noise, and other affects that would have come with the development of the six single family residences.

Alternative 2 would include implementation of **MM BIO-1** through **MM BIO-13**, which include measures to provide mitigation for impact natural communities/habitats and measures for minimizing impacts during construction and operation of the Project, including requirements for preconstruction biological surveys.

***In summary, Alternative 2 would have fewer impacts related to biological resources than the proposed Project.***

### Cultural Resources

Similar to the proposed Project, Alternative 2 would result in ground disturbance that could result in the inadvertent discovery of historical resources, archaeological resources, and/or human remains. Alternative 2 would require approximately 10.4 acres less of grading; therefore, Alternative 2 has a lower likelihood of disturbing cultural resources than the proposed Project.

Alternative 2 would include implementation of **MM CUL-1**, which specifies the protocol to follow if human remains are identified within the Project Site during construction, and **MM CUL-2**, which includes requirements for archaeological monitoring during construction.

***In summary, Alternative 2 would have fewer impacts related to cultural resources than the proposed Project.***

### Energy

As with the proposed Project, Alternative 2 would involve construction activities that would result in energy usage. Alternative 2 would result in a lesser degree of construction energy usage than the proposed Project given that Alternative 2 would require approximately 227,509 cubic yards less of soil export from the Project Site as well as the related truck trips and resultant energy usage. Also, Alternative 2 would require 10.4 acres less grading than the proposed Project and related energy usage. Also, Alternative 2 does not include construction of the six single family homes that are proposed by the Project, which would further reduce energy usage below the levels that were calculated for the Project and presented in Section 4.5, Energy, of this Draft EIR. Construction energy usage would also be reduced by the reduction from 80,000 square feet of commercial with the proposed Project to 40,000 square feet of commercial with Alternative 2. This reduction in the size of the commercial building for Alternative 2 would generally cut the energy usage from construction of the commercial uses in half when compared to the construction emission of the commercial uses that were assumed for the proposed Project.

Alternative 2 would result in the development and operation of a maximum total of 498 new residential units and 40,000 square feet of commercial space that would result in ongoing operational energy demand, similar to the proposed Project. Operational energy usage from these uses would primarily come from vehicles coming to/from the Project Site as well as from on-site energy usage. Using the rates provided in the Project's Traffic Impact Analysis, Alternative 2 would result in approximately 490 fewer daily trips when compared to the proposed Project. Alternative 2 would also include VMT reductions by limiting the number of trips for the non-resident use of amenities to a maximum of 50 round trips per day. Given the reductions in commercial square footage and residential units and related reduction in daily trips, Alternative 2 would have a lesser impact than the proposed Project related to operational energy usage.

It is assumed that **MM GHG-1** through **MM GHG-3** would be implemented as a part of Alternative 2, requiring usage of electricity instead of natural gas in most instances; on-site renewable power generation; and usage of green power offsets for electrical demand that is not generated on-site, as detailed more fully in Section 4.6, Greenhouse Gas Emissions.

***In summary, Alternative 2 would have fewer impacts related to energy than the proposed Project.***

### Geology and Soils

Similar to the proposed Project, Alternative 2 would result in new development within the Project Site, which is prone to certain geological risks including strong seismic ground



shaking, seismic-related ground failure, and landslides. However, Alternative 2 would involve approximately 10.4 acres less of development when compared to the proposed Project, which would further reduce potential water quality effects to downstream receiving waters including the Santa Ana River during construction.

As with the proposed Project, the proposed buildings for Alternative 2 would be required to be designed in accordance with applicable provisions of the California Green Building Standards Code (CBSC 2023a). The California Green Building Standards Code contains stringent standards regulating the design and construction of excavations, foundations, retaining walls, and other building elements to control the effects of seismic ground shaking and adverse soil conditions. The California Green Building Standards Code also includes provisions for earthquake safety based on factors such as occupancy type, the types of soil and rock in the Project Site, and the strength of ground motion that may occur at the Project Site. Project implementation would also be required to be consistent with the recommendations outlined in the Geotechnical Investigation Report prepared for the Project. Compliance with the applicable laws and regulations, and compliance with proper grading, design, and building construction methods specified in the Geotechnical Investigation Report and as otherwise required under applicable laws and regulations would avoid and/or minimize, to the extent feasible, potential impacts related to strong seismic ground shaking and other geotechnical hazards.

The State Earthquake Zones of Required Investigation map indicates portions of the slopes within the Project Site are mapped with the potential for earthquake induced landslide hazard. Review of the CGS Landslide Inventory reports indicate the western and northern facing slopes within the Project Site have a high landslide susceptibility and are considered unstable. These slopes would be manufactured and/or retained with Alternative 2, reducing landslide risk in these areas, except for areas in the southern portion of the Project Site that would be left in place.

Alternative 2 would involve similar drainage improvements including stormwater capture and treatment best practices to those that would be implemented with the proposed Project. A lesser amount of impervious surface would be developed as part of Alternative 2 when compared to the proposed Project given that six single-family residences, an adjacent road, and 40,000 square feet of commercial would not be developed as part of Alternative 2. Instead, these areas would remain as pervious open space.

Similar to the proposed Project, Alternative 2 would result in ground disturbance that could result in the inadvertent discovery of paleontological resources. Alternative 2 would require approximately 10.4 acres less of grading than the proposed Project; therefore, Alternative 2 has a lower likelihood of disturbing paleontological resources than the proposed Project.

Alternative 2 would include implementation of **MM GEO-1**, which includes minimum requirements and next steps related to expansive soils testing that is needed prior to issuance of a grading permit, and **MM GEO-2**, which establishes the requirements for paleontological monitoring to be followed during construction.

***In summary, Alternative 2 would have fewer impacts related to geology and soils than the proposed Project.***

#### Greenhouse Gas Emissions

As with the proposed Project, Alternative 2 would involve construction activities that would result in GHG emissions. Alternative 2 would result in a lesser degree of construction GHG emissions than the proposed Project given that Alternative 2 would require approximately 227,509 cubic yards less of soil export from the Project Site as well as the related truck trips. Also, Alternative 2 would require 10.4 acres less grading than the proposed Project and related GHG emissions. Also, Alternative 2 does not include construction of the six single-family homes that are proposed by the Project, which would further reduce construction GHG emissions below the levels that were calculated for the Project and presented in Section 4.7, Greenhouse Gas Emissions, of this Draft EIR. Construction GHG emissions would also be reduced by the reduction from 80,000 square feet of commercial with the proposed Project to 40,000 square feet of commercial with Alternative 2. This reduction in the size of the commercial area for Alternative 2 would generally cut the construction GHG emissions from the commercial uses in half when compared to the construction emission of the commercial uses that were assumed for the proposed Project.

Alternative 2 would result in the development and operation of maximum total of 498 new residential units and 40,000 square feet of commercial space that would still result in ongoing operational GHG emissions, primarily attributed to the GHG emissions from vehicles coming to/from the Project Site as well as from other sources including on-site energy usage. Using the rates provided in the Project's Traffic Impact Analysis, Alternative 2 would result in approximately 490 fewer daily trips when compared to the proposed Project, which would directly reduce GHG emissions for Alternative 2. Alternative 2 would also include GHG emissions reductions by limiting the number of trips for the non-resident use of amenities to a maximum of 50 round trips per day.

As detailed more fully in Section 4.6, Greenhouse Gas Emissions, **MM GHG-1** through **MM GHG-3** would be implemented as a part of Alternative 2, requiring usage of electricity instead of natural gas in most circumstances; on-site renewable power generation; and usage of green power offsets for electrical demand that is not generated on-site. Also, **MM TRANS-1** through **MM TRANS-5** would be implemented, which are measures to reduce VMT.

***In summary, Alternative 2 would have fewer impacts related to GHG emissions than the proposed Project.***

#### Hazards and Hazardous Materials

Similar to the proposed Project, Alternative 2 would require construction and ground disturbance that would result in increased hazards related to the transport, use, or disposal of hazardous materials. Any hazardous materials that would be transported, used, stored, and/or disposed of by the Project would be done in accordance with regulatory requirements as specified in **MM HAZ-1**, **MM HAZ-2**, and **MM HAZ-3**.

Alternative 2 would add new buildings and additional residents, employees, and other users to the Project Site; therefore, Alternative 2 would result in additional evacuation traffic. However, as with the proposed Project, Alternative 2 would not impair implementation or physically interfere with any adopted emergency response or evacuation plans. Alternative 2 would result in an increase in the time it takes to evacuate during an emergency above baseline conditions; however, Alternative 2 would result in fewer impacts than the proposed Project related to evacuation given that Alternative 2 would involve 40,000 square feet less of commercial space and six fewer single-family residences. Also, Alternative 2 would involve development of new buildings; therefore, Alternative 2 would expose these new buildings and people to risk of loss, injury, or death involving wildland fires. However, as with the proposed Project, Alternative 2 would be designed with ignition resistant construction, fuel modification zones, fire hydrants, and other measures to minimize the risk of wildfire to proposed buildings and future site users.

Alternative 2 would include implementation of **MM HAZ-4**, which requires development and implementation of a Construction Management Plan.

Also, Alternative 2 would include implementation of **MM HAZ-5** would be implemented, which requires installation of CCTV cameras at intersections along Santa Ana Canyon Road.

**MM HAZ-6** would be implemented as part of Alternative 2 to minimize wildfire risks to the residents of the existing residences west of the Project Site, which requires weed abatement along the entire western edge of the Project Site.

To facilitate quicker emergency evacuations from the Project Site, **MM HAZ-7** would be implemented as part of Alternative 2, which requires development and implementation of a project-specific wildfire evacuation and awareness plan.

As required by **MM HAZ-8**, the Property Owner/Developer shall fund and implement emergency vehicle preemption at traffic signals on Santa Ana Canyon Road from Weir Canyon Road to Imperial Highway.

Also, as required by **MM HAZ-9**, prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of “Know Your Way” evacuation planning and protocols. The community education and outreach for the larger eastern portion of the City would help to improve the Community’s understanding of “Know Your Way”, which will better facilitate more efficient and safer future evacuation events.

***In summary, Alternative 2 would have fewer impacts related to hazards and hazardous materials than the proposed Project.***

#### Hydrology and Water Quality

As with the proposed Project, Alternative 2 would involve grading and other construction activities that could result in water quality impacts. However, Alternative 2 would involve approximately 10.4 acres less of ground disturbance and approximately 227,509 cubic yards

less of soil export, which would further reduce potential water quality effects to downstream receiving waters including the Santa Ana River during construction.

Alternative 2 would involve similar drainage improvements including stormwater capture and treatment best practices to those that would be implemented with the proposed Project. A lesser amount of impervious surface would be developed as part of Alternative 2 when compared to the proposed Project given that six single family residences, an adjacent road, and 40,000 square feet of commercial would not be developed as part of Alternative 2. Instead, these areas would remain as pervious open space.

***In summary, Alternative 2 would have fewer impacts related to hydrology and water quality than the proposed Project. this Alternative and the proposed Project, impacts would be less than significant.***

#### Land Use and Planning

Similar to the proposed Project, Alternative 2 would involve no work or buildings that would have the potential to physically divide any established communities near the Project Site. Alternative 2 would still involve the development of a multi-use trail along the south side of Santa Ana Canyon Road and a sidewalk along the north side of Santa Ana Canyon Road that would improve community connectivity.

Alternative 2 would involve development of residential, commercial and open space/recreational uses in the Project Site that would be the same as the proposed Project but at a lesser commercial intensity and without the single-family residences in the southern portion of the Project Site. As with the Project, Alternative 2 would require approval of several discretionary actions including but not limited to a General Plan amendment and adoption of a specific plan to be consistent with applicable zoning and other regulations including the AMC and the Community Design Element of the City's General Plan. Accordingly, similar to the proposed Project, Alternative 1 would not result in any significant land use and planning impacts due to a conflict with existing plans, policies or other regulations adopted for the purpose of avoiding or reducing environmental impacts.

***In summary, Alternative 2 would have fewer impacts related to land use and planning than the proposed Project.***

#### Noise

As with the proposed Project, Alternative 2 would result in construction activities that would cause construction noise effects.

Once built, Alternative 2 would result in similar land uses to the proposed Project; therefore, the noise effects of Alternative 2 would be similar to the noise levels described for the proposed Project in Chapter 4.11, Noise, of this Draft EIR, which was determined to be less than significant. Per AMC Section 6.70.010, "sound created by construction or building repair of any premises within the City shall be exempt from the applications of this chapter during the hours of 7:00 a.m. to 7:00 p.m. Additional work hours may be permitted if deemed necessary by the Director of Public Works or Building Official." Construction activities for

Alternative 2 would comply with the City's construction noise limits, noise from construction activities.

Also, Alternative 2 would result in approximately 490 fewer daily trips when compared to the proposed Project, which would directly reduce operational traffic noise for Alternative 2 when compared to the proposed Project although not changing the ultimate impact conclusion. Otherwise, operations would be similar under both this Alternative and the proposed Project.

***In summary, Alternative 2 would have fewer impacts related to noise than the proposed Project.***

#### Population and Housing

Alternative 2 would result in a maximum total of 498 new housing units being developed on the Project Site. As with the proposed Project, Alternative 2 would not induce any substantial unplanned population growth in the City because the increase in housing units and resultant increase in City population that is consistent with the assumptions contained in the City and SCAG's demographic projections.

Similar to the Project, Alternative 2 would not require the displacement of existing housing in the Project Site nor would Alternative 2 displace any existing residents from the Project Site.

***In summary, Alternative 2 would result in similar impacts related to population and housing as would the proposed Project.***

#### Public Services

Alternative 2 would involve new development in the Project Site; therefore, Alternative 2 would increase demand for public services temporarily and permanently, similar to the Project.

The Project Site already requires the provision of a small degree of public services and would continue to do so under Alternative 2. However, Alternative 2 would result in new buildings, residents, and employees in the Project Site that would increase demand for police, fire, educational, and library services above the existing baseline conditions. This demand would be similarly to, albeit less than the demand generated by the Project due to the reduction in density and intensity.

Alternative 2 would include emergency vehicle preemption as required by **MM HAZ-5** and CCTV camera installation on Santa Ana Canyon Road between Weir Canyon Road and Imperial Highway as required by **MM HAZ-8**, to improve public service response time.

***In summary, Alternative 2 would have fewer impacts related to public services than the proposed Project.***

## Recreation

Alternative 2 would involve development of a maximum total of 498 new residential units and 40,000 square feet of commercial space that would increase demand for parks and other recreational facilities, albeit to a lesser degree given the reduced density/intensity as compared to the Project. It is most likely that future residents in the Project Site would use Deer Canyon Park Preserve to the greatest extent given its proximity to the Project Site for activities, such as walking, hiking, and bicycling, coupled with the enhanced access that would be provided by the Project to the Deer Canyon Park Preserve via the installation of a new multi-use trail. Future residents in the Project Site would also likely use Eucalyptus Park and Sycamore Park since these parks contain playgrounds, basketball courts, sports fields, and other amenities that would be different from the amenities anticipated to be available within the Project Site or at Deer Canyon Park Preserve.

Alternative 2 would rezone approximately 53.82 acres of the Project Site as Open Space, which is more than 70 percent of the total acreage of the Project Site. Also, as with the proposed Project, the multiple-family residential component of Alternative 2 would provide indoor amenity space, outdoor amenity space, and private balcony space for a grand total of approximately 126,922 sf, or 2.913 acres, of recreational-leisure space. The multiple-family residential building would include a rooftop deck with various indoor and outdoor amenities. For example, there would be an enclosed fitness center, locker rooms, restrooms, and a club area, as well as outdoor features such as a rooftop pool, firepits, BBQ areas, and a lounging area. The building would also include additional amenities such as a resident café, meeting and social gathering spaces, and communal resident “work from home” areas. Furthermore, the multiple-family residential uses would include two courtyards that have been incorporated into the design on its northern and southern ends of the building, which would also be landscaped with new trees, and would contain small gathering spaces with tables and chairs, small water features, and fire pits or fire tables. Also, each unit within the multiple-family residential building would also contain private balcony space, as noted above. In addition, similar to the Project, it is assumed this Alternative would involve compliance with the Anaheim Municipal Code through the payment of applicable park dedication fees in lieu of land dedication.

***In summary, Alternative 2 would have fewer impacts related to recreation than the proposed Project.***

## Transportation

Alternative 2 would result in temporary impacts to the transportation system including temporary lane closures and additional construction traffic, similar to the Project. As required by **MM HAZ-4**, potential effects to local circulation and to emergency response times and to evacuation would be minimized through the preparation and implementation of a Construction Management Plan that would specify the methods by which traffic would be maintained along Santa Ana Canyon Road and other local roads throughout the Project’s construction process.

As with the proposed Project, Alternative 2 would result in new residential units and new commercial uses on the Project Site that would generate additional vehicular trips that would result in VMT generation that is above existing baseline conditions. However, when compared to the proposed Project, Alternative 2 would result in approximately 490 fewer daily trips when compared to the proposed Project, which would directly reduce the operational VMT for Alternative 2 when compared to the proposed Project. To minimize VMT, Alternative 2 would include implementation of VMT reduction measures **MM TRANS-1** through **MM TRANS-5**.

***In summary, Alternative 2 would have fewer impacts related to transportation than the proposed Project.***

#### Tribal Cultural Resources

Similar to the proposed Project, Alternative 2 would result in ground disturbance that could result in the inadvertent discovery of tribal cultural resources. Alternative 2 would require approximately 10.4 acres less of grading; therefore, Alternative 2 has a lower likelihood of disturbing tribal cultural resources than the proposed Project.

Alternative 2 would include implementation of **MM CUL-1**, which specifies the protocol to follow if human remains are identified within the Project Site during construction, and **MM TCR-1**, which establishes requirements for tribal monitoring of Project ground disturbing activities.

***In summary, Alternative 2 would have fewer impacts related to tribal cultural resources than the proposed Project.***

#### Utilities and Service Systems

Similar to the proposed Project, Alternative 2 would involve the relocation and the connection to existing utility systems within and adjacent to the Project Site. Coordination would occur with utility providers to minimize potential for any service disruptions.

As with the proposed Project, Alternative 2 would result in increased usage of and demand for utilities and other service systems, albeit to a lesser degree given the reduced development. Coordination with utility and service providers has confirmed capacity to provide service to the proposed Project; therefore, a smaller project (Alternative 2) with less square footage of commercial and fewer residential units would also be able to be accommodated by service providers.

***In summary, Alternative 2 would have fewer impacts related to utilities and service systems than the proposed Project.***

#### Wildfire

Alternative 2 would add new buildings and additional residents, employees, and other users to the Project Site; therefore, Alternative 2 would result in additional evacuation traffic albeit less given the reduced density/intensity. However, as with the proposed Project, Alternative

2 would not impair implementation or physically interfere with any adopted emergency response or evacuation plans. Alternative 2 would result in an increase in the time it takes to evacuate during an emergency above baseline conditions; however, Alternative 2 would result in fewer impacts than the proposed Project related to evacuation given that Alternative 2 would involve 40,000 square feet less of commercial space and six fewer single-family residences. Also, Alternative 2 would involve development of new buildings; therefore, Alternative 2 would expose these new buildings and people to risk of loss, injury, or death involving wildland fires. However, as with the proposed Project, Alternative 2 would be designed with ignition resistant construction, fuel modification zones, fire hydrants, and other measures to minimize the risk of wildfire to proposed buildings and future site users.

Alternative 2 would include implementation of **MM HAZ-4**, which requires development and implementation of a Construction Management Plan.

Also, Alternative 2 would include implementation of **MM HAZ-5** would be implemented, which requires installation of CCTV cameras at intersections along Santa Ana Canyon Road.

***In summary, Alternative 2 would have fewer impacts related to wildfire than the proposed Project.***



## **Alternative 3 – No Project/Existing General Plan**

### ***Description of Alternative 3***

This Alternative 3 assumes development of the 76-acre Project Site with those uses that are currently allowed under existing General Plan designations. The Project Site currently contains a mix of General Plan land use designations which consist of Estate Density Residential; Low Density Residential; and Open Space (City of Anaheim 2023a).

For purposes of this analysis and given the somewhat general guidance associated with maximum density under several of the General Plan designations, it is assumed that a total of approximately 93 single-family detached residential units in total, consisting of lots ranging in size, including a significant number of large-lot estate homes, would be constructed. No multiple-family residential uses or commercial uses would be built. These residential units would not be clustered but rather spread throughout the approximately 76-acre Project Site. The lands currently designated as open space would remain, but no additional lands would be designated as open space. Also, while basic utility and roadway network infrastructure to serve the assumed uses would be built, this Alternative would not include the extensive multi-use trail and roadway network improvements contemplated under the Project.

The same regulatory requirements (including the City's local Scenic Corridor Overlay regulations) and similar mitigation measures as identified for the Project would be applicable to Alternative 3 to the extent triggered under CEQA.

### ***Comparative Assessment of Project Objectives Under Alternative 3***

Alternative 3 would meet certain project objectives to some degree but would not fully achieve most of the project objectives. In particular, this is because Alternative 3 (No Project/Existing General Plan and Zoning): (1) would involve no multiple-family residential uses with related amenities; (2) would involve only single-family, detached residential housing, much of which would be located on larger lots, which would not be clustered and sited primarily at the lower elevations but rather spread throughout the entire Project Site; (3) would not include any commercial uses; (4) would not include the multi-use trail and related roadway network improvements; and (5) would require substantial ground disturbance and grading across the entirety of the 76-acre Project Site, including at the higher elevations (albeit subject to applicable Scenic Corridor Overlay regulations). Moreover, the economic viability of Alternative 3 is questionable given, among other things, the inefficiencies involved in this type of low-density, single-family development on this type of topographically complicated site, substantial infrastructure costs, and potentially cost-prohibitive habitat mitigation requirements that could be imposed by applicable resource agencies.

Given the below Project objectives, the City determined that most would not be achieved under Alternative 3 (No Project/Existing General Plan and Zoning).

- OBJ-1: To provide additional multiple-family residential housing in an economically viable manner in an area that is otherwise predominantly single-family residential within the eastern portion of Anaheim near existing freeway interchanges and arterial streets.
- OBJ-2: To provide opportunities for development of the proposed commercial uses in a manner that complements and serves nearby developments.
- OBJ-3: To provide a multiple-family residential use with considerable amenities, near transportation corridors, commercial uses, and public recreational amenities.
- OBJ-4: To provide a clustered development with homes and commercial uses condensed into a smaller overall footprint that considers and accommodates topographical constraints, which protects the top of ridgelines; and allows for the remaining areas of the Project Site to be retained as open space with related aesthetic, scenic, and habitat qualities.
- OBJ-5: To develop the Project Site in a manner that maintains public views from Santa Ana Canyon Road and SR-91.
- OBJ-6: To develop the Project Site in a way that improves wildfire resilience for the Project's residents, other users, and buildings within the Project Site, as well as neighboring properties by enhancing the existing street network, and providing fuel modification relating to vegetation, and non-combustible construction areas to help prevent wildfire spread to neighboring communities.
- OBJ-7: To improve bicycle, pedestrian, and equestrian connectivity through the provision of an additional trails and street/sidewalk improvements to facilitate access to the City's existing trail system and park/recreational amenities (including Deer Canyon Park Preserve), as well as nearby residential and commercial developments.

### ***Comparison of the Environmental Effects of the Alternative 3 to the Project***

#### **Aesthetics**

Similar to the proposed Project, Alternative 3 would be developed pursuant to applicable General Plan and zoning requirements (and therefore not be in conflict in this regard), Alternative 3 would result in temporary and permanent effects to scenic resources to a greater extent than the proposed Project. As discussed further below, this is because Alternative 3 would involve traditional, low-density single-family development, much of which occurring on larger lots, spread across the entirety of the 76-acre Project Site rather than being clustered and sited primarily on the lower elevations of the Project Site.

During construction, Alternative 3 would have greater aesthetic impacts than the proposed Project because it would involve construction on a larger overall footprint with more grading, more vegetation removal, and more construction vehicles and equipment spread throughout the Project Site as compared to the proposed Project.

The 93 single-family, detached residences that would result from Alternative 3 would be spread across the entire Project Site as compared to the clustering and siting primarily on the lower elevations of the Project Site that is proposed by the Project. Therefore, development of Alternative 3 would have greater aesthetic impacts for viewers on Santa Ana Canyon Road and SR-91 than the proposed Project. These viewpoints would retain much of the Project Site as open space including scenic ridgelines within the Project Site. Alternative 3 would result in more visual impacts for public viewers from these perspectives. Also, Alternative 3 would require more grading, tree removal, and vegetation removal than the proposed Project that would result in greater aesthetic impacts.

Similar to the proposed Project, Alternative 3 would be required to adhere to the applicable local Scenic Corridor Overlay regulations.

Alternative 3 would not involve development of any structures greater than two stories within the Project Site, which would reduce aesthetic effects when compared to the proposed Project that would involve a seven-story multiple-family residential building near Santa Ana Canyon Road.

Alternative 3 would result in more impacts to the ridgelines and natural open space areas within the Project Site, which meet the definition of scenic resources pursuant to the City's Community Design Element. This is because 93 single-family residences and related improvements (including roadway and utility infrastructure) would be spread across the entire 76-acre Project Site, as compared to the proposed Project's site plan that would involve clustering and siting of development primarily at the lower elevations. Therefore, Alternative 3 would result in more impacts to scenic resources than the proposed Project.

Alternative 3 would require the removal of more specimen trees pursuant to the AMC than would the proposed Project. Both Alternative 3 and the proposed Project would be required to obtain a Specimen Tree Removal Permit from the City, which would include compensation for trees to be removed.

Alternative 3 would require the removal of more vegetation when compared to the proposed Project including the following vegetation communities: Sagebrush - Black Sage Scrub; Sagebrush - Black Sage Scrub / Ruderal; Coyote Brush Scrub; Toyon-Sumac Chaparral; Toyon-Sumac Chaparral / Ruderal Xeric Cliff Face.

The Project Site is visible from a City-designated scenic corridor, Santa Ana Canyon Road, and a State-designated scenic highway, SR-91, which are both to the north of the Project Site. Alternative 3 would result in a greater extent of visual change to public views of the Project Site from Santa Ana Canyon Road and SR-91 given that there would be more development in terms of overall coverage of the Project Site and less open space visible from the vantage points.

Alternative 3 would have similar visual impacts to the proposed Project for public viewpoints on Santa Ana River Trail and Yorba Regional Park. For public viewpoints on Eucalyptus Drive and Deer Canyon Park Preserve, Alternative 3 would result in a greater amount of development being visible than with the proposed Project, given that

development of a substantial number of single-family residences and related improvements (including roadway and utility infrastructure) would be spread across the entirety of the 76-acre Project Site, as compared to the Project's site plan that involves clustering primarily at the lower elevations.

Alternative 3 would add lighting within the Project Site to a greater extent than the proposed Project due to development being spread across the entirety of the 76-acre Project Site. Alternative 3 would not involve development of the multiple-family residential building that is proposed by the Project; therefore, glare effects would be reduced with Alternative 3 when compared to the proposed Project although under both Alternative 3 and the proposed Project, light and glare impacts would be less than significant.

Alternative 3 would include implementation of **MM AES-1**, which requires construction fencing be installed, and **MM AES-2**, which includes requirements for construction night lighting, and **MM AES-3**, which includes screening and aesthetic treatment requirements for retaining walls visible from Santa Ana Canyon Road, and **MM BIO-11**, which contains requirements for permanent lighting within the Project Site.

***In summary, Alternative 3 would result in increased impacts related to aesthetics when compared to the proposed Project.***

### Air Quality

As with the proposed Project, Alternative 3 would involve construction activities that would result in air quality emissions. Alternative 3 could require a greater amount of soil export from the Project Site as well as a similar amount of related truck trips and resultant air quality emissions given that development would not be clustered and sited primarily at the lower elevations along with the nature of the utility and roadway infrastructure that would be necessary to serve this type of traditional, detached low-density single-family residential uses. Also, even though there would be an overall reduction in density and elimination of commercial uses, Alternative 3 would require a similar amount of overall building construction given that residential uses and related infrastructure would be spread across the entirety of the 76-acre Project Site. Therefore, it is reasonable to assume that it would result in similar construction air quality emissions when compared to the proposed Project.

Alternative 3 would result in the development and operation of approximately 93 new single-family, detached residential units and related infrastructure that would result in operational air quality emissions, similar to the proposed Project. Operational air quality emissions from these new residences would primarily come from vehicles coming to/from the Project Site. Using the rates provided in the Project's Traffic Impact Analysis, Alternative 3 would result in approximately 2,362 fewer daily trips<sup>2</sup> when compared to the proposed Project. Given the reductions in daily trips, Alternative 3 would have a lesser impact than the

<sup>2</sup> 2,362 fewer daily trips with Alternative 3 was determined by: Multiplying 93 single-family dwelling units by 9.43, which is the Daily 2-Way trip generation rate for single-family detached housing from the Project's Traffic Impact Analysis, which provides a result of 877 Daily 2-Way trips for Alternative 3. Then, the 877 Daily 2-Way Trips for Alternative 3 was subtracted from 3,239, which is the total proposed Project trip generation forecast.

proposed Project related to operational air quality emissions from transportation-related sources. However, given the nature of the contemplated low-density, single family uses w

***In summary, Alternative 3 would result in reduced impacts related to air quality when compared to the proposed Project.***

### Biological Resources

Similar to the proposed Project, Alternative 3 would involve construction activities and permanent improvements that would result in temporary and permanent impacts to biological resources. The primary difference between the proposed Project and Alternative 3 is that Alternative 3 would require the permanent removal of much of the 76 acres of vegetation within the Project Site, when compared to the proposed Project, which would only result in 44.09 acres of permanent impacts to vegetation communities. This is because a substantial number of single-family residences and related improvements (including roadway and utility infrastructure) would be spread across the entirety of the 76-acre Project Site, as compared to the Project's site plan that involves clustering primarily at the lower elevations.

Specifically, Alternative 3 would result in greater permanent impacts to the following vegetation communities: Sagebrush - Black Sage Scrub; Sagebrush - Black Sage Scrub / Ruderal; Coyote Brush Scrub; Toyon-Sumac Chaparral; Toyon-Sumac Chaparral / Ruderal Xeric Cliff Face. Given that these vegetation communities contain habitat for special status wildlife species, Alternative 3 would require the permanent removal of more habitat for special status animal species than would the proposed Project.

Alternative 3 would result in similar temporary impacts to wildlife during construction as the proposed Project given the construction would still be occurring adjacent to undeveloped open space areas with habitat for special status wildlife species.

Alternative 3 would result in a greater level of impacts to special status wildlife species as would occur with the proposed Project, particularly given that Alternative 3 would result in approximately 31.91 acres more of permanent impacts to vegetation communities. Species that could occur within these areas that would be avoided by Alternative 3 include: Crotch's bumble bee, Coast Range newt, western spadefoot, Orange-throated whiptail, coastal California gnatcatcher, burrowing owl, and other wildlife species.

The proposed Project would result in approximately 44.09 acres of impacts to USFWS-designated critical habitat for the coastal California gnatcatcher; whereas, Alternative 3 would result in approximately 76 acres of impacts to USFWS-designated critical habitat for coastal California gnatcatcher. To implement Alternative 3, compensatory mitigation would need to be implemented in accordance with a Biological Opinion from the USFWS. It should be noted that there is a potential that the USFWS may not issue a Biological Opinion for the development of the entire 76-acre Project Site given that portions of the Project Site contain occupied and suitable coastal California gnatcatcher habitat. Furthermore, if USFWS were to issue a Biological Opinion for the entire 76 acres of the Project Site to be developed, it is reasonably foreseeable that this could result in Alternative 3 becoming economically

infeasible given that USFWS would reasonably require a minimum of a 1:1 compensatory mitigation ratio for impacted critical habitat, thereby making the required habitat mitigation potentially cost prohibitive (as noted above).

Also, Alternative 3 would result in more permanent impacts than would the proposed Project to ephemeral streams that are located throughout the Project Site, as depicted in the jurisdictional resources mapping provided in the Project's Biological Technical Report, which is provided as Appendix F. During the regulatory permitting process, it is reasonable to anticipate that CDFW and/or other regulatory agencies would require a minimum of 1:1 compensation for impacts to streambed areas, which would minimize the significance of these effects.

Alternative 3 would include implementation of **MM BIO-1** through **MM BIO-13**, which include measures to provide mitigation for impact natural communities/habitats and measures for minimizing impacts during construction and operation of the Project, including requirements for preconstruction biological surveys.

***In summary, Alternative 3 would result in increased impacts related to biological resources than the proposed Project.***

#### Cultural Resources

Similar to the proposed Project, Alternative 3 would result in ground disturbance that could result in the inadvertent discovery of historical resources, archaeological resources, and/or human remains. Alternative 3 would require more grading, when compared to the Project, across the entire 76-acre Project Site. Therefore, Alternative 3 has a greater likelihood of disturbing cultural resources than the proposed Project.

Alternative 3 would include implementation of **MM CUL-1**, which specifies the protocol to follow if human remains are identified within the Project Site during construction, and **MM CUL-2**, which includes requirements for archaeological monitoring during construction.

***In summary, Alternative 3 would result in increased impacts related to cultural resources than the proposed Project.***

#### Energy

As with the proposed Project, Alternative 3 would involve construction activities that would result in energy usage. Alternative 3 would result in a similar degree of construction energy usage than the proposed Project given that Alternative 3 would require more soil export from the Project Site as well as the related truck trips and resultant energy usage. Also, Alternative 3 would include construction activities for a similar amount of building square footage than is proposed by the Project because a substantial number of single-family residences and related improvements (including roadway and utility infrastructure) would be spread across the entirety of the 76-acre Project Site, as compared to the Project's site plan that involves clustering primarily at the lower elevations, which would result in similar construction and similar or lower operational energy usage to what was calculated for the Project and presented in Section 4.5, Energy, of this Draft EIR.

Alternative 3 would result in the development and operation of approximately 93 single-family, detached residential units and related infrastructure that would result in ongoing operational energy demand, similar to the proposed Project, or perhaps reduced to a certain degree given. Operational energy usage from these uses would primarily come from vehicles coming to/from the Project Site as well as from on-site energy usage. Using the rates provided in the Project's Traffic Impact Analysis, Alternative 3 would result in approximately 2,362 fewer daily trips when compared to the proposed Project. Given the reduction in daily trips, Alternative 3 would have a lesser impact than the proposed Project related to operational energy usage.

This analysis assumes that all of the single-family residences would be required to generate electricity on-site in accordance with Title 24 and other applicable requirements, which would further reduce inefficient energy usage for Alternative 3 when compared to the proposed Project.

**In summary, Alternative 3 would result in fewer impacts related to energy than the proposed Project.**

#### Geology and Soils

Similar to the proposed Project, Alternative 3 would result in new development within the Project Site, which is prone to certain geological risks including strong seismic ground shaking, seismic-related ground failure, and landslides. However, Alternative 3 would involve more grading than the proposed Project, which would further reduce potential water quality effects to downstream receiving waters including the Santa Ana River during construction.

As with the proposed Project, the assumed approximately 93 single-family, detached residences for Alternative 3 would be required to be designed in accordance with applicable provisions of the 2022 California Green Building Standards Code (CBSC 2023a). The California Green Building Standards Code contains stringent standards regulating the design and construction of excavations, foundations, retaining walls, and other building elements to control the effects of seismic ground shaking and adverse soil conditions. The California Green Building Standards Code also includes provisions for earthquake safety based on factors such as occupancy type, the types of soil and rock in the Project Site, and the strength of ground motion that may occur at the Project Site. This alternative assumes implementation would also be required to be consistent with the recommendations outlined in the relevant Geotechnical Investigation Report prepared. Compliance with the applicable laws and regulations, and compliance with proper grading, design, and building construction methods specified in the Geotechnical Investigation Report and as otherwise required under applicable laws and regulations would avoid and/or minimize, to the extent feasible, potential impacts related to strong seismic ground shaking and other geotechnical hazards.

The State Earthquake Zones of Required Investigation map indicates portions of the slopes within the Project Site are mapped with the potential for earthquake induced landslide hazard. Review of the CGS Landslide Inventory reports indicate the western and northern facing slopes within the Project Site have a high landslide susceptibility and are considered

unstable. Alternative 3 would require grading in the Project Site to achieve flat and compacted building pads throughout the Project Site, which would minimize risks of landslide susceptibility, similar to the proposed Project. Alternative 3 would require the development of an updated geotechnical report to reevaluate the grading and retaining wall that would need to be installed.

Alternative 3 would involve similar drainage improvements including stormwater capture and treatment best practices to those that would be implemented with the proposed Project. A greater amount of impervious surface would be developed as part of Alternative 3 when compared to the proposed Project given the additional roads and driveways and increase in size and number of rooftops (due to the single-family nature) that would be developed as part of Alternative 3 when compared to the proposed Project.

Similar to the proposed Project, Alternative 3 would result in ground disturbance that could result in the inadvertent discovery of paleontological resources. Alternative 3 would require more grading than the proposed Project; therefore, Alternative 3 has a greater likelihood of disturbing paleontological resources than the proposed Project.

Alternative 3 would include implementation of **MM GEO-1**, which includes minimum requirements and next steps related to expansive soils testing that is needed prior to issuance of a grading permit, and **MM GEO-2**, which establishes the requirements for paleontological monitoring to be followed during construction.

***In summary, Alternative 3 would result in increased impacts related to geology and soils than the proposed Project.***

#### Greenhouse Gas Emissions

As with the proposed Project, Alternative 3 would involve construction activities that would result in GHG emissions. For the reasons noted above, Alternative 3 would result in a similar degree of construction activities and resultant GHG emissions than the proposed Project given that Alternative 3 would require more soil export from the Project Site as well as an increase in the related truck trips and resultant GHG emissions. Also, Alternative 3 would include construction activities for a similar amount of building square footage than is proposed by the Project, which would result in there being similar (or perhaps greater) levels of construction and operational GHG emissions usage for Alternative 3 when compared with the levels that were calculated for the Project as presented in Section 4.7, Greenhouse Gas Emissions, of this Draft EIR.

Alternative 3 would result in the development and operation of approximately 93 single-family, detached residential units that would result in ongoing operational energy demand and related GHG emissions, similar to the proposed Project. Operational energy usage from these uses would primarily come from vehicles coming to/from the Project Site as well as from on-site energy usage. Using the rates provided in the Project's Traffic Impact Analysis, Alternative 3 would result in approximately 2,362 fewer daily trips when compared to the proposed Project. Given the reduction in daily trips, Alternative 3 would have a lesser impact than the proposed Project related to operational GHG emissions and related to VMT.



This analysis assumes that all of the single-family residences would be required to generate electricity on-site in accordance with Title 24 and other applicable requirements, which would further reduce GHG emissions for Alternative 3 similar to the proposed Project.

Alternative 3 would be required to implement mitigation similar to **MM TRANS-4**. **MM TRANS-4**, although would not include the multi-use trail improvements that are proposed by the Project. ***In summary, Alternative 3 would have fewer impacts related to GHG emissions than the proposed Project.***

#### Hazards and Hazardous Materials

Similar to the proposed Project, Alternative 3 would require construction and ground disturbance that would result in increased hazards related to the transport, use, or disposal of hazardous materials. Any hazardous materials that would be transported, used, stored, and/or disposed of as part of construction of Alternative 3 would be done in accordance with regulatory requirements as specified in **MM HAZ-1**, **MM HAZ-2**, and **MM HAZ-3**.

Alternative 3 would add new buildings and additional residents and other users to the Project Site; therefore, Alternative 3 would result in additional evacuation traffic. However, as with the proposed Project, Alternative 3 would not impair implementation or physically interfere with any adopted emergency response or evacuation plans. Alternative 3 would result in an increase in the time it takes to evacuate during an emergency above baseline conditions; however, Alternative 3 would result in fewer impacts than the proposed Project related to evacuation given that Alternative 3 would involve approximately 93 single-family, detached residences instead of 504 residential units overall and 80,000 square feet of commercial uses as is proposed with the Project. Also, Alternative 3 would involve development of new buildings; therefore, Alternative 3 would expose these new buildings and people to risk of loss, injury, or death involving wildland fires. However, as with the proposed Project, Alternative 3 would be designed with ignition resistant construction, fuel modification zones, fire hydrants, and other measures to minimize the risk of wildfire to proposed buildings and future site users.

Alternative 3 would include implementation of **MM HAZ-4**, which requires development and implementation of a Construction Management Plan, which would ensure adequate emergency access during construction.

Also, Alternative 3 would include implementation of **MM HAZ-5** would be implemented, which requires installation of CCTV cameras at intersections along Santa Ana Canyon Road.

**MM HAZ-6** would be implemented as part of Alternative 3 to minimize wildfire risks to the residents of the existing residences west of the Project Site, which requires weed abatement along the entire western edge of the Project Site.

To facilitate quicker emergency evacuations from the Project Site, **MM HAZ-7** would be implemented as part of Alternative 3, which requires development and implementation of a project-specific wildfire evacuation and awareness plan.

As required by **MM HAZ-8**, the Property Owner/Developer shall fund and implement emergency vehicle preemption at traffic signals on Santa Ana Canyon Road from Weir Canyon Road to Imperial Highway as part of Alternative 3.

***In summary, Alternative 3 would have fewer impacts related to hazards and hazardous materials than the proposed Project.***

#### Hydrology and Water Quality

As with the proposed Project, Alternative 3 would involve grading and other construction activities that could result in water quality impacts. However, for the reasons discussed above, Alternative 3 would involve more ground disturbance, which would further increase the potential for water quality effects to downstream receiving waters including the Santa Ana River during construction.

Alternative 3 would involve similar drainage improvements including stormwater capture and treatment best practices to those that would be implemented with the proposed Project. A greater amount of impervious surface would be developed as part of Alternative 3 when compared to the proposed Project, which would increase stormwater generation. As with the proposed Project, stormwater best management practices would be implemented for Alternative 3 to capture, convey, and detain stormwater in accordance with applicable requirements.

***In summary, Alternative 3 would result in increased impacts related to hydrology and water quality than the proposed Project.***

#### Land Use and Planning

Similar to the proposed Project, Alternative 3 would involve no work or buildings that would have the potential to physically divide any established communities near the Project Site. Alternative 3 would still involve the development of a multi-use trail along the south side of Santa Ana Canyon Road and a sidewalk along the north side of Santa Ana Canyon Road that would improve community connectivity.

Alternative 3 would involve development of residential uses in the Project Site that would be developed at a lesser intensity (i.e., fewer units per acre) than what is proposed for the Project; however, rather than being consolidated and located primarily on the lower elevations these units would be spread across most of the Project Site with Alternative 3. There would be only traditional, single-family detached residential uses and would not involve any higher-density units or any mixed uses (in the form of commercial uses).

Alternative 3: (1) would involve no multiple-family residential uses with related amenities; (2) would involve only low density single-family, detached residential housing, much of which would be located on larger lots, which would not be clustered and sited primarily at the lower elevations. Instead, the residences would be spread throughout the entire 76-acre Project Site; (3) would not include any commercial uses; (4) would not include the significant multi-use trail and related roadway network improvements; and (5) would require substantial ground disturbance and grading across the entirety of the 76-acre Project Site,

including at the higher elevations (albeit subject to applicable Scenic Corridor Overlay regulations). Moreover, the economic viability of Alternative 3 is questionable given, among other things, the inefficiencies involved in this type of low-density, single-family development on this type of topographically complicated site, substantial infrastructure costs, and potentially cost-prohibitive habitat mitigation requirements that could be imposed by applicable resource agencies.

Thus, for relevant plans and policies encouraging higher density, mix of uses; clustering of uses; protection of scenic views, ridgelines, hilltops and similar scenic resources; incorporation of a commercial component; installation of enhanced bicycle and pedestrian connectivity, etc., Alternative 3 would not be consistent in this regard and therefore may have greater land use and planning impacts.

Alternative 3 would be consistent with existing zoning and land use classifications for the Project Site. The proposed Project, with approval of several discretionary actions including a general plan amendment and adoption of a specific plan, would also be consistent with applicable General Plan land use designations and zoning.

***In summary, Alternative 3 would result in similar impacts related to land use and planning as would occur with the proposed Project.***

#### Noise

As with the proposed Project, Alternative 3 would result in construction activities that would cause construction noise effects. Construction would be spread across the Project Site with this alternative, which would expose additional receptors to higher levels of construction noise than would occur for the proposed Project.

Once built, Alternative 3 would result in residential uses in the Project Site, which is similar to what is proposed by the Project. Therefore, the noise effects of Alternative 3 would be similar to the noise levels described for the proposed Project in Chapter 4.11, Noise, of this Draft EIR, which was determined to be less than significant.

Also, Alternative 3 would result in approximately 2,362 fewer daily trips when compared to the proposed Project, which would directly reduce operational traffic noise for Alternative 3 when compared to the proposed Project.

***In summary, Alternative 3 would result in increased impacts related to construction noise than the proposed Project, and Alternative 3 would result in decreased impacts related to operational noise than the Project.***

#### Population and Housing

Alternative 3 would result in approximately 93 new single-family, detached housing units being developed in the Project Site, which is fewer than the 504 units proposed by the Project. As with the proposed Project, Alternative 3 would not induce any substantial unplanned population growth in the City because the increase in housing units and resultant

increase in City population that is consistent with the assumptions contained in the City and SCAG's demographic projections.

Alternative 3 would not require the displacement of existing housing in the Project Site nor would Alternative 3 displace any existing residents from the Project Site.

***In summary, Alternative 3 would result in a similar level of impacts related to population and housing as would the proposed Project.***

#### Public Services

Alternative 3 would involve new development in the Project Site; therefore, Alternative 3 would increase demand for public services temporarily and permanently.

The Project Site already requires the provision of public services and would continue to do so under Alternative 3. However, Alternative 3 would result in new buildings, residents, and visitors in the Project Site that would increase demand for police, fire, educational, and library services above the existing baseline conditions.

Alternative 3 would involve development of new buildings; therefore, Alternative 3 would expose these new buildings and people to risk of loss, injury, or death involving wildland fires. However, as with the proposed Project, Alternative 3 would be designed with ignition resistant construction, fuel modification zones, fire hydrants, and other measures to minimize the risk of wildfire to proposed buildings and future site users.

Alternative 3 would include implementation of **MM HAZ-4**, which requires development and implementation of a Construction Management Plan, which would ensure adequate emergency access during construction.

Also, Alternative 3 would include implementation of **MM HAZ-5** would be implemented, which requires installation of CCTV cameras at intersections along Santa Ana Canyon Road.

**MM HAZ-6** would be implemented as part of Alternative 3 to minimize wildfire risks to the residents of the existing residences west of the Project Site, which requires weed abatement along the entire western edge of the Project Site.

To facilitate quicker emergency evacuations from the Project Site, **MM HAZ-7** would be implemented as part of Alternative 3, which requires development and implementation of a project-specific wildfire evacuation and awareness plan.

As required by **MM HAZ-8**, the Property Owner/Developer shall fund and implement emergency vehicle preemption at traffic signals on Santa Ana Canyon Road from Weir Canyon Road to Imperial Highway as part of Alternative 3.

Also, as required by **MM HAZ-9**, prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of "Know Your Way" evacuation planning and protocols. Community education

and outreach for the larger eastern portion of the City would help to improve the Community's understanding of "Know Your Way", which will better facilitate more efficient and safer future evacuation events.

***In summary, Alternative 3 would result in reduced impacts related to hazards and hazardous materials than the proposed Project.***

#### Recreation

Alternative 3 would involve approximately 93 new single-family, detached residential units that would increase demand for parks and other recreational facilities when compared to the existing demand generated by the undeveloped Project Site. This Alternative would not provide enhanced access to the Deer Canyon Park Preserve via the installation of a new multi-use trail or other multi-use trail or roadway network improvements.. Future residents in the Project Site would also likely use Eucalyptus Park and Sycamore Park since these parks contain playgrounds, basketball courts, sports fields, and other amenities that would be different from the amenities anticipated to be available within the Project Site or at Deer Canyon Park Preserve.

As with the Project, Alternative 3 would be required to comply with the AMC through the payment of applicable park dedication fees in lieu of land dedication.

***In summary, Alternative 3 would result in similar impacts related to recreation as would the proposed Project.***

#### Transportation

Alternative 3 would result in temporary impacts to the transportation system including temporary lane closures and additional construction traffic. As required by **MM HAZ-4**, potential effects to local circulation and to emergency response times and to evacuation would be minimized through the preparation and implementation of a Construction Management Plan that would specify the methods by which traffic would be maintained along Santa Ana Canyon Road and other local roads throughout the Project's construction process.

As with the proposed Project, Alternative 3 would result in new residential units on the Project Site that would generate additional vehicular trips that would result in VMT generation that is above existing baseline conditions. However, when compared to the proposed Project, Alternative 3 would result in approximately 2,362 fewer daily trips when compared to the proposed Project, which would substantially reduce the operational VMT for Alternative 3 when compared to the proposed Project. Alternative 3 would be required to provide basic roadway infrastructure to serve the assumed uses although the substantial multi-use trails and related roadway network improvements proposed as part of the Project would not be developed. Thus, it is reasonable to assume the Alternative would need to implement mitigation similar to **MM TRANS-4**. However, given the lack of transit as well as the limited methods that exist for mitigating VMT for single-family residential land uses, Alternative 3 would still likely result in significant unavoidable impacts related to VMT.

***In summary, Alternative 3 would have fewer impacts related to transportation than the proposed Project.***

#### Tribal Cultural Resources

Similar to the proposed Project, Alternative 3 would result in ground disturbance that could result in the inadvertent discovery of tribal cultural resources. Alternative 3 would require more grading than the proposed Project; therefore, Alternative 3 has a greater likelihood of disturbing tribal cultural resources than the proposed Project.

Alternative 3 would include implementation of **MM CUL-1**, which specifies the protocol to follow if human remains are identified within the Project Site during construction, and **MM TCR-1**, which establishes requirements for tribal monitoring of Project ground disturbing activities.

***In summary, Alternative 3 would result in increased impacts related to tribal cultural resources than the proposed Project.***

#### Utilities and Service Systems

Similar to the proposed Project, Alternative 3 would involve the relocation and the connection to existing utility systems within and adjacent to the Project Site. Coordination would occur with utility providers to minimize potential for any service disruptions.

As with the proposed Project, Alternative 3 would result in increased usage of and demand for utilities and other service systems. Coordination with utility and service providers has confirmed capacity to provide service to the proposed Project; therefore, a smaller project (Alternative 3) with fewer residential units and no commercial component would also be accommodated by service providers. ***In summary, Alternative 3 would have fewer impacts related to utilities and service systems than the proposed Project.***

#### Wildfire

Similar to the proposed Project, Alternative 3 would require construction and ground disturbance that would result in increased hazards related to the transport, use, or disposal of hazardous materials. Any hazardous materials that would be transported, used, stored, and/or disposed of as part of construction of Alternative 3 would be done in accordance with regulatory requirements as specified in **MM HAZ-1**, **MM HAZ-2**, and **MM HAZ-3**.

Alternative 3 would add new buildings and additional residents and other users to the Project Site; therefore, Alternative 3 would result in additional evacuation traffic. However, as with the proposed Project, Alternative 3 would not impair implementation or physically interfere with any adopted emergency response or evacuation plans. Alternative 3 would result in an increase in the time it takes to evacuate during an emergency above baseline conditions; however, Alternative 3 would result in fewer impacts than the proposed Project related to evacuation given that Alternative 3 would involve approximately 93 single-family, detached residences instead of 504 residential units overall and 80,000 square feet of commercial uses as is proposed with the Project. Also, Alternative 3 would involve

development of new buildings; therefore, Alternative 3 would expose these new buildings and people to risk of loss, injury, or death involving wildland fires. Moreover, because the residential uses would be dispersed throughout the Project Site rather than clustered, this could complicate emergency access and evacuation. However, as with the proposed Project, Alternative 3 would be designed with ignition resistant construction, fuel modification zones, fire hydrants, and other measures to minimize the risk of wildfire to proposed buildings and future site users.

Alternative 3 would include implementation of **MM HAZ-4**, which requires development and implementation of a Construction Management Plan, which would ensure adequate emergency access during construction.

Also, Alternative 3 would include implementation of **MM HAZ-5** would be implemented, which requires installation of CCTV cameras at intersections along Santa Ana Canyon Road.

**MM HAZ-6** would be implemented as part of Alternative 3 to minimize wildfire risks to the residents of the existing residences west of the Project Site, which requires weed abatement along the entire western edge of the Project Site.

To facilitate quicker emergency evacuations from the Project Site, **MM HAZ-7** would be implemented as part of Alternative 3, which requires development and implementation of a project-specific wildfire evacuation and awareness plan.

As required by **MM HAZ-8**, the Property Owner/Developer shall fund and implement emergency vehicle preemption at traffic signals on Santa Ana Canyon Road from Weir Canyon Road to Imperial Highway as part of Alternative 3.

Also, as required by **MM HAZ-9**, prior to issuance of a certificate of occupancy, the Property Owner/Developer shall participate through the payment of a fair share contribution to Anaheim Fire and Rescue to support education and outreach including community exercises in support of “Know Your Way” evacuation planning and protocols. The community education and outreach for the larger eastern portion of the City would help to improve the Community’s understanding of “Know Your Way”, which will better facilitate more efficient and safer future evacuation events.

***In summary, Alternative 3 would result in similar impacts related to wildfire to the proposed Project.***

## **5.1.2 ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

State CEQA Guidelines Section 15126.6(e)(2) indicates that an analysis of alternatives to a project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

The State CEQA Guidelines also state that should it be determined that the “no project” alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives.

A comparative summary of the environmental impacts associated with each alternative is provided in Table 5-1, Comparison of Alternatives. As shown, Alternative 1, the No Project/No Build alternative, would be the environmentally superior alternative, and Alternative 2, the Reduced Development alternative, would be the environmentally superior build alternative.



**TABLE 5-1  
COMPARISON OF ALTERNATIVES**

<b>Resource Topic</b>	<b>Proposed Project</b>	<b>Alternative 1 No Project/ No Build</b>	<b>Alternative 2 Reduced Development</b>	<b>Alternative 3 Existing General Plan</b>
Aesthetics	Less Than Significant With Mitigation Incorporated	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Increased Impacts Than The Proposed Project
Air Quality	Significant and Unavoidable Impact	Fewer Impacts Than The Proposed Project*	Fewer Impacts Than The Proposed Project*	Similar Impacts To The Proposed Project*
Biological Resources	Less Than Significant With Mitigation Incorporated	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Increased Impacts Than The Proposed Project
Cultural Resources	Less Than Significant With Mitigation Incorporated	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Increased Impacts Than The Proposed Project
Energy	Less Than Significant With Mitigation Incorporated	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project
Geology and Soils	Less Than Significant With Mitigation Incorporated	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Increased Impacts Than The Proposed Project
Greenhouse Gas Emissions	Significant and Unavoidable Impact	Fewer Impacts Than The Proposed Project*	Fewer Impacts Than The Proposed Project*	Fewer Impacts Than The Proposed Project*
Hazards and Hazardous Materials	Less Than Significant With Mitigation Incorporated	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project
Hydrology and Water Quality	Less Than Significant Impact	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Increased Impacts Than The Proposed Project
Land Use and Planning	Less Than Significant Impact	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Similar Impacts To The Proposed Project
Noise	Less Than Significant Impact	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Increased Construction Impacts Than The Proposed Project Fewer Operational Impacts Than The Proposed Project
Population and Housing	Less Than Significant Impact	Fewer Impacts Than The Proposed Project	Similar Impacts To The Proposed Project	Similar Impacts To The Proposed Project
Public Services	Less Than Significant With Mitigation Incorporated	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project
Recreation	Less Than Significant Impact	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Similar Impacts To The Proposed Project
Transportation	Significant and Unavoidable Impact	Fewer Impacts Than The Proposed Project*	Fewer Impacts Than The Proposed Project*	Fewer Impacts Than The Proposed Project*
Tribal Cultural Resources	Less Than Significant With Mitigation Incorporated	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Increased Impacts Than The Proposed Project
Utilities and Service Systems	Less Than Significant Impact	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project
Wildfire	Less Than Significant With Mitigation Incorporated	Fewer Impacts Than The Proposed Project	Fewer Impacts Than The Proposed Project	Similar Impacts To The Proposed Project
* An asterisk denotes a significant impact for the proposed Project that would be reduced or eliminated by an alternative.				

## 6.0 LIST OF PREPARERS

---

### 6.1 CITY OF ANAHEIM

#### **PLANNING AND DEVELOPMENT DEPARTMENT SERVICES/PLANNING**

Heather Allen, AICP ..... Deputy Planning and Building Director

Nick Taylor, AICP ..... Principal Planner

#### **ANAHEIM FIRE & RESCUE**

Lindey Young..... Fire Marshal

David Rodriguez..... Assistant Fire Marshal

#### **ANAHEIM POLICE DEPARTMENT**

Richard LaRochelle ..... Lieutenant

#### **COMMUNITY SERVICES DEPARTMENT**

JJ Jimenez..... Parks Manager

#### **ANAHEIM PUBLIC WORKS DEPARTMENT**

Rafael Cobian, T.E., LEED GA ..... City Traffic Engineer

David Kennedy, P.E. .... Associate Transportation Planner

Shawn Azarhoosh, P.E. .... Principal Civil Engineer

Mike Eskander ..... Development Services Manager

Gidti Ludesirishoti, P.E. .... Water Resources Engineer

## 6.2 CONSULTANTS

### PSOMAS

Jennifer Marks..... Principal-in-Charge  
Sean Noonan..... Project Manager/Environmental Planner  
Tin Cheung..... Air Quality, Climate Change, and Noise Manager  
Amber Heredia ..... Biological Resources Manager  
Charles Cisneros..... Cultural Resources Manager  
Jordan Werkmeister..... Environmental Planner  
Bryan Hamilton ..... Environmental Planner  
Jennie Ramirez..... GIS Analyst  
Sheryl Kristal..... Senior Word Processor  
Danaé Overman..... Technical Editor

## 7.0 REFERENCES

---

- Anaheim, City of. 2024. PropertyInfo (mapping application). Anaheim, CA: City of Anaheim. <https://www.anaheim.net/1002/Property-Info>
- . 2024a. Anaheim Municipal Code. Anaheim, CA: City of Anaheim. [https://codelibrary.amlegal.com/codes/anaheim/latest/anaheim\\_ca/0-0-0-51668](https://codelibrary.amlegal.com/codes/anaheim/latest/anaheim_ca/0-0-0-51668).
- . 2024b. Will Serve Letter From Anaheim Public Utilities Department for Electrical Services. Anaheim, CA: City of Anaheim.
- . 2024c. Will Serve Letter From Anaheim Public Utilities Department for Potable Water Services. Anaheim, CA: City of Anaheim.
- . 2024d. Be Ready Anaheim – Know the Hazards (web mapper). Anaheim, CA: City of Anaheim. [https://gis.anaheim.net/portal/apps/experiencebuilder/experience/?data\\_id=dataSource\\_5-185883536ff-layer-10%3A10&id=18a98741d67f49ccb4021813182688be&page=Be-Ready-Anaheim&views=Very-High-Fire-Severity](https://gis.anaheim.net/portal/apps/experiencebuilder/experience/?data_id=dataSource_5-185883536ff-layer-10%3A10&id=18a98741d67f49ccb4021813182688be&page=Be-Ready-Anaheim&views=Very-High-Fire-Severity)
- . 2024e. Fuel Modification Plans and Maintenance Specifications & Requirements. Anaheim, CA: City of Anaheim.
- . 2024f. 2021-2029 Draft Housing Element. Anaheim, CA: City of Anaheim. <https://anaheim.net/5998/2021-2029-Draft-Housing-Element>.
- . 2024g. Hills Preserve Specific Plan. Anaheim, CA: City of Anaheim.
- . 2024h. Construction and Demolition Requirement. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/DocumentCenter/View/50775/C-and-D-Handout-and-List-of-Facilities-080923>
- . 2023c. Know Your Way. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/5204/Know-Your-Way>
- . 2023e. Fire Station Locations. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/650/Station-Locations>.
- . 2023f. Anaheim Police Department: Locations. Anaheim, CA: City of Anaheim. <https://anaheim.net/363/Locations>.
- . 2023g. Anaheim Public Library: Library Locations and Hours. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/903/Locations-Hours>.
- . 2023h. Anaheim Public Utilities Department: About Electric Services. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/2104/About-Electric-Services>.

- . 2022a. City of Anaheim Zoning, Title 18. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/DocumentCenter/View/1871/Zoning-Map?bidId=>.
- . 2022b. Be Ready Anaheim: Local Hazard Mitigation Plan. Anaheim, CA: City of Anaheim. <https://anaheim.net/DocumentCenter/View/48820/Anaheim-LHMP-Plan-2022>
- . 2020a. 2020 Urban Water Management Plan. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/DocumentCenter/View/37199/Anaheim-2020-UWMP?bidId=>
- . 2020b. City of Anaheim Traffic Impact Analysis Guidelines for California Environmental Quality Act Analysis. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/DocumentCenter/View/32774/City-of-Anaheim-TIA-Guidelines-for-CEQA-Analysis-62020>
- . 2018a. Parks For Life. Anaheim Parks Plan. Anaheim, CA: City of Anaheim. [https://www.anaheim.net/DocumentCenter/View/33927/Anaheim-Parks-Plan---Final---5-21-2018\\_low-res](https://www.anaheim.net/DocumentCenter/View/33927/Anaheim-Parks-Plan---Final---5-21-2018_low-res)
- . 2017a. Emergency Operations Plan. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/DocumentCenter/View/21657/City-of-Anaheim-EOP-2017>.
- . 2017b. Bicycle Master Plan. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/DocumentCenter/View/33379/2020-Bicycle-Master-Plan-and-Appendices>
- . 2017c. Specification for Street Lighting Systems. Anaheim, CA: City of Anaheim.
- . 2017d. Brush Clearance and Vegetative Growth Guideline. Anaheim, CA: City of Anaheim.
- . 2010a. Citywide Historic Preservation Plan. Anaheim, CA: City of Anaheim. <https://anaheim.net/DocumentCenter/View/1485/Citywide-Historic-Preservation-Plan-?bidId=>
- . 2004a. General Plan, Community Design Element. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/DocumentCenter/View/2030/L-Community-Design-Element-?bidId=>
- . 2004b. General Plan, Green Element. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/DocumentCenter/View/9521/F-Green-Element?bidId=>

- 
- . 2004c. General Plan Safety Element. Anaheim, CA: City of Anaheim. [https://www.anaheim.net/DocumentCenter/View/47834/Safety-Element\\_01102023](https://www.anaheim.net/DocumentCenter/View/47834/Safety-Element_01102023).
- . 2004d. Final Anaheim General Plan and Zoning Code Update Environmental Impact Report No. 330 (SCH #2003041105, prepared by The Planning Center). Section 5.14 Recreation. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/DocumentCenter/View/2196/514-Recreation-?bidId=>.
- . 2004e. General Plan, Circulation Element. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/DocumentCenter/View/9520/D-0-Circulation-Element?bidId=>
- . 2004f. General Plan, Public Services and Facilities Element. Anaheim, CA: City of Anaheim. <https://www.anaheim.net/DocumentCenter/View/2038/G-Public-Services-and-Facilities-Element-?bidId=>
- . 1990a. Deer Canyon Off-Site Sanitary Sewer Plans for The Highlands at Anaheim Hills.
- Anaheim Fire and Rescue. 2024a. Correspondence With David Rodriguez Related to Analyses in the Draft EIR relating to: Hazards/Hazardous Materials; Public Services; Transportation; and Wildfire. Anaheim, CA: Anaheim Fire and Rescue.
- Anaheim Police Department. 2024a. Correspondence With Mark Berger Related to Analyses in the Draft EIR relating to: Hazards/Hazardous Materials; Public Services; Transportation; and Wildfire. Anaheim, CA: APD.
- Anderson et al. 2024a. California Wildfire History map (based on data provided by CalFire). Sacramento, CA: Anderson et al. <https://projects.capradio.org/california-fire-history/#6/38.58/-121.49>
- Black et al. 2017a. Wildfire Smoke Exposure and Human Health. Published in the National Library of Medicine. Bethesda, Maryland: Black et al. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5628149/>
- BrightView. 2023a. Overall Landscape Area Exhibits. (Provided within this Draft EIR as Exhibit 3-2). Irvine, CA: BrightView.
- CA Lands. 2023a. California Protected Area Database (CPAD). Sacramento, CA: CA Lands. <https://www.calands.org/>
- California, State of. 2022a. California Code of Regulations. Sacramento, CA. <https://oal.ca.gov/publications/ccr/>
- . 2022b. California Public Resources Code. Sacramento, CA. [https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PRC&division=2.&title=&part=&chapter=9.&article=6](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=2.&title=&part=&chapter=9.&article=6).
-

- California Air Pollution Control Officers Association (CAPCOA). 2023. California Emission Estimator Model (CalEEMod)™ Version 2022.1.1.20, Developed by Trinity Consultants in Collaboration with SCAQMD and other California Air Districts. Sacramento, CA: CAPCOA. <https://caleemod.com/>
- . 2010 (August). Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures. Sacramento, CA: CAPCOA. <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.
- California Air Resources Board (CARB). 2024a. Current California GHG Emission Inventory Data. Sacramento, CA: CARB. <https://ww2.arb.ca.gov/ghg-inventory-data>
- . 2022a. California Air Resources Board 2022 Scoping Plan Documents. Sacramento, CA.  
<https://ww2.arb.ca.gov/resources/documents/2022-scoping-plan-documents>
- . 2021a. Glossary of Air Pollution Terms. Sacramento, CA: CARB. <http://www.arb.ca.gov/html/gloss.htm>.
- . 2021b. California's Greenhouse Gas Vehicle Emission Standards under Assembly Bill 1493 of 2002 (Pavley). <https://ww2.arb.ca.gov/californias-greenhouse-gas-vehicle-emission-standards-under-assembly-bill-1493-2002-pavley>.
- . 2021c. Advanced Clean Cars Program. <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/about>.
- . 2019a.
- . 2017. California's 2017 Climate Change Scoping Plan. Sacramento, CA: CARB. <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2017-scoping-plan-documents>
- . 2016. Ambient Air Quality Standards. Sacramento, CA: CARB. <https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf>
- . 2014. First Update to the Climate Change Scoping Plan: Building on the Framework. Sacramento, CA: CARB. <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan>.
- . 2008. AB32 Climate Change Scoping Plan. Sacramento, CA: CARB.  
<https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2008-scoping-plan-documents>

- 
- California Building Standards Commission (CBSC). 2023a. California Green Building Standards Code (Cal. Code Regs., Title 24, Part 11). Sacramento, CA: CBSC. <https://up.codes/viewer/california/ca-green-code-2022>
- . 2022a. California Green Building Standards Code (Cal. Code Regs., Title 24, Part 11). <http://www.bsc.ca.gov/Home/CALGreen.aspx>.
- California Department of Conservation, California Geological Survey (CGS). 2023a. State Mining and Geology Board. Guidelines For Classification and Designation of Mineral Lands. Sacramento, CA: CGS. <https://www.conservation.ca.gov/smgb/Guidelines/Documents/ClassDesig.pdf>.
- . 2023b. CGS Information Waterhouse: Mineral Land Classification. Sacramento, CA: CGS. <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>.
- . 2023c. California Seismic Hazards Zone Mapper. Sacramento, CA: CGS. <https://www.conservation.ca.gov/cgs/shma>
- . 2023d. Landslide Inventory. Sacramento, CA: CGS. <https://maps.conservation.ca.gov/cgs/lsi/>
- California Department of Conservation (DOC), Farmland Mapping and Monitoring Program. 2024a. California Important Farmland Finder. Sacramento, CA: DOC. <https://maps.conservation.ca.gov/DLRP/CIFF/>.
- . 2024b. Naturally-Occurring Asbestos in California (website and PDF maps). Sacramento, CA: DOC. <https://www.conservation.ca.gov/cgs/minerals/mineral-hazards/asbestos>
- California Department of Education. 2023a. DataQuest. Sacramento, CA: California Department of Education. <https://www.cde.ca.gov/ds/ad/dataquest.asp>
- . 2010a. Climate Action Team. <https://calepa.ca.gov/climate-action/>
- California Department of Parks and Recreation. 2021a. Chino Hills State Park. Sacramento, CA: California State Parks. [https://www.parks.ca.gov/?page\\_id=648](https://www.parks.ca.gov/?page_id=648).
- California Department of Public Health. 2024a. Valley Fever (website). Sacramento, CA: CDPH. <https://www.cdph.ca.gov/Programs/CID/DCDC/pages/Coccidioidomycosis.aspx>
- . 2024b. Valley Fever in California Dashboard. Sacramento, CA: CDPH. <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ValleyFeverDashboard.aspx>



## References

---

- California Department of Resources Recycling and Recovery (CalRecycle). 2023a. Mandatory Commercial Recycling. Sacramento, CA: CalRecycle. <https://calrecycle.ca.gov/recycle/commercial/>
- . 2023b. Mandatory Commercial Organics Recycling. Sacramento, CA: CalRecycle. <https://calrecycle.ca.gov/recycle/commercial/organics/>.
- . 2023c. California's Short-Lived Climate Pollutant Reduction Strategy. Sacramento, CA: CalRecycle. <https://calrecycle.ca.gov/organics/slcp/>.
- . 2019a. SWIS Facility/Site Activity Details: Olinda Alpha Landfill (30-AB-0035). Sacramento, CA: CalRecycle. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2757?siteID=2093>.
- . 2019b. SWIS Facility/Site Activity Details: Frank R. Bowerman Sanitary LF (30-AB-0360). Sacramento, CA: CalRecycle. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2767?siteID=2103>.
- California Department of Transportation (Caltrans). 2024a. Standard Environmental Reference. Sacramento, CA: Caltrans. <https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser>
- . 2023a. California Scenic Highway Mapping System. Sacramento, CA: Caltrans. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>
- . 2018a. Affordable Housing Trip Generation Strategies and Rates. Sacramento, CA: Caltrans. <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/ca18-2465-finalreport-a11y.pdf>
- California Department of Transportation. University of California Davis (UCD), Institute of Traffic Studies (ITS). 1997 (December, as revised). Transportation Project-Level Carbon Monoxide Protocol (Prepared for Environmental Program California Department of Transportation by V.J. Garza, P. Graney, and D. Sperling with revisions by D. Niemeier, D. Eisinger, T. Kear, D. Chang, and Y. Meng). Davis, CA: ITS. <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/co-protocol-searchable-a11y.pdf>
- California Department of Water Resources (DWR). 2023a. California Water Plan Update 2023. Sacramento, CA: DWR. <https://water.ca.gov/Programs/California-Water-Plan/Update-2023>.
- . 2023b. (Dam) Inundation Maps. Sacramento, CA: DWR. <https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams/Inundation-Maps>

- 
- . 2020a. California Groundwater Bulletin 118: Coastal Plain of Orange County Groundwater Basin. Sacramento, CA: DWR. [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/8\\_001\\_CoastalPlainofOrangeCounty.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/8_001_CoastalPlainofOrangeCounty.pdf)
- . 2019a. (June). California Water Plan Update 2018. Sacramento, CA: DWR. <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/California-Water-Plan/Docs/Update2018/Final/California-Water-Plan-Update-2018.pdf>.
- California Energy Commission (CEC). 2022. 2022 Building Energy Efficiency Standards. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency#:~:text=Building%20Energy%20Efficiency%20Standards%20-%20Title%2024%202022,a%20vital%20pillar%20of%20California%E2%80%99s%20climate%20action%20plan.>
- . 2021a. Clean Energy and Pollution Reduction Act—SB 350. Sacramento, CA: CEC. <https://www.energy.ca.gov/rules-and-regulations/energy-suppliers-reporting/clean-energy-and-pollution-reduction-act-sb-350>.
- . 2021b. SB 100 Joint Agency Report. Sacramento, CA: CEC. <https://www.energy.ca.gov/sb100>.
- California Environmental Protection Agency. 2024a. Summary of Projected Climate Change Impacts on California. Sacramento, CA: California EPA. <https://climateresilience.ca.gov/overview/impacts.html>
- CALFIRE. 2011a. Very High Fire Hazard Severity Zones in LRA as Recommended by CALFIRE for Orange County. Sacramento, CA: CALFIRE. <https://ocds.ocpublicworks.com/sites/ocpwoeds/files/import/data/files/8755.pdf>
- California Geologic Energy Management Division (CalGEM). 2023a. Well Finder. Sacramento, CA: CGS. <https://maps.conservation.ca.gov/doggr/wellfinder/>.
- California Natural Resources Agency (CNRA). 2009a. 2009 California Climate Adaptation Strategy. Sacramento, CA: CNRA. [https://resources.ca.gov/CNRALegacyFiles/docs/climate/Statewide\\_Adaptation\\_Strategy.pdf](https://resources.ca.gov/CNRALegacyFiles/docs/climate/Statewide_Adaptation_Strategy.pdf)
- . 2009b. Final Statement of Reasons for Regulatory Action. [https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final_Statement_of_Reasons.pdf)
- City of Anaheim Community Services Department. 2024a. Correspondence With JJ Jimenez Related to Public Service Findings. Anaheim, CA: Anaheim Community Services Department.
-

- Cochrane et al. 2012a. Estimation of wildfire size and risk changes due to fuels treatments. [https://www.fs.usda.gov/rm/pubs\\_other/rmrs\\_2012\\_cochrane\\_m001.pdf](https://www.fs.usda.gov/rm/pubs_other/rmrs_2012_cochrane_m001.pdf)
- Department of General Services, Building Standards Commission (CBSC). 2022. 2022 California Green Building Standards Code (CALGreen). Sacramento, CA: CBSC. <https://codes.iccsafe.org/content/CAGBC2022P1>
- Federal Emergency Management Agency. 2024a. Conditions Affecting Wildfires (webpage). Washington, DC: FEMA. <https://emilms.fema.gov/IS320/WM0102030text.htm>
- . 2021a. Flood Insurance Rate Map (FIRM) Panel 06059C0168J. Washington, DC: FEMA.
- Fire Safe Planning Solutions. 2024a. Preliminary Fire Protection Plan. San Juan Capistrano, CA: Fire Safe Planning Solutions.
- GHD. 2024a. City of Anaheim Hills Preserve (SALT) Development Sewer Analysis. Sewer Analysis Model Results. Irvine, CA: GHD.
- Google Maps. 2024a. Aerial Imagery. Mountain View, CA: Google Maps.
- Group Delta. 2024a. Geotechnical Investigation Report – The Hills Club and Preserve & Hills Office/Retail Park – Anaheim, California. Irvine, CA: Group Delta.
- Guardian. 2022a. Two Bodies Found in Burned Vehicle in Path of Raging California Wildfire. London, England: Guardian. <https://www.theguardian.com/us-news/2022/aug/01/california-wildfire-mckinney-fire-bodies-found>
- Hantson, Stijn, et al. 2022a. Human-Ignited Fires Result in More Extreme Fire Behavior and Ecosystem Impacts. Published in *Nature Communications*. <https://www.nature.com/articles/s41467-022-30030-2>
- Harvey. 2023a. Climate Change Has Made California's Wildfires Five Times Bigger. <https://www.scientificamerican.com/article/climate-change-has-made-californias-wildfires-five-times-bigger/>
- Hunsaker & Associates. 2024a. Preliminary Hydrology and Hydraulic Study for Hills Preserve – Anaheim Hills. Irvine, CA: Hunsaker.
- . 2024b. County of Orange/Santa Ana Region Preliminary Water Quality Management Plan. Irvine, CA: Hunsaker
- . 2023a. Preliminary Earthwork Exhibits. (Provided within this Draft EIR as Exhibits 3-24 and 3-25). Irvine, CA: Hunsaker.
- . 2023b. Solid Waste Management Plan. (Provided within this Draft EIR as Exhibit 3-21). Irvine, CA: Hunsaker.

- 
- International Code Council. 2021. 2021 International Building Code (IBC). Washington, DC: ICC. <https://codes.iccsafe.org/content/IBC2021P1>.
- Island News. 2022a. Lives List in Lahaina. Honolulu, Hawaii: Island News. [https://www.kitv.com/news/lahaina/lives-lost-in-lahaina-all-of-the-people-who-perished-in-the-maui-fire/article\\_3b8e91ba-4122-11ee-a3f2-b73625af4d58.html](https://www.kitv.com/news/lahaina/lives-lost-in-lahaina-all-of-the-people-who-perished-in-the-maui-fire/article_3b8e91ba-4122-11ee-a3f2-b73625af4d58.html)
- J2Environmental LLC. 2024a. Sampling of Soils at Northern Portion of Deer Canyon Park Area. Del Mar, CA: J2Environmental.
- . 2023a. Phase I Environmental Site Assessment, Deer Canyon Park Project, Anaheim Hills, CA 92808. Del Mar, CA: J2Environmental.
- Johnson et al. 2013. Earth, Wind, and Fire. Wildfire Risk Perceptions. [https://www.fs.usda.gov/rm/pubs\\_journals/2015/rmrs\\_2015\\_newman\\_s001.pdf](https://www.fs.usda.gov/rm/pubs_journals/2015/rmrs_2015_newman_s001.pdf)
- Lane 2021a. The Impact of Wildfires on Mental Health: A Scoping Review. Basel, Switzerland: Lane. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8466569/>
- LLG. 2024a. Traffic Impact Analysis. Santa Ana, CA: LLG.
- . 2024b. Vehicle Miles Traveled (VMT) Analysis for the Hills Preserve Project, Anaheim, California. Santa Ana, CA: LLG.
- . 2024c. Evacuation Travel Time Analysis for the Hills Preserve Project, Anaheim, California. Santa Ana, CA: LLG.
- Malhi and Marwaha, 2023a. Running Wild: The Impact of Wildfires on Mental Health. Cranbury, New Jersey: Malhi and Marwaha. <https://www.psychiatrictimes.com/view/running-wild-the-impact-of-wildfires-on-mental-health>
- Morrow Management. 2023a. Dry Utility Plans. San Clemente, CA: Morrow Management.
- National Aeronautics and Space Administration. 2023a. "NASA Says 2022 Fifth Warmest Year on Record, Warming Trend Continues". <https://www.nasa.gov/news-release/nasa-says-2022-fifth-warmest-year-on-record-warming-trend-continues/>
- NETR Online. 2024a. Historic Aerials Viewer. Tempe, Arizona: NETR Online. <https://www.historicaerials.com/viewer>
- Newman et al. 2013a. Land Development Patterns and Adaptive Capacity for Wildfire: Three Examples from Florida. <https://academic.oup.com/jof/article/111/3/167/4599016?login=false>
- OC Waste and Recycling. 2023a. Olinda Alpha Landfill (webpage). Santa Ana, CA: OC Waste and Recycling. <https://oclandfills.com/landfills/olinda-landfill>
-

## References

---

- Office of Energy Efficiency and Renewable Energy. 2023. <https://www.energy.gov/eere/mission>
- Office of Planning and Research – California. 2017a. California Office of Noise Control Community Compatibility Matrix. Sacramento, CA: OPR. [https://www.opr.ca.gov/docs/OPR\\_Appendix\\_D\\_final.pdf](https://www.opr.ca.gov/docs/OPR_Appendix_D_final.pdf)
- . 2017b. 2017 State of California General Plan Guidelines. Sacramento, CA: OPR. [https://www.opr.ca.gov/docs/OPR\\_COMPLETE\\_7.31.17.pdf](https://www.opr.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf)
- Orange County Water District. 2024a. What We Do (website). Fountain Valley, CA: OCWD. <https://www.ocwd.com/what-we-do/groundwater-management>
- 2017a. Sustainable Groundwater Management Act Alternative Plan. Fountain Valley, CA: OCWD. <https://www.ocwd.com/wp-content/uploads/basin-8-1-alternative-final-report-1.pdf>
- . 2015a. Groundwater Management Plan. Fountain Valley, CA: OCWD. [https://www.ocwd.com/wp-content/uploads/groundwatermanagementplan2015update\\_20150624.pdf](https://www.ocwd.com/wp-content/uploads/groundwatermanagementplan2015update_20150624.pdf)
- Orange Unified School District. 2024a. Correspondence between I. Vasquez, Senior Executive Director of Facilities and Developing and Planning, and S. Noonan, Environmental Planner with Psomas. Orange, CA: OUSD.
- . 2023a. School Locator. Orange, CA: OUSD. <https://www.orangeusd.org/our-schools/school-locator-maps>.
- . 2023b. Resolution of the Board of Education of the Orange Unified School District Updating School Facilities Fees. Anaheim, CA: Anaheim. [orangeusd.org/uploaded/Facilities\\_Planning/20-22-23\\_Updating\\_School\\_Facilities\\_Fees\\_.pdf](https://www.orangeusd.org/uploaded/Facilities_Planning/20-22-23_Updating_School_Facilities_Fees_.pdf).
- . 2022a. Celebrating the New Science Center at Canyon High School. Orange, CA: OUSD. <https://www.orangeusd.org/about-us/news/release-article/~board/2022/post/celebrating-the-new-science-center-at-villa-park-high-school-1644598720132>
- Placeworks. 2024a. Reflected Solar Glare Study, Hills Preserve. Santa Ana, CA: Placeworks.
- . 2024b. Lighting Study. Santa Ana, CA: Placeworks.
- Psomas. 2024a. Tree Survey. Pasadena, CA: Psomas.
- . 2024b. Water Supply Assessment. Santa Ana, CA: Psomas.
- . 2024c. Biological Technical Report. Santa Ana, CA: Psomas.

- 
- . 2024d. Supplemental Noise Analysis Memorandum for the Hills Preserve Project in the City of Anaheim, California. Pasadena, CA: Psomas.
- . 2024e. Air Quality and Greenhouse Gas Emissions Calculations. Pasadena, CA: Psomas.
- . 2024f. Energy Calculations. Pasadena, CA: Psomas.
- . 2024g. Noise Calculations. Pasadena, CA: Psomas.
- . 2024h. Health Risk Assessment. Pasadena, CA: Psomas.
- Salt Development. 2023a (August 15). Hills Preserve Development Application and Drawings. Salt Lake City, UT. Salt Development.
- . 2023b. The Hills Preserve Skydeck (Roof Deck) Operations Memorandum. Salt Lake City, UT. Salt Development.
- Santa Ana Regional Water Quality Control Board. 2019a. Santa Ana River Basin Plan. Riverside, CA: Santa Ana Regional Water Quality Control Board. [https://www.waterboards.ca.gov/santaana/water\\_issues/programs/basin\\_plan/index.html](https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.html)
- SoCal Flow Testing. 2022a. Hydrant Flow Test Report for Santa Ana Canyon Road and Festival Drive. Yorba Linda, CA: SoCal Flow Testing.
- . 2022b. Hydrant Flow Test Report for Santa Ana Canyon Road and Eucalyptus Drive. Yorba Linda, CA: SoCal Flow Testing.
- Southern California Association of Governments. 2023a. Los Angeles, CA: SCAG. [https://scag.ca.gov/sites/main/files/file-attachments/scag\\_sb375\\_factsheet.pdf?1605558391#:~:text=The%20SCS%2C%20as%20defined%20in,by%202020%20and%202035%20respectively](https://scag.ca.gov/sites/main/files/file-attachments/scag_sb375_factsheet.pdf?1605558391#:~:text=The%20SCS%2C%20as%20defined%20in,by%202020%20and%202035%20respectively).
- . 2023b. SCAG – About Us – Webpage. Los Angeles, CA: SCAG. <https://scag.ca.gov/about-us>.
- . 2023c. Connect SoCal webpage. Los Angeles, CA: SCAG. <https://scag.ca.gov/connect-socal>.
- . 2021a. 6<sup>th</sup> Cycle Final RHNA Allocation Plan, Adopted 3/4/21 and Updated 7/1/21. Los Angeles, CA: SCAG. <https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1625161899>.
- . 2020a. Connect SoCal (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy), Demographics & Growth Forecast Technical Report. Los Angeles, CA: SCAG. <https://scag.ca.gov/sites/main/files/file->

- attachments/0903fconnectsocial\_demographics-and-growth-forecast.pdf?1606001579.
- . 2020b. Connect SoCal (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy. Los Angeles, CA: SCAG. <https://scag.ca.gov/connect-social#:~:text=Adopted%20Final%20Connect%20SoCal%202020,-Overview%20November%2021&text=It%20charts%20a%20path%20toward,of%20life%20for%20Southern%20Californians>.
- . 2016a. The 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy. A Plan for Mobility, Accessibility, Sustainability and a High Quality of Life. Los Angeles, CA: SCAG. <http://scagrtpscscs.net/Documents/2016/final/f2016RTPSCS.pdf>.
- South Coast Air Quality Management District (SCAQMD). 2022a. 2022 Air Quality Management Plan. Diamond Bar, CA: SCAQMD. <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/final-2022-aqmp/final-2022-aqmp.pdf?sfvrsn=10>
- . 2021a. MATES V Multiple Air Toxics Exposure Study in the South Coast AQMD Final Report August 2021. Diamond Bar, CA: SCAQMD. [http://www.aqmd.gov/home/air-quality/air-quality-studies/health\\*-studies/mates-v](http://www.aqmd.gov/home/air-quality/air-quality-studies/health*-studies/mates-v)
- . 2019a. South Coast AQMD Air Quality Significance Thresholds. <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>
- . 2010. Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15. Diamond Bar, CA: SCAQMD. [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf).
- . 2009a. Final Localized Significance Threshold Methodology, Appendix D2. Diamond Bar, CA: SCAQMD. <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2>
- . 2008. Final Localized Significance Threshold Methodology. Diamond Bar, CA: SCAQMD. <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>
- . 2008. Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Thresholds. Diamond Bar, CA: SCAQMD. [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-6/ghg-meeting-6-guidance-document-discussion.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-6/ghg-meeting-6-guidance-document-discussion.pdf?sfvrsn=2).

- 
- . 2003. Attachment to BOARD MEETING DATE: September 5, 2003, AGENDA NO. 29. White Paper on Regulatory Options for Addressing Cumulative Impacts from Air Pollution Emissions. Diamond Bar, CA: SCAQMD. <http://www.aqmd.gov/home/governing-board/agendas-minutes>.
- . 1999a. General Forecast Areas & Air Monitoring Area. <http://www.aqmd.gov/docs/default-source/default-document-library/map-of-monitoring-areas.pdf>
- . 1993a. CEQA Air Quality Handbook. Diamond Bar, CA: SCAQMD.
- State of California Department of Finance. 2023a. E-5 Population and Housing Estimates for Cities, Counties, and the State. Sacramento, CA: DOF. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>.
- . 2023b. Estimate-E1 – Population and Housing Estimates for Cities, Counties, and the State – January 1, 2022 and 2023. Sacramento, CA: DOF. <https://dof.ca.gov/forecasting/demographics/estimates-e1/>
- . 2023b. P-2: County Population Projections (2020-2060). Sacramento, CA: DOF. [https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdof.ca.gov%2Fwp-content%2Fuploads%2Fsites%2F352%2F2023%2F07%2FP2A\\_County\\_Total.xlsx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdof.ca.gov%2Fwp-content%2Fuploads%2Fsites%2F352%2F2023%2F07%2FP2A_County_Total.xlsx&wdOrigin=BROWSELINK)
- State of California Office of the Attorney General. 2022a. Best Practices for Analyzing and Mitigation Wildfire Impacts of Development Projects Under the California Environmental Quality Act. Sacramento, CA: Attorney General. <https://oag.ca.gov/system/files/attachments/press-docs/Wildfire%20guidance%20final%20%283%29.pdf>
- The California Housing Partnership. 2015a. Income, Location Efficiency, and VMT: Affordable Housing as a Climate Strategy. San Francisco, CA: The California Housing Partnership. <https://cnt.org/sites/default/files/publications/CNT%20Working%20Paper%20revised%202015-12-18.pdf>
- United States Army Corps of Engineers. 2023a. Prado Dam (webpage). Los Angeles, CA: U.S. Army Corps of Engineers. <https://resreg.spl.usace.army.mil/pages/prdo.php>.
- United States Census Bureau. 2023a. QuickFacts, Anaheim city, California. Washington, D.C.: U.S. Census Bureau. <https://www.census.gov/quickfacts/fact/table/anaheimcitycalifornia/PST045222>.
- United States Department of Commerce, National Oceanic and Atmospheric Administration, Earth System Research Laboratory, Global Monitoring Laboratory (ESRL). 2022a. Trends in Atmospheric Carbon Dioxide. Boulder, CO: ESRL.
-



- [https://www.esrl.noaa.gov/gmd/ccgg/trends/global.html#global\\_data](https://www.esrl.noaa.gov/gmd/ccgg/trends/global.html#global_data).
- United States Environmental Protection Agency. 2021a. Notice of Reconsideration of a Previous Withdrawal of a Waiver for California's Advanced Clean Car Program (Light-Duty Vehicle Greenhouse Gas Emission Standards and Zero Emission Vehicle Requirements). Washington, DC: USEPA. <https://www.epa.gov/regulations-emissions-vehicles-and-engines/notice-reconsideration-previous-withdrawal-waiver>.
- . 2021b. Status of SIP Requirements for Designated Areas, California Areas by Pollutant. Washington, DC: USEPA. [https://www3.epa.gov/airquality/urbanair/sipstatus/reports/ca\\_areabypoll.html](https://www3.epa.gov/airquality/urbanair/sipstatus/reports/ca_areabypoll.html)
- . 1998a. Characterization of Building-Related Construction and Demolition Debris in the United States. Washington, DC: USEPA. [https://www.epa.gov/sites/default/files/2016-03/documents/charact\\_bulding\\_related\\_cd.pdf](https://www.epa.gov/sites/default/files/2016-03/documents/charact_bulding_related_cd.pdf).
- U.S. Environmental Protection Agency and U.S. Department of Transportation, National Highway Traffic Safety Administration (USEPA and NHTSA). 2019a. One National Program Rule on Federal Preemption of State Fuel Economy Standards. Federal Register (Volume 84, No. 188, pp. 51310-51363). Washington, D.C.: USEPA and NHTSA. <https://www.govinfo.gov/content/pkg/FR-2019-09-27/pdf/2019-20672.pdf>
- . 2012a. 2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards. Federal Register (Volume 77, No. 199, pp. 62623-63200). Washington, D.C.: USEPA and NHTSA. <https://www.gpo.gov/fdsys/pkg/FR-2012-10-15/pdf/2012-21972.pdf>
- Weeks and Grimmer. 1995. The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. Washington, DC: Weeks and Grimmer. <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>
- Zhou et al. 2024a. Fire Ember Production From Wildland and Structural Fuels. Published by the National Fire Protection Agency (NFPA). <https://www.nfpa.org/education-and-research/research/fire-protection-research-foundation/projects-and-reports/fire-ember-production-from-wildland-and-structural-fuels>