# CEQA Findings of Fact and Statement of Overriding Considerations

# Fullerton Housing Incentive Overlay Zone Program

## State Clearinghouse No. 202390133

**SEPTEMBER 2024**

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# Acronyms and Abbreviations

| Acronym/Abbreviation | Definition |
|---|---|
| AB | Assembly Bill |
| ACM | asbestos-containing material |
| ADL | aerially deposited lead |
| AQMP | air quality management plan |
| ASTM | American Society for Testing and Materials |
| BMP | best management practice |
| C-G | Commercial Greenbelt |
| C-M | Commercial Manufacturing |
| CalEEMod | California Emissions Estimator Model |
| CalEnviroScreen | California Communities Environmental Health Screening Tool |
| CARB | California Air Resources Board |
| CCR | California Code of Regulations |
| CEQA | California Environmental Quality Act |
| CHRIS | California Historical Research Information System |
| City | City of Fullerton |
| CNEL | Community Noise Equivalent Level |
| COA | condition of approval |
| CREC | controlled recognized environmental condition |
| DAMP | Drainage Area Management Plan |
| dB | decibel |
| dBA | A-weighted decibel |
| DTSC | Department of Toxic Substances Control |
| EPA | U.S. Environmental Protect Agency |
| ESA | Environmental Site Assessment |
| G-C | General Commercial |
| HCD | California Department of Housing and Community Development |
| HIOZ | Housing Incentive Overlay Zone |
| HPLV | high-pressure-low-volume |
| HVAC | heating, ventilation, and air conditioning |
| LBP | lead-based paint |
| M-G | Manufacturing General |
| M-P | Manufacturing Park |
| MERV | Minimum Efficiency Reporting Value |
| mph | miles per hour |
| MM | Mitigation Measure |
| MMRP | Mitigation Monitoring and Reporting Program |
| NAHC | Native American Heritage Commission |
| NOA | Notice of Availability |
| NOP | Notice of Preparation |

| | |
|---|---|
| O-P | Office Professional |
| OCFA | Orange County Fire Authority |
| OCSD | Orange County Sanitation District |
| PCB | polychlorinated biphenyl |
| PCR | California Public Resources Code |
| PEIR | Program Environmental Impact Report |
| PRC | Public Resources Code |
| Program | Housing Incentive Overlay Zone Program |
| Project | Housing Incentive Overlay Zone Program |
| REC | recognized environmental condition |
| RHNA | Regional Housing Needs Allocation |
| RTP | Regional Transportation Plan |
| RWQCB | Regional Water Quality Control Board |
| SCAB | South Coast Air Basin |
| SCAG | Southern California Association of Governments |
| SCAQMD | South Coast Air Quality Management District |
| SCCIC | South Central Coastal Information Center |
| SCS | Sustainable Communities Strategy |
| SEER | Seasonal Energy Efficiency Ratio |
| SLF | Sacred Lands File |
| SMP | Soil Management Plan |
| SWPPP | stormwater pollution prevention plan |
| SWRCB | State Water Resources Control Board |
| TCAC | California Tax Credit Allocation Committee |
| TCR | tribal cultural resource |
| TRU | transport refrigeration unit |
| UWMP | urban water management plan |
| VEC | vapor encroachment condition |
| VHFHSZ | Very High Fire Hazard Severity Zone |
| VMT | vehicle miles traveled |
| VOC | volatile organic compound |
| WQMP | water quality management plan |

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# 1 Introduction

## 1.1 Purpose

This statement of findings addresses the environmental effects associated with the Fullerton Housing Incentive Overlay Zone Program (Project or Program) that are described in the Draft Program Environmental Impact Report (Draft PEIR) for the project. This statement is made pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code Section 21000 et seq.), specifically Public Resources Code Sections 21081 and 21081.6 and the CEQA Guidelines (14 CCR 15000 et seq.), specifically Section 15091 and 15093.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require that the lead agency, in this case the City of Fullerton (City), prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. CEQA Guidelines Section 15091 states, in part, that:

a. No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
    1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
    2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
    3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code Section 21081 and CEQA Guidelines Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable," in which case the lead agency must adopt a formal statement of overriding considerations.

As required by CEQA, in adopting these findings, the City also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The City finds that the MMRP, which is included in the Final PEIR and is incorporated by reference and made a part of these findings, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

As required by CEQA, the City finds that the Final PEIR for the project reflects the City's independent review and judgment. In accordance with the provisions of CEQA and the CEQA Guidelines, the City adopts these findings as part of its certification of the Final PEIR. The Final PEIR, consisting of the Draft PEIR, comments on the Draft PEIR,

responses to comments on the Draft PEIR, and revisions to the Draft PEIR, are hereby incorporated by reference into these findings without limitation.

## 1.2 Organization of the Findings of Fact

The content and format of this CEQA Findings of Fact is designed to meet the latest CEQA statutes and Guidelines. The Findings of Fact is organized into the following sections:

**Chapter 1, Introduction** outlines the purpose and organization of this document.

**Chapter 2, Project Description** summarizes the proposed Program, including its location, and provides a list of project objectives.

**Chapter 3, CEQA Review and Public Outreach** describes the steps that the City has undertaken to comply with the CEQA statutes and Guidelines as they relate to public input, review, and participation during the preparation of the Draft and Final PEIRs. This chapter also identifies the location and custodian of the record of proceedings.

**Chapter 4, Impacts Determined Not to be Significant** provides a list of those environmental issue areas where no reasonably foreseeable impacts would occur and provides a list of those impacts determined to be below the threshold of significance without the incorporation of mitigation measures.

**Chapter 5, Impacts Determined to be Less than Significant with Mitigation** provides findings for all potentially significant environmental impacts for which implementation of identified feasible mitigation measures would avoid or substantially reduce the environmental impacts to less than significant levels.

**Chapter 6, Impacts Determined to be Significant and Unavoidable** provides findings for all significant and unavoidable environmental impacts that would occur as a result of the project and identifies mitigation measures that would serve to mitigate the impacts to the extent feasible.

**Chapter 7, Findings on Project Alternatives** provides a summary of the alternatives considered for the project and describes the associated findings.

**Chapter 8, Other CEQA Findings** addresses the City's findings regarding growth inducing impacts, significant irreversible environmental changes, recirculation, and the MMRP.

**Chapter 9, Statement of Overriding Considerations** states in writing the specific reasons to support the lead agency's action based on the Final PEIR and other information in the record.

**Attachment A** consists of the MMRP.

# 2 Project Description

## 2.1 Project Location

The Program is proposed on select parcels across the City. Given the citywide nature, the location of identified parcels is collectively defined as the "Planning Area." The Planning Area consists of 759 parcels currently zoned for non-residential uses with the following underlying zoning designations: C-G (Commercial Greenbelt), C-M (Commercial, Manufacturing), G-C (General Commercial), O-P (Office Professional), M-G (Manufacturing, General), M-P (Manufacturing Park) (100,000 square-foot minimum lot size), and M-P (Manufacturing Park) (200,000 square-foot minimum lot size). Under existing conditions, the Planning Area contains a variety of commercial (i.e., retail stores, restaurants, shopping centers, etc.), industrial (i.e., warehouse, industrial parks, auto repair, etc.), and office land uses as well as vacant land (e.g., parking lots). For more information on the parcels identified, including each parcel's Assessor Parcel Number, underlying zoning designation, and parcel size, see Appendix B of the Draft PEIR.

## 2.2 Project Summary

The City's Housing Element Update identified the Housing Incentive Overlay Zone Program as one policy action to help facilitate housing production in order to meet the City's Regional Housing Needs Allocation (RHNA) goals.

The Program would create an overlay zone that allows a property owner to develop multi-family housing on a parcel with a non-residential underlying zoning classification in exchange for providing a specified percentage of deed-restricted affordable housing units. The Program would not directly result in the construction of the total buildout potential. Rather, the Program would facilitate the construction of housing units with the adoption of this overlay zone. Implementation of the Program could theoretically result in a buildout potential of 35,611 units. In accordance with State Housing Element Law, the Program is anticipated to facilitate housing production within the City for the SCAG's 6th RHNA Cycle ending in October 2029.

## 2.3 Conditions of Approval

The following measures are from the City's General Plan Program EIR, which are implemented as conditions of approval (COAs) for the proposed Program:

COA-AES-1 For future development located in or immediately adjacent to residentially zoned properties, construction documents shall include language that requires all construction contractors to strictly control the staging of construction equipment and the cleanliness of construction equipment stored or driven beyond the limits of the construction work area. Construction equipment shall be parked and staged within the project site, as distant from the residential use, as reasonably possible. Staging areas shall be screened from view from residential properties.

COA-AES-2 Construction documents shall include language requiring that construction vehicles be kept clean and free of mud and dust prior to leaving the development site. Streets surrounding the development site shall be swept daily and maintained free of dirt and debris.

COA-AES-3 Construction worker parking may be located off-site with prior approval by the City. On-street parking of construction worker vehicles on residential streets shall be prohibited.

COA-AQ-1 Prior to issuance of any Grading Permit, the Community Development Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

1. All active portions of the construction site shall be watered twice daily to prevent excessive amounts of dust;
2. Non-toxic soil stabilizers shall be applied to all inactive construction areas (previously graded areas inactive for 20 days or more, assuming no rain), according to manufacturers' specifications;
3. All excavating and grading operations shall be suspended when wind gusts (as instantaneous gust) exceed 25 miles per hour;
4. On-site vehicle speed shall be limited to 15 miles per hour;
5. All on-site roads shall be paved as soon as feasible, watered twice daily, or chemically stabilized;
6. Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible;
7. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site;
8. Track-out devices shall be used at all construction site access points;
9. All delivery truck tires shall be watered down and/or scraped down prior to departing the job site;
10. A construction relations officer shall be appointed to act as a community liaison concerning on-site construction activity including resolution of issues related to fugitive dust generation;
11. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads and use of SCAQMD Rule 1186 and 1186.1 certified street sweepers or roadway; and
12. Replace ground cover in disturbed areas as quickly as possible.

COA-AQ-3 The following measures shall be implemented to reduce VOC emissions resulting from application of architectural coatings:

- Contractors shall use high-pressure-low-volume (HPLV) paint applicators with a minimum transfer efficiency of at least 50 percent;
- Use required coatings and solvents with a VOC content lower than required under Rule 1113;
- Construct/build with materials that do not require painting; and
- Use pre-painted construction materials.

COA-AQ-6 Each individual implementing development project shall submit a traffic control plan prior to the issuance of a grading permit. The traffic control plan shall describe in detail safe detours and provide temporary traffic control during construction activities for that project. To reduce traffic congestion, the plan shall include, as necessary, appropriate, and practicable, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow.

COA-AQ-9 Proposed developments within the City of Fullerton shall include, to the extent feasible, as a part of construction and building management contracts, the following measures:

- All residential and commercial structures shall be required to incorporate high efficiency/low polluting heating, air conditioning, appliances, and water heaters.
- All residential and commercial structures shall be required to incorporate thermal pane windows and weather-stripping.
- All residential, commercial, and industrial structures shall be required to incorporate light colored roofing materials.

COA-AQ-14 New sensitive land uses such as residential, a hospital, medical offices, day care facilities, and fire stations shall not be located closer than 1,000 feet from any existing or proposed distribution center/warehouse facility which generates a minimum of 100 truck trips per day, or 40 truck trips with transport refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week, pursuant to the recommendations set forth in the CARB Air Quality and Land Use Handbook. If new sensitive land uses cannot meet this setback, they shall be designed and conditioned to include mechanical ventilation systems with fresh air filtration. For operable windows or other sources of ambient air filtration, installation of a central heating, ventilation, and air conditioning (HVAC) system that includes high efficiency filters for particulates (Minimum Efficiency Reporting Value [MERV] 13 or higher) or other similarly effective systems shall be required.

COA-BIO-1 A land use permit application for a project on a site located within or adjacent to an environmentally sensitive habitat area, as determined by the City of Fullerton Community Development Department, shall provide a Biological Resource Assessment prepared by a qualified biologist for review and approval by the Community Development Department. The Biological Resource Assessment shall evaluate the impact the proposed development may have on the habitat, and whether the development would be consistent with the biological continuance of the habitat. For those environmentally sensitive habitat areas which are only seasonally occupied, or where the presence of the species can best be determined during a certain season (e.g., annual wildflower species), the field investigation(s) must be conducted during the appropriate time to maximize detection of the subject species. The report shall identify possible impacts, their significance, measures to avoid possible impacts, mitigation measures required to reduce impacts to less than significant levels when impacts cannot be avoided, measures for the restoration of damaged habitats and long-term protection of the habitats, and a program for monitoring and evaluating the effectiveness of such measures.

COA-CR-1 Future development projects for properties considered to be sensitive for cultural resources by the City of Fullerton shall conduct a Phase I Cultural Resources Study of the subject property in accordance with the City of Fullerton's protocol by a qualified professional, which shall be submitted to the City of Fullerton for review and approval. The Phase I Cultural Resources Study shall determine where the subject development project would potentially cause a substantial adverse change to any significant archaeological, paleontological, or historic resources. The Phase I Cultural Resources Study shall be prepared to meet the standards established by the City and shall, at a minimum, including the results of the following:

1. Records searches at the South Central Coastal Information Center (SCCIC), the National or State Registry of Historic Places, and any appropriate public, private, and tribal archives.
2. Sacred Lands File records search with the Native American Heritage Commission (NAHC), followed by project scoping with the tribes recommended by the NAHC.
3. Field survey of the subject development site.

The proponent of the subject development project and the qualified professional(s) are also encouraged to contact the local Native American tribe (as identified by the NAHC and the City of Fullerton) to obtain input regarding the potential for Native American resources to occur on the subject site.

Feasible measures shall be identified in order to mitigate the known and potential significant effects of the subject development project, if any.

COA-CR-2 If the Phase I Cultural Resources Study required under Mitigation Measure CR-1 determines that monitoring during construction by a professional archaeologist and/or paleontologist is needed for the subject development project, the project proponent shall retain a professional archaeologist and/or paleontologist, subject to approval by the City of Fullerton, prior to the issuance of grading permits. The task of the professional archaeologist and/or paleontologist shall be to verify implementation of the mitigation measures identified in the City-approved Phase I Cultural Resources Study and to monitor the initial ground-altering activities, including but not limited to, debris removal, vegetation removal, tree removal, grading, trenching, or other site preparation activities. The professional archaeologist and/or paleontologist shall be empowered to temporarily halt or divert construction equipment to allow recording and removal of the unearthed resources. All artifacts and/or fossils discovered at the subject development site shall be inventoried and analyzed by the professional archaeologist and/or paleontologist. If any artifacts of Native American origin are discovered, a Native American Tribal monitor shall be asked to help analyze the Native American artifacts for identification as everyday life and/or religious or sacred items, cultural affiliation, temporal placement, and function, as deemed possible. A report of the findings, including an itemized inventory of recovered artifacts and/or fossils, shall be prepared and shall include a discussion of the significance and disposition of the recovered artifacts and/or fossils. The report and inventory shall be submitted to the City of Fullerton, signifying completion of the program to mitigate impacts to archaeological and/or paleontological resources.

COA-CR-3 In the event that cultural resources (archaeological, historical, paleontological) resources are inadvertently unearthed during excavation and grading activities of any future development project, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of

discovery. If not already retained due to conditions present pursuant to CR-2, the project proponent shall retain a qualified professional (i.e., archaeologist, historian, architect, paleontologist, Native American Tribal monitor), subject to approval by the City of Fullerton, to evaluate the significance of the finding and appropriate course of action (refer to Mitigation Measures CR-1, CR-2 and CR-4). If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.

COA-CR-4 In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to State Health and Safety Code Section 7050.5, no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendant of the deceased Native American, who shall serve as consultant on how to proceed with the remains.

COA-HAZ-1 Prior to issuance of a Grading Permit, a Soil Management Plan (SMP) shall be developed by a qualified environmental professional. The SMP shall outline procedures for both soil import and export. For soil import, the SMP shall outline the proper screening and characterization procedures following the DTSC's October 2001 Information Advisory Clean Imported Fill Material Fact Sheet. Import soils shall meet regulatory screening levels for residential use (SWRCB Environmental Screening Levels). For soil export, based on the findings of any and all site investigations (as outlined below), the SMP shall outline the proper screening, characterization, transportation, and disposal procedures for contaminated soils to be removed from the site for future development. For properties considered by the City to involve the potential for site contamination, a Phase I Environmental Site Assessment shall be prepared in accordance with ASTM Standards and Standards and Practices for AAI, in order to investigate the potential existence of site contamination. Any site specific uses shall be analyzed according to the Phase I Environmental Site Assessment (i.e., auto service stations, agricultural lands, etc.). The Phase I Environmental Site Assessment shall identify Specific Recognized Environmental Conditions (RECs) (i.e., asbestos containing materials, lead-based paints, polychlorinated biphenyls, etc.), which may require remedial activities prior to construction. The Phase I ESA and SMP shall be provided to the City of Fullerton Community and Economic Department for review prior to any site grading.

The Project's contractor shall ensure implementation of the SMP through the contract specifications for all proposed soil import and management of contaminated soils onsite, as applicable. The SMP shall include health and safety and training procedures, air monitoring procedures, and permitting requirements. The SMP shall also include instructions for the identification of potentially-impacted soils, procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potentially-impacted soils or other subsurface anomalies are encountered, procedures for characterizing and managing potentially-impacted soils, and follow-up procedures such as confirmation sampling, disposal, and reporting, as necessary. Contaminated soil shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Imported soils shall meet all requirements for residential land use. Upon completion of construction activities, proof of compliance with the SMP shall be provided to the City of Fullerton Community and Economic Department.

COA-HAZ-2 Prior to potential remedial excavation and grading activities, impacted areas shall be cleared of all maintenance equipment and materials (e.g., solvents, grease, waste-oil), construction materials, miscellaneous stockpiled debris (e.g., scrap metal, pallets, storage bins, construction parts), above ground storage tanks, surface trash, piping, excess vegetation and other deleterious materials. These materials shall be removed off-site and properly disposed of at an approved disposal facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. In the event concentrations of materials are detected above regulatory cleanup levels during demolition or construction activities, the project Applicant shall comply with the following measures in accordance with Federal, State, and local requirements:

- Excavation and disposal at a permitted, off-site facility;
- On-site remediation, if necessary; or
- Other measures as deemed appropriate by the City of Fullerton Fire Department.

COA-HAZ-4 Areas of exposed soils within Caltrans right-of-way that would be disturbed during excavation/grading activities shall be sampled and tested for lead prior to ground disturbance activities on a project-by-project basis, so that any special handling, treatment, or disposal provisions associated with aerially deposited lead may be included in construction documents (if aerially deposited lead is present).

COA-HAZ-3 Prior to structural demolition/renovation activities, should these activities occur, a Certified Environmental Professional shall confirm the presence or absence of ACM's and LBPs. Should ACMs or LBPs be present, demolition materials containing ACMs and/or LBPs shall be removed and disposed of at an appropriate permitted facility.

COA-HAZ-4 Areas of exposed soils within Caltrans right-of-way that would be disturbed during excavation/grading activities shall be sampled and tested for lead prior to ground disturbance activities on a project-by-project basis, so that any special handling, treatment, or disposal provisions associated with aerially deposited lead may be included in construction documents (if aerially deposited lead is present).

COA-HAZ-5 Prior to construction, future developers shall prepare a Traffic Control Plan for implementation during the construction phase, as deemed necessary by the City Traffic Engineer. The Plan may include the following provisions, among others:

- At least one unobstructed lane shall be maintained in both directions on surrounding roadways.
- At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls to allow travel in both directions.
- If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating detours/alternative routes.

COA-HAZ-6 The City Community Development Department shall consult with the Fullerton Police Department to disclose temporary closures and alternative travel routes, in order to ensure adequate access for emergency vehicles when construction of future projects would result in temporary lane or roadway closures.

COA-HYD-1 Prior to issuance of any Grading or Building Permit, and as part of the future development's compliance with the NPDES requirements, a Notice of Intent shall be prepared and submitted to the Santa Ana RWQCB providing notification and intent to comply with the State of California General Construction Permit. Also, a Stormwater Pollution Prevention Plan (SWPPP) shall be reviewed and approved by the Director of Engineering for water quality construction activities on-site. A copy of the SWPPP shall be available and implemented at the construction site at all times. The SWPPP shall outline the source control and/or treatment control BMPs to avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable." All recommendations in the Plan shall be implemented during area preparation, grading, and construction. The project applicant shall comply with each of the and/or treatment control BMPs to avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable." All recommendations in the Plan shall be implemented during area preparation, grading, and construction. The project applicant shall comply with each of the recommendations detailed in the Study, and other such measure(s) as the City deems necessary to mitigate potential stormwater runoff impacts.

COA-HYD-2 Prior to issuance of any Grading Permit, future development projects shall prepare, to the satisfaction of the Director of Engineering, a Water Quality Management Plan or Stormwater Mitigation Plan, which includes Best Management Practices (BMPs), in accordance with the Orange County DAMP. All recommendations in the Plan shall be implemented during post construction/operation phase. The project applicant shall comply with each of the recommendations detailed in the Study, and other such measure(s) as the City deems necessary to mitigate potential water quality impacts.

COA-HYD-3 Prior to site plan approval, the project owner/developer(s) shall be required to coordinate with the City of Fullerton Engineering Department to determine requirements necessary to mitigate impacts to drainage improvements in order to accommodate storage volumes and flood protection for existing and future runoff. Proposed projects shall implement mitigation measures, if required, to the satisfaction of the City of Fullerton Public Works Director. For any new storm drainage projects/studies that have the potential to impact adjacent jurisdictions' storm drainage systems, the developer shall submit said studies to the applicable jurisdiction for review and approval.

COA-N-1 Project applicants shall ensure through contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:

- Ensure that construction equipment is properly muffled according to industry standards and be in good working condition.
- Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- Schedule high noise-producing activities between the hours of 7:00 AM and 8:00 PM on any day except Sunday or a City-recognized holiday to minimize disruption on sensitive uses.
- Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.

- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.
- Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading or building permit (whichever is issued first).

COA-N-2 Project applicants shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets to the extent feasible. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

COA-N-3 Project applicants shall ensure by contract specifications that construction staging areas along with the operation of earthmoving equipment within the City would be located as far away from vibration and noise sensitive sites as possible. Should construction activities take place within 25 feet of an occupied structure, a project specific vibration impact analysis shall be conducted. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

COA-N-4 The City shall require future developments to implement the following measures to reduce the potential for human annoyance and architectural/structural damage resulting from elevated groundborne noise and vibration levels:

- Pile driving within a 50-foot radius of historic structures shall utilize alternative installation methods where possible (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers).
- The preexisting condition of all designated historic buildings within a 50-foot radius of proposed construction activities shall be evaluated during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage shall be documented (photographically and in writing) prior to construction. All damage shall be repaired back to its preexisting condition.
- Vibration monitoring shall be conducted prior to and during pile driving operations occurring within 100 feet of the historic structures. Every attempt shall be made to limit construction-generated vibration levels in accordance with Caltrans recommendations during pile driving and impact activities in the vicinity of the historic structures.

COA-N-5 Residential projects located within the 65 dB CNEL noise contour for the Fullerton Municipal Airport shall be subject to review by the Orange County Airport Land Use Commission and shall be required to ensure interior noise levels from aircraft operations are at or below 45 dB CNEL.

COA-N-6 The City shall require mechanical equipment from future development to be placed as far practicable from sensitive receptors. Additionally, the following shall be considered prior to HVAC installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into the building design.

COA-PUB-1 Prior to the issuance of building permits, individual development project applicants shall submit evidence to the City of Fullerton that legally required school impact mitigation fees have been paid per the mitigation established by the applicable school district.

COA-TR-1 Prior to approval of any General Plan Amendment and/or Zone Change associated with the focused planning efforts for The Fullerton Plan Focus Areas, the City and/or project proponent shall prepare a detailed multi-modal analysis in order to determine specific impacts associated with the proposed General Plan Amendment and/or Zone Change, and where applicable, identify mitigation measures to reduce impacts to less than significant levels based on City adopted multi-modal thresholds. The multi-modal analysis shall specify the timing, funding, construction, and fair share responsibilities for all traffic improvements necessary to maintain satisfactory levels of service within the City of Fullerton and surrounding jurisdictions, in accordance with the significant impact criteria established by the jurisdiction that controls the affected area.

COA-WW-1 Prior to issuance of a building permit for any future development project, the Project Applicant shall prepare an engineering study to support the adequacy of the sewer systems and submit the engineering study to the City of Fullerton for review and approval. Any improvements recommended in the engineering study shall be installed prior to the certificate of occupancy for the development project. For any sewer projects/studies that have the potential to impact adjacent jurisdictions' sewer systems, the developer shall submit said studies to the applicable jurisdiction for review and approval.

COA-WW-2 Prior to issuance of a building permit for any future development project, the Project Applicant shall submit a sewer capacity analysis of existing wastewater utility in the project site's vicinity for OCSD review and obtain sewer capacity verification from OCSD prior to issuance of a building permit.

## 2.4 Project Objectives

CEQA Guidelines Section 15124(b) requires an EIR to include a statement of objectives sought by the project. According to the City's Housing Element Update, the City does not contain sufficient sites with appropriate zoning to accommodate the City's RHNA allocation. As such, the proposed Program was identified as a policy action to achieve housing goals for the 6th RHNA Cycle. The following Project Objectives have been established to assist the City in developing a reasonable range of alternatives evaluated in the Draft PEIR.

1. Incorporate land use and zoning changes to increase residential capacity within the City to meet Regional Housing Needs Allocation goals, including affordable housing.
2. Provide for a diversity of neighborhoods, residential densities, and housing types within opportunity areas and near local amenities to meet the needs of the community.
3. Identify sites that are most likely to be redeveloped given their current underutilization of land.
4. Discourage development within known local hazard zones.

5. Promote positive economic, educational, and health outcomes for current and future residents of Fullerton by including areas identified within the California Tax Credit Allocation Committee / Housing and Community Development Opportunity Areas.

## 2.5 Discretionary Actions

The City as the lead agency is seeking the following approvals for the Program.

- **Certification of the Program Environmental Impact Report**
- **Adoption of the Housing Incentive Overlay Zone Program:** Establish Chapter 15.23, Housing Incentive Overlay Zone, within the City's Municipal Code, which would include provisions for review and inclusion, approval processes, affordable housing requirements, permitted uses, and development standards.
- **Adoption of General Plan Amendment:** Amend the General Plan to ensure consistency with the proposed HIOZ for parcels designated with restrictive land uses.
- **Adoption of Zoning Code Amendments:** Amend the Citywide Development Standards for multi-family zoning classifications and mixed-use zoning classifications.

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# 3 CEQA Review and Public Outreach

Pursuant to CEQA Guidelines Section 15082, the City issued a Notice of Preparation (NOP) dated September 8, 2023, to the State Clearinghouse, agencies, organizations, and interested parties. The NOP is intended to encourage interagency communication regarding the proposed project so that agencies, organizations, and individuals are afforded an opportunity to respond with specific comments and/or questions regarding the scope and content of the PEIR. In accordance with CEQA Guidelines Section 15082(a), a copy of the NOP was posted at the Orange County Clerk's office. The NOP was also made available on the City's website during the public scoping period. The public scoping period ended on September 28, 2023. The City received 6 letters in response to the NOP. Copies of these comment letters are included in Appendix A-3 of the Draft PEIR.

The Draft PEIR was made available for public review and comment pursuant to CEQA Guidelines Section 15087. The public review period for the Draft PEIR started on May 31, 2024, and ended on July 15, 2024. The public review period provided interested public agencies, groups, and individuals the opportunity to comment on the contents of the Draft PEIR.

At the beginning of the public review period, the Draft PEIR, the Notice of Completion (NOC), and the Notice of Availability (NOA) were submitted to the State Clearinghouse, and the NOA was filed at the Orange County Clerk. The NOA was also published in the *Fullerton Observer*. The NOA described where the Draft PEIR was available and how to submit comments on the Draft PEIR. The NOA and Draft PEIR were also made available for public review at Community and Economic Development Department counter (2nd Floor, City Hall, 303 W. Commonwealth Avenue), the Fullerton Public Library (353 W. Commonwealth Avenue), and on the City's website. The public review period provided interested public agencies, groups, and individuals the opportunity to comment on the contents of the Draft PEIR.

During the Draft PEIR public review period, the City received 5 comment letters from agencies and 5 comment letters from individual community members. The Final PEIR contains written responses to these letters. Distribution of the Final PEIR entailed providing copies of the Final PEIR to public agencies that commented on the Draft PEIR. The Final PEIR was also made available to the public on the City's website. The Final PEIR was prepared and distributed in accordance with CEQA Guidelines Section 15088(b), which requires that written responses be provided to commenting agencies at least 10 days prior to certifying an PEIR.

## 3.1 Record of Proceedings

For the purposes of CEQA, and the Findings herein set forth, the record of proceedings for the project consists of those items listed in CEQA Section 21167.6(e). The record of proceedings for the City's decision on the proposed project consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these findings:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the proposed Program;
- The Draft PEIR for the proposed Program and all technical appendices and documents relied upon or incorporated by reference;

- All written comments submitted by agencies, organizations, or members of the public during the public review period on the Draft PEIR and the City's responses to those comments;
- The Final PEIR for the proposed Program;
- The MMRP for the proposed Program;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the proposed Program prepared by the City or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the proposed Program;
- All documents submitted to the City by other public agencies or members of the public in connection with the proposed Program, up through the close of the decision hearing for the Program;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the proposed Program;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- All resolutions adopted by the City regarding the proposed Program, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- The City's General Plan and all updates and related environmental analyses;
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and any other materials required for the record of proceedings by CEQA Section 21167.6(e).

## 3.2 Custodian and Location of Records

The documents and other materials that constitute the record of proceedings upon which the City's project approval is based are located at the address below:

City of Fullerton
Community and Economic Development Department
303 West Commonwealth Avenue
Fullerton, California 92832

The City's Community and Economic Development Department is the custodian of such documents and other materials that constitute the record of proceedings. The record of proceedings is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

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# 4 Impacts Determined Not to be Significant

This chapter describes impacts that were evaluated in the PEIR and determined to result in "no impact" or a "less than significant impact" due to the design, location, and scope of the proposed Program and/or through adherence with existing laws, codes, and statutes. Based on the environmental analysis presented in the Draft PEIR and the comments received by the public on the Draft PEIR, no substantial evidence was submitted to or identified by the City indicating that the project would have a potentially significant impact with respect to the environmental categories listed below. Substantial evidence supporting these environmental impact conclusions is provided throughout Chapter 4, Environmental Analysis, of the Draft PEIR and in Chapters 2 and 3 of the Final PEIR.

## 4.1 Aesthetics

- Implementation of the Program would have a less than significant impact on a scenic vistas (Initial Study pp. 13 to 14).
- Implementation of the Program would have no impact on scenic resources within a state scenic highway (Initial Study pp. 14 to 15).
- Implementation of the Program would have a less than significant impact regarding applicable zoning and regulations governing scenic quality (Initial Study pp. 15 to 16).
- Implementation of the Program would have a less than significant impact regarding new sources of substantial light or glare (Initial Study p. 17).

## 4.2 Agriculture and Forestry Resources

- Implementation of the Program would have no impact on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Initial Study p. 18).
- Implementation of the Program would have a less than significant impact regarding consistency with existing zoning for agricultural use or a Williamson Act contract (Initial Study p. 18).
- Implementation of the Program would have no impact on forest land, timberland, or timberland zoned Timberland Production (Initial Study p. 19).
- Implementation of the Program would have no impact regarding the loss of forest land or conversion of forest land to non-forest use (Initial Study p. 19).
- Implementation of the Program would have no impact involving other changes in the existing environment which could result in conversion of Farmland or forest land to non-agricultural or non-forest use (Initial Study p. 19).

## 4.3 Air Quality

- Implementation of the Program would have a less than significant impact regarding emissions (such as those that might lead to odors) adversely affecting a substantial number of people (Initial Study pp. 23 to 24).

## 4.4 Biological Resources

- Implementation of the Program would have a less than significant impact on candidate, sensitive, or special-status species (Initial Study pp. 25 to 26).
- Implementation of the Program would have a less than significant impact on riparian habitats or other sensitive natural communities (Initial Study pp. 26 to 27).
- Implementation of the Program would have a less than significant impact on state or federally protected wetlands (Initial Study p. 27).
- Implementation of the Program would have a less than significant impact on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or the use of native wildlife nursery sites (Initial Study p. 28).
- Implementation of the Program would have a less than significant impact regarding conflicts with local policies or ordinances protecting biological resources (Initial Study pp. 28 to 29).
- Implementation of the Program would have no impact regarding conflicts with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plans (Initial Study p. 28).

## 4.5 Cultural Resources

- Implementation of the Program would have less than significant impacts on historical resources (Initial Study, pp. 30 to 31).
- Implementation of the Program would have less than significant impacts on archaeological resources (Initial Study, pp. 31 to 32).
- Implementation of the Program would have less than significant impacts on human remains (Initial Study, pp. 32 to 33).

## 4.6 Energy

- Implementation of the Program would have a less than significant impact related to wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation (Initial Study, pp. 34 to 37).
- Implementation of the Program would have a less than significant impact related to state or local plans for renewable energy plans or energy efficiency (Initial Study, p. 37).

## 4.7 Geology and Soils

- Implementation of the Program would have a less than significant impact related to rupture of a known earthquake fault (Initial Study p. 39).
- Implementation of the Program would have a less than significant impact related to strong seismic ground shaking (Initial Study pp. 39 to 40).
- Implementation of the Program would have a less than significant impact related to seismic-related ground failure, including liquefaction(Initial Study p. 40).

- Implementation of the Program would have a less than significant impact related to landslides (Initial Study p. 40).
- Implementation of the Program would have a less than significant impact related to substantial soil erosion or the loss of topsoil (Initial Study pp. 40 to 41).
- Implementation of the Program would have a less than significant impact related to unstable soil (Initial Study p. 41).
- Implementation of the Program would have a less than significant impact related to expansive soil that could create a substantial risk to life (Initial Study pp. 41 to 42).
- Implementation of the Program would have no impact related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems (Initial Study p. 42).

## 4.8 Greenhouse Gas Emissions

- Implementation of the project would have a less than significant impact related to greenhouse gas emissions (Draft PEIR pp. 4.2-25 to 4.2-33).
- Implementation of the project would have a less than significant impact related to an applicable plan, policy, or regulation for reducing greenhouse gas emissions (Draft PEIR pp. 4.2-25 to 4.2-33).

## 4.9 Hazards and Hazardous Materials

- Implementation of the Program would have a less than significant impact related to hazards to the public or environment through the routine transport, use, or disposal of hazardous materials (Initial Study, pp. 45 to 47).
- Implementation of the Program would have a less than significant impact related to safety hazards or excessive noise for the public in the project area as a result of being located within two miles of an airport (Draft EIR p. 4.3-41).
- Implementation of the Program would have a less than significant impact related to an adopted emergency response or evacuation plans (Initial Study, pp. 48 to 49).
- Implementation of the Program would have a less than significant impact related to exposing people or structures to a significant risk of loss, injury, or death involving wildland fires (Initial Study, p. 50).

## 4.10 Hydrology and Water Quality

- Implementation of the Program would have a less than significant impact related to water quality standards, waste discharge requirements, and surface and groundwater quality (Initial Study, pp. 51 to 53).
- Implementation of the Program would have a less than significant impact related to groundwater supplies or groundwater recharge (Draft PEIR pp. 4.4-11 to 4.4-12).
- Implementation of the Program would have a less than significant impact related to erosion or siltation on or off site (Draft PEIR pp. 4.4-12 to 4.4-14).
- Implementation of the Program would have a less than significant impact related to the rate or amount of surface runoff (Draft PEIR pp. 4.4-14).

- Implementation of the Program would have a less than significant impact related to the creation of runoff water in excess of stormwater drainage system capacity or creation of substantial additional sources of polluted runoff (Draft PEIR pp. 4.4-14).
- Implementation of the Program would have no impact on impeding or redirecting flood flows (Draft PEIR pp. 4.4-14 to 4.4-15).
- Implementation of the Program would have no impact related to the release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones (Draft PEIR p. 4.4-14).
- Implementation of the Program would have no impact on water quality control plans or sustainable groundwater management plans (Draft PEIR pp. 4.4-15 to 4.4-16).

## 4.11 Land Use and Planning

- Implementation of the Program would have a less than significant related to physically dividing an established community (Initial Study p. 55).

## 4.12 Mineral Resources

- Implementation of the Program would have no impact on known mineral resources of value to the region or the residents of the state (Draft PEIR p. 4.6-3).
- Implementation of the Program would have no impact on locally important mineral resource recovery sites (Draft PEIR p. 4.6-3).

## 4.13 Noise

- Implementation of the Program would have a less than significant impact related to substantial temporary or permanent increase in ambient noise levels (Draft PEIR pp. 4.7-10 to 4.7-12).
- Implementation of the Program would have a less than significant impact relative to groundborne vibration and groundborne noise levels (Draft PEIR pp. 4.7-13 to 4.7-14).
- Implementation of the Program would have a less than significant impact related to exposing people to excessive noise levels as a result of being within the vicinity of a private airstrip, airport, or airport land use plan (Initial Study pp. 59 to 60).

## 4.14 Population and Housing

- Implementation of the Program would have a less than significant impact related to displacement of people or housing (Initial Study pp. 61 to 62).

## 4.15 Public Services

- Implementation of the Program would have a less than significant impact on fire protection services (Draft PEIR pp. 4.9-17 to 4.9-18).

- Implementation of the Program would have a less than significant impact on police protection services (Draft PEIR pp. 4.9-18 to 4.9-19).
- Implementation of the project would have a less than significant impact on schools (Draft PEIR p. 4.9-19 to 4.9-20).
- Implementation of the Program would have a less than significant impact on parks (Draft PEIR p. 4.9-20 to 4.9-21).
- Implementation of the Program would have a less than significant impact on other public facilities (Draft PEIR p. 4.2-21).

## 4.16 Recreation

- Implementation of the Program would have a less than significant impact on the use of existing parks or other recreational facilities (Draft PEIR pp. 4.10-10 to 4.10-11).
- Implementation of the Program would have a less than significant impact regarding construction or expansion of recreational facilities (Initial Study p. 64).

## 4.17 Transportation

- Implementation of the Program would have a less than significant impact related to conflicts with a program, plan, ordinance, or policy addressing the circulation system (Draft PEIR pp. 4.11-15 to 4.11-16).
- Implementation of the Program would have a less than significant impact related to inconsistencies with CEQA Guidelines section 15064.3, subdivision (b) (Draft PEIR pp. 4.11-16 to 4.11-17).
- Implementation of the Program would have a less than significant impact related to hazards due to geometric design features or incompatible uses (Initial Study p. 66).
- Implementation of the Program would have a less than significant impact on emergency access (Initial Study p. 67).

## 4.18 Utilities and Service Systems

- Implementation of the Program would have a less than significant impact related to relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities (Draft PEIR pp. 4.13-9 to 4.13-11).
- Implementation of the Program would have a less than significant impact on water supplies available to serve the project during normal, dry, and multiple dry years (Draft PEIR p. 4.13-12).
- Implementation of the Program would have a less than significant impact on wastewater treatment capacity (Draft PEIR p. 4.13-12).
- Implementation of the Program would have a less than significant impact related to generation of solid waste in excess of state or local standards, in excess of the capacity of local infrastructure, or in excess of solid waste reduction goals (Draft PEIR p. 4.13-13).

- Implementation of the Program would have a less than significant impact related to compliance with federal, state, and local management and reduction statutes and regulations related to solid waste (Initial Study p. 71).

## 4.20 Wildfire

- Implementation of the Program would have a less than significant impact on adopted emergency response plans or emergency evacuation plans (Initial Study pp. 72 to 73).
- Implementation of the Program would have a less than significant impact regarding increased exposure of occupants to pollutant concentrations from a wildfire (Initial Study pp. 73 to 74).
- Implementation of the Program would have a less than significant impact regarding installation or maintenance of infrastructure that may exacerbate fire risk or result in ongoing impacts to the environment (Initial Study p. 74).
- Implementation of the Program would have a less than significant impact regarding exposure of people or structures to flooding or landslide risks from wildfires (Initial Study p. 74).

## 4.21 Cumulative Impacts

The proposed Program would result in less than significant cumulative impacts or no cumulative impacts for the following environmental issue areas: Greenhouse Gas Emissions (Draft PEIR pp. 4.2-33 to 4.2-34), Hydrology and Water Quality (Draft PEIR pp. 4.4-16 to 4.4-18), Mineral Resources (Draft PEIR p. 4.6-3), Public Services (Draft PEIR pp. 4.9-22), Recreation (Draft PEIR p. 4.10-11), Transportation (Draft PEIR pp. 4.11-17 to 4.11-18), Utilities and Service Systems (Draft PEIR pp. 4.13-14).

# 5 Impacts Determined to be Less Than Significant with Mitigation

This chapter describes impacts of the Program that, without mitigation, would result in significant adverse impacts. However, upon implementation of the mitigation measures provided in the Draft PEIR, these impacts would be reduced to less-than-significant levels. In accordance with CEQA Guidelines Section 15091(a), a specific finding is made for each of these impacts and mitigation measures in the discussions below.

## 5.1 Hazards and Hazardous Materials

***Potential Effects.*** Potentially significant effects were identified for the Program in the following threshold related to hazards and hazardous materials:

- The Program could 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 (Draft PEIR pp. 4.3-34 to 4.3-39).
- The Program could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (Draft PEIR p. 4.3-39).
- The Program would be located on a site that is listed on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment (Draft PEIR pp. 4.3-40 to 4.3-41).

Substantial evidence supporting these environmental impact conclusions is provided in Section 4.3, Hazards and Hazardous Materials, of the Draft PEIR.

***Mitigation Measures.*** Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts related to hazards and hazardous materials were developed for the Program. Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings:

MM-HAZ-1: Hazardous Materials Survey. Demolition plans and contract specifications submitted to the City for approval shall incorporate survey and abatement procedures for the identification and removal of materials containing asbestos, lead, polychlorinated biphenyls, hazardous material, hazardous wastes, and universal waste items, including decommissioning and removal of aboveground and underground storage tanks and drums. All survey and abatement work shall be done in accordance with federal, state, and local regulations, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, U.S. Department of Housing and Urban Development, California Occupational Safety and Health Administration (which regulates employee exposure), and the South Coast Air Quality Management District. Surveys will be conducted by an environmental professional certified by California Department of Public Health [lead-based paint] and/or Contractors State License Board [asbestos], and abatement shall be completed by a California-Certified or Licensed Contractor prior to demolition or renovation activities. Transportation of hazardous wastes must also be completed by

a licensed transportation company in accordance with federal, state, and local regulations, and disposal will be completed at a permitted facility.

MM-HAZ-2 Survey for Oil and Gas Features. Prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits), a survey will be completed to confirm the presence or absence of oil and gas wells, pipelines, or oil/gas field administrative boundaries on the proposed development site. The survey will also evaluate the proposed development site's proximity to methane zones as outlined in the OCFA Combustible Soil Gas Hazard Mitigation Guideline C-03. The survey will include review of publicly available documents and databases, aboveground visual inspections, and subsurface surveys (such as ground-penetrating radar or other means of subsurface locates). The survey(s) will be completed by a professional company with experience in these types of surveys. Proof of survey completion will be submitted to City of Fullerton as part of the application package.

MM-HAZ-3 Investigation of RECs, CRECs, and VECs. Following completion of a Phase I ESA and prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits), any RECs, CRECs, or VECs identified in the Phase I ESA will be investigated by completion of a Phase II ESA under the requirements of ASTM E1903-19 (or the current applicable standard). The Phase II ESA will evaluate the presence of contaminants of concern related to RECs, CRECs, and/or VECs found in the Phase I ESA and will include a screening level risk evaluation to determine human health risks are present (i.e. if concentrations exceed current regulatory screening levels applicable at the time of the project (DTSC Screening Levels or RWQCB ESLs)). The investigation shall include consideration of aerially deposited lead (ADL) adjoining state highways and overpasses. The findings of the Phase II ESA and recommendations will be provided to the City for review prior to approval of residential development.

MM-HAZ-4 Actions for Contaminated Sites. If human health risks are identified (e.g. concentrations of contaminants of concern are above applicable regulatory screening levels) during a Phase I ESA or Phase II ESA that would indicate a risk to residential occupancy or would expose construction workers to contaminants of concern above appliable screening levels, the impacts must be remediated or protections must be in place such that future risk to construction workers, adjacent sensitive receptors, future occupants, or future land uses on site are below current risk-based criteria (e.g. applicable regulatory screening levels). Written proof of remediation and/or protective measures would be submitted to the City prior to approval for residential redevelopment (e.g. issuance of permits).

If the subject site is determined to be located on or impacted by an open cleanup site that is undergoing active remediation and environmental monitoring, the City shall require written confirmation from the overseeing environmental agency to ensure the existing environmental contamination will not significantly impact the health and safety of construction workers, adjacent sensitive receptors, future occupants, or future land uses on the site, and that protections or remediation completed are adequate to ensure future activities and land uses will not be subject to a health risk at the site.

MM-HAZ-5 Conditions of Closure. Prior to approval of residential redevelopment for a site within the Program Planning Area (e.g. issuance of permits), if the proposed development site is located on a site that has received regulatory environmental cleanup, review, or assessment and has received regulatory closure by the overseeing environmental agency (federal, state, or local), the closure documents shall be reviewed and conditions or limitations, if any, shall be met. If conditions indicate a risk or limitations to future residential development, requirements from the regulatory agency will be implemented and proof of implementation will be provided to the City prior to approval for redevelopment (e.g. issuance of permits).

***Finding.*** The City finds that the above mitigation measures are feasible, are adopted, and will reduce the potentially significant Program-related impacts regarding to hazards and hazardous materials to less-than-significant levels. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Program that mitigate or avoid the potentially significant impacts related to hazards and hazardous materials identified in the Draft PEIR.

## 5.2 Land Use and Planning

***Potential Effects.*** Potentially significant noise effects were identified for the project in the following threshold:

- Implementation of the Program could cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation, adopted for the purposes of avoiding or mitigating an environmental effect (Draft PEIR pp. 4.5-12 to 4.5-50).

Substantial evidence supporting these environmental impact conclusions is provided in Section 4.5, Land Use and Planning, of the Draft PEIR.

***Mitigation Measures.*** Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize the significant adverse impacts related to noise were developed for the project. Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings:

MM-AQ-1 through MM-AQ-3. See Section 6.1, Air Quality, of this document.

MM-HAZ-1 through MM-HAZ-5. See Section 5.1, Hazards and Hazardous Materials, of this document.

***Finding.*** The City finds that the above mitigation measures are feasible, are adopted, and will reduce the potentially significant impacts related to land use and planning to less-than-significant levels. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Program that mitigate or avoid the potentially significant impacts related to land use and planning identified in the Draft PEIR.

## 5.3 Cumulative Impacts

Pursuant to CEQA Guidelines Section 15130, the following findings identify potentially significant cumulative impacts and the project's incremental contribution to those impacts. For the following environmental resource

areas, the project's incremental effect would not be cumulatively considerable, after implementation of applicable mitigation measures.

## Hazards and Hazardous Materials

***Potential Effects.*** The Program would result in potentially significant but mitigable impacts related to upset and accident conditions. In addition, implementation of the Program may be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5. Generally, these impacts are site-specific; however, several sites within the Planning Area may have subsurface hazardous materials conditions. Concurrent construction with other projects is speculative, and other development projects in the area would be subject to CEQA (or have already been reviewed under CEQA) and would require analysis and, where necessary, would implement all feasible mitigation to reduce impacts. Nevertheless, in the event of concurrent construction with nearby projects, the Program's impact could be cumulatively significant. Substantial evidence supporting this environmental impact conclusion is provided in Section 4.3, Hazards and Hazardous Materials, of the Draft PEIR (Draft PEIR p. 4.3-45).

***Mitigation Measure.*** Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts related to hazards and hazardous materials were developed for the Program. Conditions of Approval COA-HAZ-1 through COA-HAZ-4 are listed in Section 2.3 of this document. Mitigation Measures MM-HAZ-1 through MM-HAZ-5 are listed in Section 5.1 of this document. These feasible measures would reduce the Program's potential effects regarding to hazards and hazardous materials to below a level of significance.

***Finding.*** The City finds that mitigation measures MM-HAZ-1 through MM-HAZ-5 are feasible, are adopted, and will reduce the potentially significant cumulative impacts related to hazards and hazardous materials to less-than-significant levels. Accordingly, the City finds that, pursuant to Public Resources Code Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Program that mitigate or avoid the potentially significant cumulative impacts of the proposed Program in the category of hazards and hazardous materials that is identified in the Final PEIR.

# 6 Impacts Determined to be Significant and Unavoidable

The following significant environmental impacts of the project are unavoidable and cannot be feasibly or effectively mitigated to a less than significant level. In accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations is set forth below in Section 9 to substantiate the City's decision to accept these unavoidable substantial, adverse environmental effects because of the benefits afforded by the project.

## 6.1 Air Quality

***Potential Effects.*** The Program would have significant and unavoidable air quality impacts as follows:

- Implementation of the Program would conflict with or obstruct implementation of the applicable air quality plan (Draft PEIR pp. 4.1-22 to 4.1-24).
- Implementation of the Program would result in a cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment under an applicable federal or state ambient air quality standard (Draft PEIR pp. 4.1-24 to 4.1-32).
- Implementation of the Program would expose sensitive receptors to substantial pollutant concentrations (Draft PEIR pp. 4.1-32 to 4.1-34).

Substantial evidence supporting this environmental impact conclusion is provided in Section 4.1, Air Quality, of the Draft PEIR.

***Mitigation Measures.*** Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize the significant adverse air quality impacts were developed for the Program. Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in an MMRP that is to be adopted concurrently with these findings:

MM-AQ-1 Construction Emissions. If during subsequent project-level environmental review, construction-related criteria air pollutants are determined to have the potential to exceed SCAQMD's construction mass daily thresholds, the City shall require applicants for new projects that exceed those thresholds to incorporate appropriate measures to reduce or minimize air pollutant emissions during construction activities. New projects are required to comply with all applicable SCAQMD rules and regulations, including but not limited to Rule 403 (Fugitive Dust), Rule 1113 (Architectural Coatings), and Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). Additional measures for projects that exceed SCAQMD's construction mass daily thresholds may include, but are not limited to, the following:

- Off-Road construction equipment with engines that are 50 horsepower or greater shall be rated by the USEPA as having Tier 4 emission limits or better (whichever is the cleanest technology available at time of project development). If it can be demonstrated to the City that such equipment is not commercially available or feasible, alternate emissions control devices and/or techniques used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a

Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations.

- Use electric or alternative-fueled (i.e., non-diesel) construction equipment, if available and feasible, including but not limited to, concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors.
- Maintain records of all trucks associated with project construction activities to document that each truck used meets the required emission standards. The Applicant shall provide records for inspection within five business days of request by CARB, SCAQMD, or the City.
- Provide electric vehicle (EV) charging stations or appropriately sized electrical infrastructure and electrical panels. Electrical hookups should be provided for trucks to plug in any onboard auxiliary equipment.
- Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow, where necessary.
- Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, where applicable.
- Ensure vehicle traffic inside the project site is as far away as feasible from sensitive receptors.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
- Suspend use of all construction activities that generate air pollutant emissions during first stage smog alerts.
- Configure construction parking to minimize traffic interference.
- Cover all trucks hauling dirt, sand, soil, or other loose materials.
- Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip.
- Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- Replace ground cover in disturbed areas as quickly as possible to minimize dust.
- Pave roads and road shoulders, where applicable.
- Sweep streets at the end of the day with SCAQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried onto adjacent public paved roads (recommend water sweepers that utilize reclaimed water).
- Utilize only super-compliant volatile organic compound (VOC) paints for architectural coatings (0 grams per liter to less than 10 grams per liter VOC) during construction activities. If paints and coatings with VOC content of 0 grams/liter to less than 10 grams/liter cannot be utilized, the application of architectural coatings shall be prohibited during the peak smog season: July, August, and September

Prior to the issuance of a grading permit, the applicant shall provide the City with the construction contractor's inclusion of all required measures on applicable construction plans, including grading and/or building plans.

MM-AQ-2 Operational Emissions. If, during subsequent project-level environmental review, operation-related criteria air pollutants are determined to have the potential to exceed SCAQMD's operation mass daily thresholds, the City shall require applicants for new projects that exceed those thresholds to incorporate appropriate measures to reduce or minimize air pollutant emissions during operational activities. New projects facilitated by the Fullerton Housing Incentive Overlay Zone are required to comply with all applicable SCAQMD rules and regulations, including but not limited to Rule 445 (Wood Burning Devices), Rule 1401 (New Source of Toxic Air Contaminants), and Rule 1110.2 (Emissions from Gaseous- and Liquid-Fueled Engines). Additional measures for projects that exceed SCAQMD's operation mass daily thresholds may include, but are not limited to, the following:

- All the Program's buildings shall be powered fully by electricity, with no natural gas infrastructure or appliances, including no fireplaces. Prior to the issuance of building permits, the Program Applicant or its designee shall provide evidence to the City that the building design plans include no natural gas infrastructure.
- Install Energy Star rated heating, cooling, lighting, and appliances.
- Require the use of Heating, Ventilation and Air Conditioning (HVAC) equipment with a Seasonal Energy Efficiency Ratio (SEER) of 12 or higher.
- Install of water heaters with an energy factor of 0.92 or higher.
- Install solar water heaters or tank-less water heaters.
- Use passive solar cooling/heating.
- Designate 10% of parking spaces to be for electric and alternative fuel vehicles.
- Install Level 2 electric vehicle charging stations in 6% of all parking spaces.
- Super-Compliant volatile organic compound (VOC)-content architectural coatings (0 grams per liter to less than 10 grams per liter VOC) shall be used during operational application of paints and other architectural coatings to reduce ozone precursors for future development projects. If paints and coatings with VOC content of 0 grams/liter to less than 10 grams/liter cannot be utilized, the developer shall avoid application of architectural coatings during the peak smog season: July, August, and September.
- The City shall develop and implement a Low-VOC/Green Cleaning Product and Paint education program, including materials educating how to identify low-VOC cleaners and products, that can be provided to applicants, developers, tenants, and residents of development projects associated with the Program.
- At the time of discretionary approval of new sources of TAC emissions in close proximity to existing sensitive land uses, the City shall require development projects to implement applicable best management practices, as necessary and feasible, that will reduce exposure to TACs. Specific reduction measures will be evaluated and determined depending on proposed land use TAC sources and feasibility.

Prior to the issuance of a Certificate of Occupancy, the applicant shall provide the City with appropriate documentation verifying compliance with the required measures.

MM-AQ-3 Revised Forecast. Prior to SCAG's next update to the Regional Housing Needs Assessment, the City shall prepare a revised population, employment and housing forecast for SCAG that reflects anticipated growth generated from the proposed Program. The updated forecast provided to SCAG shall be used to inform the SCAQMD's update to the Regional Air Quality Strategy and State Implementation Plan. The City shall prepare and submit a letter notifying the SCAQMD of this revised forecast for use in the future update to the RAQS and SIP as required.

***Finding***. The City finds that the above-listed mitigation measures are feasible, are adopted, and will reduce the potentially significant air quality impacts of the proposed Program to the extent feasible. However, impacts would remain significant and unavoidable even after implementation of these mitigation measures, and no additional feasible measures are available to further reduce impacts, as explained in Section 4.1, Air Quality, of the Draft PEIR and in the Final PEIR.

## 6.2 Population and Housing

***Potential Effects***. The Program would have a significant and unavoidable impact related to population and housing as follows:

- Implementation of the Program would 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) (Draft PEIR pp. 4.8-12 to 4.8-17).

Substantial evidence supporting this environmental impact conclusion is provided in Section 4.8, Population and Housing, of the Draft PEIR.

***Mitigation Measures.*** There are no feasible alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the Program.

***Finding***. The City has an obligation to meet RHNA obligations in accordance with State Housing Element Law. Given that the Program is identified as a policy action to facilitate sufficient sites with appropriate zoning to accommodate the state-mandated RHNA, no feasible mitigation measures are available to reduce the substantial population growth. As such, impacts related to population and housing would remain significant and unavoidable.

## 6.3 Tribal Cultural Resources

***Potential Effects***. The Program would have significant and unavoidable impacts to tribal cultural resources as follows:

- Implementation of the Program would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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) (Draft PEIR pp. 4.12-16 to 4.12-17).
- Implementation of the Program would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural

landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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) (Draft PEIR pp. 4.12-16 to 4.12-17).

Substantial evidence supporting this environmental impact conclusion is provided in Section 4.12, Tribal Cultural Resources, of the Draft PEIR.

***Mitigation Measures.*** Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize the significant adverse impacts related to tribal cultural resources were developed for the Program. Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in an MMRP that is to be adopted concurrently with these findings:

MM-TCR-1 Tribal Cultural Resources. During subsequent project-level environmental review, the City shall obtain a State of California Native American Heritage Commission (NAHC) Sacred Land Files Search, as appropriate, and comply with all applicable requirements of AB 52. Pursuant to AB 52, the City shall provide formal notification of the project to designated contact of each traditionally and culturally affiliated California Native American Tribe that has requested notice. The City shall begin the consultation process within 30 days after receiving a Tribe's request for consultation. The City shall consider all relevant information available for the property to identify potential tribal cultural resources in the project area, evaluate the project's potential impacts to tribal cultural resources, and mitigate those potential impacts.

If project impacts to tribal cultural resources are determined to be potentially significant, the City shall require the project to incorporate appropriate measures to avoid or minimize impacts to tribal cultural resources, including but not limited to, the measures recommended in Public Resources Code Section 21084.3, tribal monitoring, or other alternative measures identified in consultation with the California Native American Tribe.

If any cultural resources (archaeological, historical, paleontological) are identified in the preparation of a Phase I Cultural Resources Study (see COA-CR-1) or are inadvertently unearthed during excavation and grading activities (see COA-CR-3), the City shall consult and coordinate with a Native American Tribal monitor who is traditionally or culturally affiliated with the geographic area of the development project that will help analyze the Native American artifacts for identification and to evaluate and mitigate impacts in accordance with the requirements set forth in COA-CR-1 through COA-CR-4.

***Finding***. The City finds that the above-listed mitigation measure is feasible, is adopted, and will reduce the potentially significant impacts to tribal cultural resources to the extent feasible. However, impacts would remain significant and unavoidable even after implementation of these mitigation measures, and no additional feasible measures are available to further reduce impacts, as explained in Section 4.12, Tribal Cultural Resources, of the Draft PEIR and in the Final PEIR.

# 6.2 Cumulative Impacts

Pursuant to CEQA Guidelines Section 15130, the following findings identify the Program's significant and unavoidable cumulative impacts and the Program's incremental contribution to those impacts.

## Air Quality

***Potential Effects.*** The cumulative impact of the population increases in South Coast Air Basin would further obstruct implementation of the Air Quality Management Plan (AQMP), as implementation of the Program would further exceed the demographic growth forecasts in the Planning Area. Additionally, air pollution by nature is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the SCAQMD develops and implement plans for future attainment of ambient air quality standards. The Program's incremental contribution to increases of any criteria pollutant for which the region is in nonattainment would be cumulatively considerable. Regarding sensitive receptors, future development projects under the Program would be required to evaluate existing toxic air contaminants (TAC) exposure and incorporate available reduction measures, if necessary. However, implementation of future development projects would result in uncertainty of future sensitive receptor locations. Moreover, the addition to growth associated with regional plans could further increase the exposure of air quality pollutants to sensitive receptors. Substantial evidence supporting this environmental impact conclusion is provided in Section 4.1, Air Quality, of the Draft PEIR (Draft PEIR pp. 4.1-37 to 4.1-38).

***Mitigation Measures.*** Feasible measures have been developed for the proposed project to address its potential effects related to construction noise. These measures, MM-AQ-1 through MM-AQ-3, are listed in Section 6.1 of this document. These feasible measures would reduce the Program's potential incremental effect on air quality, but not to a level below significance.

***Finding.*** The City finds that MM-AQ-1 through MM-AQ-3 are feasible, are adopted, and will reduce the potentially significant cumulative air quality impacts of the proposed Program to the extent feasible. However, cumulative impacts would remain significant and unavoidable even after implementation of these mitigation measures, and no additional feasible measures are available to further reduce impacts, as explained in Section 4.1, Air Quality, of the Draft PEIR and in the Final PEIR.

## Noise

***Potential Effects.*** The proposed Program would result in temporary noise increases during construction of future developments. The construction period of future developments under the proposed Program has the potential to overlap with the construction of other projects in the City and proximate municipalities. Due to the decrease in noise levels with distance and the presence of physical barriers (i.e., intervening buildings and topography), noise due to construction of other projects would not meaningfully combine with future development under the proposed Program to produce a cumulative noise effect during construction. By way of illustration, if there are two concurrent construction projects of comparable sound emission intensity, and the activity nearest to the studied noise-sensitive receptor is compliant with the City's applicable noise threshold, the other activity could be no closer than three times the distance of the receptor to the nearest activity and not make a cumulatively measurable contribution to the total and still City-compliant noise exposure level. If two concurrent projects were close to a receptor, the cumulative noise would be one of the following:

- the louder (in dBA) of the two concurrent activities; or,
- a logarithmic sum of the two activity noise levels that, per acoustic principles, cannot be more than 3 dBA greater than the louder of the two individual noise-producing activities.

In sum, significant cumulative construction noise is likely to be dominated by the closest or loudest activity to the receptor, and the combination will be no more than a barely perceptible difference (i.e., up to a 3 dBA change). Therefore, cumulative impacts due to cumulative construction noise could be considered significant under certain conditions of multiple project proximity to a common noise-sensitive receiving land use (Draft PEIR, p. 4.7-16).

Long-term operational noise would result from operation of future development facilitated by the proposed Program, such as permanent on-site noise sources (e.g., HVAC equipment). A cumulative impact could result if noise produced resulting from implementation of the proposed Program were to combine with noise produced from the operation of other related projects in the vicinity to create a cumulatively significant permanent increase in ambient noise levels. The operation of future projects implemented under the proposed Program, along with the operation of other related projects, would be subject to applicable requirements from the City's noise ordinance or similar regulations from neighboring municipalities, which would also limit the exterior noise levels at noise-sensitive land uses. However, despite compliance with these noise regulations that are based on fixed standards (or are adjusted upwards to match the pre-existing outdoor ambient sound level if measured to be higher), there is a potential risk of creating a durable increase in outdoor ambient sound due to the combination of concurrent stationary noise sources in proximity to a common noise-sensitive receptor. The combination of two potential nearby operating facilities would generate one of the following outcomes in the absence of a dominant traffic-related acoustical contribution:

- the louder (in dBA) of the two concurrent operating facilities; or,
- a logarithmic sum of the two aggregate stationary source noise levels that, per acoustic principles, cannot be more than 3 dBA greater than the louder of the two individual noise-emitting facilities.

In sum, cumulative stationary operation noise is likely to be dominated by the closest or loudest facility to the receptor, and the combination will be no more than a barely perceptible difference (i.e., up to a 3 dBA change). Therefore, cumulative impacts to outdoor ambient noise levels resulting from proposed Program stationary sources combining with another unrelated project could result in a cumulatively considerable change greater than 3 dBA (Draft PEIR, pp. 4.7-16 to 4.7-17).

Future residential development facilitated by the proposed Program along with other related projects would generate off-site traffic noise. A cumulative impact could result if noise produced from implementation of the proposed Program were to combine with noise produced from the "with project" traffic of other related projects in the vicinity to create a cumulatively significant permanent increase in ambient noise levels. The operation of future projects implemented under the proposed Program, along with the operation of other related projects, would be subject to applicable requirements from the City's noise ordinance or similar regulations from neighboring municipalities, which would also limit the exterior noise levels at noise-sensitive land uses. However, despite compliance with these noise regulations that are based on fixed standards, there is a potential risk of creating a durable increase in outdoor ambient sound due to the combination of concurrent traffic noise sources in proximity to a common noise-sensitive receptor. A doubling of traffic volumes is necessary to achieve a change of 3 dBA. Cumulative traffic noise is likely to be dominated by the closest or loudest roadway to the receptor, and the combination will be no more than a barely perceptible difference (i.e., up to a 3 dBA change). Therefore, cumulative impacts to outdoor ambient noise levels resulting from

proposed Project traffic noise sources combining with another unrelated project could result in a cumulatively considerable change greater than 3 dBA.

Substantial evidence supporting this environmental impact conclusion is provided in Section 4.7, Noise, of the Draft PEIR.

***Mitigation Measures.*** Feasible measures have been developed for the proposed Program to address its potential effects related to noise. These measures (COA-N-1, COA-N-2, COA-N-5, and COA-N-6) are listed in Section 2.3 of this document. These feasible measures would reduce the Program's potential incremental effect related to noise, but not to a level below significance.

***Finding.*** The City finds that COA-N-1, COA-N-2, COA-N-5, and COA-N-6 are feasible, are adopted, and will reduce the potentially significant cumulative noise impacts of the proposed Program to the extent feasible. However, cumulative impacts would remain significant and unavoidable even after implementation of these mitigation measures, and no additional feasible measures are available to further reduce impacts, as explained in Section 4.7, Noise, of the Draft PEIR and in the Final PEIR.

## Population and Housing

***Potential Effects.*** The proposed Program would facilitate population growth as a result of proposed zoning changes to allow for approximately 35,611 new residential units within the Planning Area. The City is required to accommodate RHNA through zoning and other land use changes, which would facilitate additional housing development and population growth throughout the City. Furthermore, all Orange County jurisdictions (including the unincorporated County communities and incorporated cities) are required to update their housing elements every eight years in accordance with State Housing Element law. The Program is identified in the City's Housing Element Update and has a horizon year of 2029; thus, the Program would serve the current 6th Cycle RHNA. The combined effect of this anticipated housing growth, which would result in substantial unplanned population growth, represents a significant cumulative impact. Substantial evidence supporting this environmental impact conclusion is provided in Section 4.8, Population and Housing, of the Draft PEIR (pp. 4.8-17).

***Mitigation Measures.*** Although the Program would result in a much smaller share of the overall growth anticipated for Orange County, there are no feasible mitigation measures to reduce the Program-level impacts to a less-than-significant level.

***Finding.*** The City has an obligation to meet RHNA obligations in accordance with State Housing Element Law. Given that the Program is identified as a policy action to facilitate sufficient sites with appropriate zoning to accommodate the state-mandated RHNA, no feasible mitigation measures are available to reduce the substantial population growth. As the Program would not implement any fair-share mitigation, and as impacts at the Program level would be significant, the Program's incremental contribution to impacts related to substantial unplanned population growth would be cumulatively considerable. As such, impacts would remain significant and unavoidable.

## Tribal Cultural Resources

***Potential Effects.*** The development of cumulative projects has the potential to cumulatively affect known and unknown tribal cultural resources. Development of related projects can affect tribal cultural resources if such projects adversely alter or destroy tribal cultural resources, such as tribal cultural resources that could contribute

to understanding of an overall tribal cultural landscape. Over time, population growth and its accompanying development throughout the City has resulted in the destruction of tribal cultural resources during the early settlement days of the region and continuing to this day. Because all tribal cultural resources are unique and nonrenewable members of finite classes of resources that represent time periods, cultural landscapes, projects that destroy or alter certain tribal cultural resources have the potential to limit or eliminate an opportunity for a comprehensive understanding of the time periods and cultural landscapes a tribal cultural resource belongs and could result in a cumulatively significant effect on tribal cultural resources. Therefore, implementation of future development projects under the Program could result in a cumulatively significant effect on tribal cultural resources. Even with existing state, and local regulations in place designed to protect tribal cultural resources, individual tribal cultural resources would still have the potential to be impacted or degraded from destruction, relocation, or alteration as a result of new private or public development or redevelopment allowable under cumulative projects. Therefore, impacts to tribal cultural resources as a result of Program implementation, in combination with other development that would occur in the region, would have the potential to result in a significant cumulative impact to tribal cultural resources. Substantial evidence supporting this environmental impact conclusion is provided in Section 4.12, Tribal Cultural Resources, of the Draft PEIR (Draft PEIR pp. 4.12-18 to 4.12-19).

***Mitigation Measures.*** Feasible measures have been developed for the proposed Program to address its potential effects to tribal cultural resources. This measure, MM-TCR-1, are listed in Section 6.3 of this document. Even with implementation of MM-TCR-1, impacts to tribal cultural resources could still occur, and the Program's incremental contribution would be cumulatively considerable. These feasible measures would reduce the Program's potential incremental effect to tribal cultural resources, but not to a level below significance.

***Finding***. The City finds that MM-TCR-1 is feasible, is adopted, and will reduce the potentially significant cumulative impacts to tribal cultural resources to the extent feasible. However, cumulative impacts would remain significant and unavoidable even after implementation of these mitigation measures, and no additional feasible measures are available to further reduce impacts, as explained in Section 4.12, Tribal Cultural Resources, of the Draft PEIR and in the Final PEIR.

# 7 Other CEQA Findings

## 7.1 Findings Regarding Significant Irreversible Environmental Changes

Section 15126.2(c) of the CEQA Guidelines requires that an PEIR analyze the extent to which a Program's primary and secondary effects would impact the environment and commit nonrenewable resources to uses that future generations will not be able to reverse. Nonrenewable resources that would be used on site during construction and operation include gasoline, other fossil fuels, water, concrete, steel, and lumber. The Program would result in the commitment of such resources through the implementation of future development projects. Section 5.2 of the Draft PEIR specifically addresses the extent to which the Program would commit nonrenewable resources. As substantiated and described in Section 5.2 of the Draft PEIR, the irretrievable commitment of resources associated with the proposed Program would therefore be limited to the consumption of nonrenewable resources during construction and operation of future development projects. However, as described in Section 5.2 of the Draft PEIR, the use of such resources would be limited through the use of durable, locally sourced building materials; employment of sustainability features and commitments; and, required compliance with various regulations that would serve to reduce future development project's use of certain resources over time, such as electricity from nonrenewable sources, natural gas, gasoline and diesel fuels for vehicles, and water.

While the Program would result in increased resource consumption during construction and operation, the Program would facilitate growth within the Planning Area. While no direct development is proposed as part of the Program, the implementation of Program would accommodate future development (and redevelopment of previously developed areas). The Program would implement a target rezoning program to accommodate the development of 35,611 additional dwelling units, which would meet the City's 6th Cycle RHNA allocation. Candidate parcels identified for rezoning were selected using the following criteria: parcels that are likely to be redeveloped given their current underutilization (economic vitality); areas within California Tax Credit Allocation Committee (TCAC)/Housing and Community Development (HCD) Opportunity Areas, areas outside of local hazard zones; and parcels with local access to community amenities.

Based on the conclusions outlined above and the analysis provided in Section 5.2 of the Draft PEIR, the City finds that, although irreversible environmental changes would result from the Program, such changes would not be considered significant.

## 7.2 Findings Regarding Growth-Inducing Impacts

Pursuant to Section 15126.2(d) of the CEQA Guidelines, growth-inducing impacts of the proposed Program must be discussed in the PEIR. Section 4.8, Population and Housing, and Section 5.3, Growth Inducement, of the Draft PEIR discuss the potential growth inducement of the Program.

As explained throughout the PEIR, the proposed Program is anticipated to indirectly induce growth through the removal of obstacle to additional growth and development, such as allowing increased density to occur in residential areas. However, the Program does not propose any specific infrastructure improvements that would result in growth. The Program does not approve the construction of specific development projects and would largely

accommodate growth based on market conditions. However, it would allow increased development intensity and/or a more inclusive mix of land uses compared to existing conditions. Therefore, the Program removes regulatory obstacles to growth and is considered to be growth-inducing. As such, the proposed Project would indirectly cause population growth, housing growth, and economic growth within the Planning Area. As explained in Section 4.8 of the PEIR, the Program would increase the number of dwelling units that could occur under buildout conditions and accommodate a greater population than was envisioned for the General Plan. This population growth could potentially lead to employees moving into the Program area to be proximate to their jobs, therefore increasing the population.

As discussed in Section 4.9, Public Services, of the Draft PEIR, as the Planning Area continues to develop, it would require further commitment of public services that could include fire protection, law enforcement, public schools, public recreation, and other services as appropriate. Future development in the Program area would require an increased commitment to public services that would be considered a long-term commitment in order to maintain a desired level of service. This is considered a growth-inducing impact. As the population grows and occupies new dwelling units, these residents would seek shopping, entertainment, employment, home improvement, vehicle maintenance, and other economic opportunities in the surrounding area. This would facilitate the purchase of economic goods and services and could, therefore, encourage the creation of new businesses and/or the expansion of existing businesses. This is considered a growth-inducing impact.

However, approval of the Program would not set a precedent that could encourage and facilitate other activities that could significantly affect the environment. Cities and counties in California periodically update their general plans pursuant to California Government Code Sections 65300 et seq. The Program is intended satisfy State Housing Element law by accommodating sufficient site for future housing development within the City. While no direct development is proposed as part of the Program, the implementation of Program would accommodate future development (and redevelopment of previously developed areas).

Pressures to develop in the surrounding cities may derive from regional economic conditions and market demands for housing that may be directly or indirectly influenced by the Program. Although the Program does not include approval of physical development, it creates additional development capacity in the Program area compared to existing conditions. Much of this development capacity is limited to targeted areas. Furthermore, development projects would be induced more by market demands than by new development capacity created by land use changes included in the rezoning program. However, because approval of the Program could ultimately result in subsequent projects that would have their own environmental impacts—including potentially significant impacts—the Program is a growth-inducing action.

In conclusion, the proposed Program would cause economic growth, population growth, and housing growth. Based on the conclusions outlined above and the analysis provided in Section 4.8 and in Section 5.3 of the Draft PEIR, the City finds that the proposed Program would directly or indirectly induce substantial population growth.

## 7.3 Findings Regarding Recirculation

The City finds that the Draft PEIR does not require recirculation under CEQA (CEQA Section 21092.1, CEQA Guidelines Section 15088.5). CEQA Guidelines Section 15088.5 requires recirculation of an PEIR prior to certification of the Final PEIR when “significant new information is added to the PEIR after public notice is given of the availability of the Draft PEIR for public review.” As described in CEQA Guidelines Section 15088.5:

New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it;
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

While some revisions and additions to the Draft PEIR were identified in the Final PEIR, none of the revisions resulted in new significant impacts; none of the revisions resulted in a substantial increase in the severity of an environmental impact identified in the Draft PEIR where mitigation was not adopted to reduce such an impact to insignificance; and none of the revisions introduced a feasible project alternative or mitigation measure that would lessen the Program's environmental impacts. Further, the revisions do not cause the Draft PEIR to be so fundamentally flawed that it precludes meaningful public review. As none of the CEQA criteria for recirculation have been met, recirculation of the PEIR is not warranted. In addition, CEQA Guidelines Section 15088.5(b) provides that "recirculation is not required where the new information added to the PEIR merely clarifies and amplifies or makes insignificant modifications in an adequate PEIR."

As such, the City makes the following findings:

1. None of the public comments submitted to the City regarding the Draft PEIR present any significant new information that would require the Draft PEIR to be recirculated for public review.
2. No new or modified mitigation measures are proposed that would have the potential to create new significant environmental impacts.
3. The Draft PEIR adequately analyzed alternatives and there are no feasible alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the Program.
4. The Draft PEIR was not fundamentally and basically inadequate and conclusory in nature and did not preclude meaningful public review and comment.

## 7.4 Findings Regarding the Mitigation Monitoring and Reporting Program

In accordance with CEQA and the CEQA Guidelines, the City must adopt a MMRP to ensure that the adopted mitigation measures are implemented. The City adopts, and incorporates as conditions of approval of the Program,

the mitigation measures set forth in the MMRP to reduce the potentially significant impacts of the Program to below a level of significance. The City makes the finding that the measures included in the MMRP constitute changes or alterations which avoid or substantially lessen potentially significant effects on the environment. The MMRP is attached to these findings as Attachment A.

# 8 Findings on Alternatives

Consistent with Section 15126.6 of the CEQA Guidelines, the PEIR includes consideration of a reasonable range of alternatives to the Program (see Chapter 6 of the Draft PEIR). Alternatives were considered but rejected based on one or more of the criteria for rejection outlined in Section 15126.6(c) of the Guidelines. Three alternatives were carried forward for detailed consideration in the Draft PEIR, including Alternative 1 (No Project/Buildout According to Adopted Plans), Alternative 2 (Reduced Sites Alternative), and Alternative 3 (Reduced Density Alternative). In compliance with CEQA, these Findings examine these alternatives and the extent to which they lessen or avoid the Program's significant environmental effects while meeting the project objectives. The City finds that a good faith effort was made to evaluate all reasonable alternatives to the Program that could feasibly obtain its basic objectives, even when the alternatives might impede the attainment of the objectives or be more costly. The City also finds that all reasonable alternatives were reviewed, analyzed, and discussed in the review process of the Final PEIR and the ultimate decision on the project.

## 8.1 Alternative 1 – No Project Alternative

Section 15126.6(e) of the CEQA Guidelines requires that an PEIR evaluate the specific alternative of "no project" along with its impact. As stated in this section of the CEQA Guidelines, the purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. As specified in CEQA Guidelines Section 15126.6(e)(3)(A), when a project is the revision of an existing land use or regulatory plan or policy or an ongoing operation, the no project alternative will be the continuation of the plan, policy, or operation into the future. Therefore, the no project alternative, as required by the CEQA Guidelines, would analyze the effects of development consistent with implementation of the General Plan and existing land use/zoning. Under Alternative 1, the Planning Area would continue to develop in accordance with the City's General Plan existing land use designations and zoning, as well as in accordance with General Plan Amendments that have occurred since the adoption of the General Plan. Alternative 1 is projected to result in 22,430 additional dwelling units, 5,510 additional persons, and 16,083 additional jobs by the 2030 buildout year.

***Environmental Effects.*** Overall, Alternative 1 would result in decreased environmental impacts relative to the proposed Program for the following topics: Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, and Utilities and Service Systems. Moreover, significant and unavoidable impacts related to population and housing and tribal cultural resources would be eliminated. However, impacts would increase for the following topics: Land Use and Planning and Transportation. Under Alternative 1, impacts to mineral resources would be similar to the Program. Substantial evidence supporting these environmental impact conclusions is provided in Section 6.5.1 of the Draft PEIR (Draft PEIR, pp. 6.0-5 to 6.0-11).

***Finding.*** Alternative 1 would not achieve the underlying purpose of the Program or most of the project objectives. It would not incorporate land use or zoning changes to increase residential capacity within the City to meet Regional Housing Needs Allocation goals. Implementation of Alternative 1 would continue the existing land use and zoning within the City. Sites within the General Plan Focus Areas would remain. However, further land use changes would be required to facilitate redevelopment of underutilized land within the Planning Area. As a result, this alternative would not diversify neighborhoods with new residential densities and housing types.

The City finds that Alternative 1 is not feasible and rejects Alternative 1. Alternative 1 fails to meet the project's underlying goal of increasing residential capacity within the City to meet Regional Housing Needs Allocation goals. Furthermore, Alternative 1 would not meet the project objectives that support this goal. Alternative 1 would violate State Housing Element law without sufficient sites during the 6th RHNA Cycle. As such, the City rejects this alternative and finds that it is not desirable or feasible based on the specific economic, social, and land use policy considerations outlined above.

## 8.2 Alternative 2 – Reduced Sites Alternative

This alternative would be generally similar to the proposed Program, except for reduction in the number of sites included within the Planning Area. Under Alternative 2, eight (8) sites with Assessor Parcel Numbers (APN) 339-191-01, 339-191-02, 339-191-03, 285-281-05, 285-281-06, 071-323-38, 071-323-40, 338-071-22 would be removed from consideration within the Planning Area. These sites would be removed because of their potential to remain as viable commercial developments within the City. As such, Alternative 2 would be implemented on a Planning Area of 751 parcels, totaling approximately 537 acres.

Similar to the proposed Program, this alternative would have a maximum density of 60 du/ac assumed for all parcels across the Planning Area. In addition, Alternative 2 assumes all future development projects would include on-site commercial uses with a FAR of 0.12, similar to the proposed Program. Alternative 2 would have a maximum growth potential of 32,234 housing units and 2,808,180 square feet of commercial uses on site. Thus, this alternative would result in 96,711 residents and 4,508 employees (or a net reduction of 5,577 employees).

***Environmental Effects.*** The impacts of Alternative 4 generally would be similar to those of the proposed Program. Although the number of changed parcels would be slightly reduce, the construction scenario would be generally the same as that of the proposed Program. Slight reductions in construction intensity may be achieved through the reduced buildout under Alternative 2, but overall, construction-related effects would be similar to those of the proposed Program. Substantial evidence supporting these environmental impact conclusions is provided in Chapter 6.5.2 of the Draft EIR (pp. 6.0-11 to 6.0-18).

***Finding.*** Alternative 2 would meet all of the project objectives, although some objectives would have a reduced ability to meet than the proposed Program. Alternative 2 would still achieve the underlying purpose, as it would incorporate zoning changes to increase residential capacity within the City to meet Regional Housing Needs Allocation goals. Under this alternative, fewer parcels are considered for future residential development within the Planning Area. However, Alternative 2 would result in a maximum growth potential of 32,234 housing units. As such, Alternative 2 would achieve the 6th RHNA Cycle goals. Moreover, Alternative 2 would diversify neighborhoods and redevelop underutilized existing non-residential land uses with new residential densities and housing types. The sites under Alternative 2 would facilitate a buildout on parcels based on the same methodology as the proposed Program.

Future development under this alternative would be required to comply with the City's General Plan goals, policies, and Municipal Code regulations designed to discourage development within local hazard zones.

While Alternative 2 would not eliminate significant and unavoidable impacts, the City received comments in opposition to the potential redevelopment of select commercial centers. Alternative 2 would remove select sites due to their potential to remain as viable commercial uses within the City. As such, the sites proposed for removal would not be considered underutilized. Thus, this alternative is responsive to those comments/concerns.

In summary, Alternative 2 would achieve the underlying purpose and many of its objectives to a similar extent to the Program itself, it would reduce the potential redevelopment of viable commercial sites within the City, it would facilitate the development of housing and affordable housing consistent with State Housing Element law. The City therefore finds that Alternative 2 is feasible and is more desirable than the proposed Program or Alternatives 1 and 3. The City has therefore decided to adopt Alternative 2.

Because the environmental impacts for Alternative 2 are generally the same to those identified for the proposed Program, the City finds that the findings identified throughout this document are applicable to both the proposed Program and to Alternative 2. The City finds that inclusion of the same mitigation measures identified for the proposed Program would also avoid or substantially lessen the potentially significant environmental effects of Alternative 2 on the environment.

## 8.3 Alternative 3 – Reduced Density Alternative

CEQA requires that EIRs "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" (CEQA Guidelines Section 15126[a]). The Program would result in significant and unavoidable impacts even with implementation of mitigation measures for the following environmental topic areas: Air Quality, Population and Housing, and Tribal Cultural Resources. With the exception of Tribal Cultural Resources, significant unavoidable impacts would occur under the proposed Program due to unplanned population growth within the buildout year of 2029. Under the Program, a maximum density of 60 du/ac was assumed for the purposes of analyzing the Program's maximum potential environmental effects. This methodology was based on the City's General Plan buildout scenarios for each land use designations. The General Plan includes eight different Focus Areas that identify the High Density Residential land use designation as an applicable land use. The General Plan recommends maximum densities between 45 to 80 du/ac.

Alternative 3 would facilitate a buildout potential at a reduced maximum density of 45 du/ac, consistent with the General Plan, in order to reduce the environmental impacts associated with population growth and construction activities. As a result, Alternative 3 would have a total development potential of 26,709 units across the Planning Area. Additionally, implementation of Alternative 3 would include the same commercial development potential with a 0.12 FAR. As such, under this alternative, a total of 3,102,449 square feet of commercial uses, and 4,979 employees (or a net reduction of 6,160 employees) are anticipated at buildout of future development projects. Alternative 3 would result in a reduction of 8,902 units, and as a result a reduction of 25,906 residents when compared to the proposed Program.

***Environmental Effects.*** Overall, Alternative 3 would result in decreased environmental impacts relative to the proposed Program for the following topics: Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Population and Housing, Public Services, Recreation, and Utilities

and Service Systems. Impacts would be similar to the Program for the following topics: Land Use and Planning, Mineral Resources, Transportation, and Tribal Cultural Resources. Generally, impacts of Alternative 3 would be less than the Program due to the reduced density assumed across the Planning Area. However, specifically for the topics of mineral resources and tribal cultural resources, impacts would remain the same as the scope of the Planning Area's parcels would not change. Substantial evidence supporting these environmental impact conclusions is provided in Section 5.2.3 of the Draft PEIR (Draft PEIR pp. 6.0-18 to 6.0-23).

***Finding.*** This alternative would meet most of the objectives; however, it would not meet some to the same degree as the proposed Program. This alternative would still meet the underlying purpose of incorporating zoning changes to increase residential capacity within the City to meet Regional Housing Needs Allocation goals. It would meet specific objectives related to diversifying neighborhoods, redeveloping underutilized land, and discouraging development within known local hazard zones. Given the reduced density, Alternative 3 would meet specific objectives related to the promotion of positive economic, educational, and health outcomes for current and future residents, while at a reduced ability.

In summary, Alternative 3 would not avoid or substantially reduce the significant and unavoidable environmental impacts identified for the Program. The City has instead decided to adopt Alternative 2 (Reduced Sites Alternative); see Section 8.2 for details. For these reasons, the City finds that Alternative 3 is not desirable and rejects Alternative 3 in favor of Alternative 2.

## 8.4 Environmentally Superior Alternative

Alternative 1 would result in the fewest environmental impacts. Moreover, this alternative is the only alternative to eliminate a significant unavoidable impact (under Population and Housing). Therefore, Alternative 1 would be considered the Environmentally Superior Alternative. Pursuant to CEQA Guidelines Section 15126.6(e)(2), if the No Project Alternative is the environmentally superior alterative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Alternative 3, Reduced Density Alternative, would be the Environmentally Superior Alternative. Alternative 3 reduces the development potential more than Alternative 2, while also meeting objectives related to the City's RHNA goals. While Alternative 3 would result in similar impacts as the proposed Program related to Land Use and Planning, Mineral Resources, Transportation, and Tribal Cultural Resources, the scale of the reduction of housing units is greater than that of Alternative 2. Moreover, Alternative 2 would result in similar, although slighted reduced, impacts across all environmental topic areas given the slight reduction of parcels from the proposed Planning Area. Furthermore, Alternative 3 would achieve the objectives more than Alternative 2 (Draft PEIR, p. 6.0-25).

# 9 Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081(b) and State CEQA Guidelines section 15093(a) and (b), the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. The lead or responsible agency may then approve the project and adopt a "Statement of Overriding Considerations," which states in writing the specific reasons to support the lead or responsible agency's action based on the Final PEIR and other information in the record (CEQA Guidelines section 15093 and 15096(h)). These Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the Final PEIR, public testimony, and all other materials that constitute the record of proceedings.

After examining the proposed Housing Incentive Overlay Zone Program in light of its alternatives, the City has determined that adoption and implementation of one of the alternatives (Alternative 2, Reduced Sites Alternative) is the most desirable, feasible, and appropriate action.

The City finds and determines that (1) all significant environmental effects of Alternative 2 have been substantially lessened where feasible; (2) Alternative 2 will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with incorporation of all feasible mitigation measures; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce the remaining significant environmental effects to a less-than-significant level.

The City finds that the adoption and implementation of Alternative 2, Reduced Sites Alternative, will have the economic, social, legal, and other considerable benefits listed below. The City finds that each of the separate benefits listed below is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of Alternative 2 and outweighs and overrides the significant unavoidable impacts related to air quality, population and housing, and tribal cultural resources described in Section 6, and thereby justifies approval of Alternative 2.

1. Alternative 2 would incorporate zoning changes to increase residential capacity within the City to meet Regional Housing Needs Allocation goals.

2. Alternative 2 would contribution to the implementation of the goals and policies in the City's General Plan, specifically related to the Focus Areas within the City.

3. Alternative 2 would diversify neighborhoods and redevelop underutilized existing non-residential land uses with new residential densities and housing types, consistent with regional and statewide goals for sustainable infill development.

4. Alternative 2 would promote economic viability with the facilitation of on-site commercial uses.

5. Alternative 2 would result in new residential and mixed-use development near opportunity areas with access to community amenities and promote affirmatively furthering fair housing policies.

6. Alternative 2 would limit the redevelopment of viable commercial developments within the City.

## Conclusion

In light of the foregoing, and the information contained within the Final PEIR and other portions of the record, the City concludes that implementation of Alternative 2 will result in a beneficial program as outlined above. The City also finds that the benefits identified above outweigh and make acceptable the significant, unavoidable environmental impact associated with Alternative 2 and, accordingly, the City adopts this Statement of Overriding Considerations.