



Final Subsequent

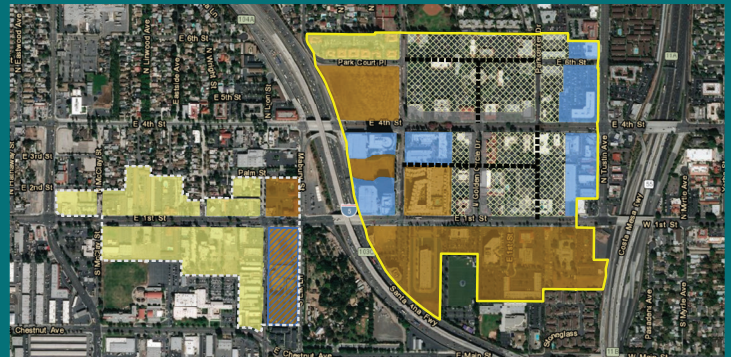
Environmental Impact Report

Metro East
Mixed-Use Overlay District Expansion
and Elan Development Projects

August 2018

Lead Agency:
City of Santa Ana
20 Civic Center Plaza, M-20
Santa Ana, CA 92701
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Prepared with Assistance From:
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1 Ada, Suite 100
Irvine, CA 92618
Chad Beckstrom, AICP



FINAL

METRO EAST MIXED-USE OVERLAY DISTRICT EXPANSION AND ELAN DEVELOPMENT PROJECTS SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

PREPARED FOR:

City of Santa Ana
20 Civic Center Plaza, M-20
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August 2018



ICF. 2018. Metro East Mixed-Use Overlay District Expansion and Elan Development Projects
Subsequent Environmental Impact Report. Final. August. (ICF 00019.18.) Irvine, CA. Prepared for
City of Santa Ana, CA

1.1 Overview

In accordance with Sections 15088 and 15089 of the California Environmental Quality Act (CEQA) Guidelines, the City of Santa Ana (City), as the lead agency, has evaluated the comments received on the Draft Subsequent Environmental Impact Report (SEIR) for the Metro East Mixed-Use (MEMU) Overlay District Expansion and Elan Development Projects (State Clearinghouse No. 2006031041) and has prepared this Final SEIR. This document has been prepared in accordance with CEQA and represents the independent judgment of the lead agency.

According to State CEQA Guidelines Section 15132, the Final EIR shall consist of:

- (a) The Draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the lead agency.

1.2 Content and Format

This chapter provides a brief introduction to this document and a summary of the public review process; Chapter 2 provides a list of the commenters and responses to the public and agency comments received on the Draft SEIR during the public review period; and Chapter 3 contains clarifications and modifications to the Draft SEIR as a result of the comments received from agencies and interested parties. The City will also consider adoption of a Mitigation Monitoring and Reporting Program and Findings of Fact as part of the approval process for the proposed project.

City staff have reviewed this information and determined that it does not constitute significant new information; therefore, recirculation of the Draft SEIR for further comment (pursuant to State CEQA Guidelines Section 15088.5) is not required.

1.3 Project Summary and Overview

The proposed project includes expansion of the boundaries of the MEMU Overlay District, modification of development standards, development of a mixed-use multi-family residential and commercial project, an amendment to the existing General Plan, and an amendment to the existing Zoning Code.

The MEMU Overlay District expansion would add 33.52 acres or approximately 48 parcels to the existing MEMU Overlay District area. The additional project area extends west primarily along First

Street and is generally bound by the Santa Ana (I-5) Freeway to the east, Grand Avenue to the west, East Chestnut Avenue to the south, and Fourth Street to the north.

No modifications to the MEMU Overlay Zone development capacity are proposed under the proposed project. Under the proposed project, the development capacity would remain the same; however, with expansion of the MEMU Overlay Zone boundaries, the developable area would be extended to include the expanded Overlay Zone area. The original (2007) MEMU Overlay Zone project included a potential increase in City population of 11,102 residents; a potential increase in the number of available residences within City limits by 5,551 units; and the potential development of 1,275,440 gross square feet (gsf) of commercial (retail and service) space, as well as 3,410,507 gsf of office space. This corresponds to a potential net increase of approximately 963,000 square feet (sf) of commercial space and 690,000 sf of office space. The expansion of the MEMU Overlay District is expected to produce up to 1,888 residential units (3,776 residents) in the expansion area and a maximum of approximately 2,835,000 sf of building area, which includes 944,500 sf of non-residential square footage.

The MEMU Overlay District Expansion Project includes updating the allowable land uses to create additional housing opportunities. The existing MEMU Overlay Zone allows development to occur in accordance with four separate district designations. The proposed addition to the MEMU area would apply the same district concepts, using only the Neighborhood Transitional and Active Urban Districts. Also, the project proposes to change a portion of the Neighborhood Transitional District located in the northern portion of the existing MEMU Overlay Zone area between Cabrillo Park Drive and Park Center Drive to Village Center District.

The MEMU expansion project includes updating the development standards within the existing document. The current document allows residential land uses in the Neighborhood Transitional and Active Urban Districts. Multiple-family residential and live/work developments are prohibited in the Office District, while live/work is the only residential land use permitted in the Village Center District. The project would update the MEMU document to remove these restrictions in order to allow residential developments in each of the four land use districts.

The existing MEMU document also contains form-based design standards and design guidelines for new developments seeking to activate and build to the MEMU Overlay District (OZ-1) standards. The MEMU Overlay District Expansion Project will undertake a comprehensive review of these development standards and design guidelines to identify components that require updating. Moreover, the project would update one or more of the land use districts, or create a fifth land use district, to facilitate the expansion of the OZ-1 designation in the westward MEMU Overlay District expansion area along the First Street corridor. These updates are intended to facilitate infill development or redevelopment opportunities in the expansion area on First Street and to ensure that such developments are compatible with the surrounding land uses and existing development patterns. These updates would also incorporate changes to development, market demands, housing needs, and construction technology in the post-Great Recession market.

The proposed Elan Mixed-Use Development Project includes 603 residential units and approximately 8,500 sf of commercial uses at the ground floor. It would also include pools, spas, courtyards, public open space, fitness rooms, and other amenities for the residents. The project would result in a residential density of 93.75 du/ac, and the proposed development would be within the capacity established by the MEMU Overlay Zone. The project is located on an approximately 6.4-acre site at 1660 E. First Street fronting First Street between Lyon Avenue and Elk Lane, within

the proposed MEMU Overlay District expansion area. The proposed project includes redevelopment of the old Elks Club site into two mixed-use (residential and commercial) structures: one seven-story “wrap” building and one five-story building with two levels of underground parking. Underground parking would include 1,209 parking spaces with two access points from Elk Lane and two access points from Lyon Street. Construction would occur generally in a single phase, with completion of one building proceeding the other by a few months to facilitate staging.

The City actions required to approve the proposed project include the following:

- Certify the Final SEIR and adopt the Mitigation Monitoring and Reporting Program.
- Approve the General Plan Amendment.
- Approve the Zone Change.

1.4 Draft SEIR Public Review/Notice of Completion

CEQA requires that a Draft EIR have a review period lasting at least 45 days for projects that have been submitted to the State Clearinghouse for review (State CEQA Guidelines Section 15105(a)). The Draft SEIR for the proposed project was released for public review on June 12, 2018, and it circulated for public review and comment for a 45-day period ending on July 27, 2018. In compliance with Section 15087 of the State CEQA Guidelines, the City provided public Notice of Availability (NOA) of the Draft SEIR at the same time it sent a Notice of Completion to the State Clearinghouse.

The City used several methods to solicit comments on the Draft SEIR. The NOA, along with a CD containing the Draft SEIR and technical appendices, was mailed to various agencies and organizations and to individuals who had previously requested such notice. The Draft SEIR was submitted to the State Clearinghouse for distribution to and review by state agencies. The NOA was also posted at the Orange County Clerk for a period of 30 days. The Draft SEIR was made available for review at the City of Santa Ana Planning Division at 20 Civic Center Plaza, M-20, Santa Ana, CA 92701; the City of Santa Ana Public Library at 26 Civic Center Plaza, Santa Ana, CA 92701; and online at the City’s website: <http://santa-ana.org/pba/planning/MetroEastMixed-UseOverlayZoneExpansion.asp>.

The City of Santa Ana Planning Commission held a public hearing on July 23, 2018 at 5:30 p.m. in the City Council Chambers—located at 22 Civic Center Plaza, Santa Ana, CA 92701—to consider recommendations on certification of the Final SEIR and approvals of the proposed project.

Agency and public comments received during the Draft SEIR review period are presented in Chapter 2 of this Final SEIR.

1.5 Final EIR and Certification

The City of Santa Ana City Council will hold a public hearing on August 21, 2018 at 5:45 p.m. in the City Council Chambers—located at 22 Civic Center Plaza Santa Ana, CA 92701—to consider certification of the Final SEIR and approval the proposed project. The comments and responses will be provided to each agency or person who provided written comments on the EIR at least 10 days prior to the scheduled hearing before the City Council Meeting.

2.1 Overview

This chapter provides the comment letters received during the Draft SEIR public review period, as well as verbal comments received during the Planning Commission meeting. The public comment and response component of the CEQA process serves an essential role. It allows the lead agency to assess the impacts of a project based on the analysis of other responsible, concerned, or adjacent agencies and interested parties, and it provides the opportunity to amplify and better explain the analyses that the lead agency has undertaken to determine the potential environmental impacts of a project. To that extent, responses to comments are intended to provide complete and thorough explanations to commenting agencies and individuals, and to improve the overall understanding of the project for the decision-making bodies.

Comments that raise substantive environmental issues have been thoroughly addressed in written responses to comments contained in this chapter. Comments that do not require a response include those that (1) do not address the adequacy or completeness of the Draft SEIR; (2) do not raise substantive environmental issues; (3) do not address the proposed project; or (4) request the incorporation of additional information not relevant to environmental issues.

Section 15088 of the State CEQA Guidelines, Evaluation of and Response to Comments, states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.
- c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.
- d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:
 - 1. Revise the text in the body of the EIR, or
 - 2. Include marginal notes showing that the information is revised in the response to comments.

Revisions to the Draft SEIR have been prepared to make minor corrections and clarifications to the Draft SEIR as a result of City review and comments received during the public review period (refer to Chapter 3 of this Final SEIR). Therefore, this *Comments Received and Responses to Comments* chapter, along with the *Clarifications and Modifications to the Draft SEIR* in Chapter 3, are included as part of this Final SEIR along with the Draft SEIR for consideration by the City prior to a vote to certify the EIR.

2.2 Comments on the Draft SEIR

During the public review period, the City received nine comment letters from public agencies, as well as two comments during the Planning Commission meeting on July 23, 2018. In accordance with Section 15132 of the State CEQA Guidelines, Table 2-1 presents a list of those agencies, organizations, and individuals who provided comments on the Draft SEIR. The date the comments were received by the City is noted. Responses to all comments received are provided following each of the comments.

2.3 Responses to Comments Received

This section includes responses to substantive Draft SEIR comments received by the City. With respect to comments received, aside from certain courtesy statements, introductions, and closings, individual comments within the body of each letter have been identified and numbered. A copy of each comment letter and the City's responses to each applicable comment are included in this section. Brackets delineating the individual comments and a numeric identifier have been added to the left margin of the letter. Responses to each comment identified are included on the page(s) following each comment letter. Responses to comments were sent to the agencies, organizations, and individuals that provided comments at least 10 days prior to the City's consideration of the Final SEIR.

In the process of responding to the comments, there were minor revisions to the text of the Draft SEIR described in this chapter and shown in Chapter 3, *Clarifications and Modifications to the Draft SEIR*, of this Final SEIR. None of the comments or responses constitute "significant new information" or any of the conditions set forth in Section 15088.5 of the State CEQA Guidelines that would require recirculation of the Draft SEIR.

Table 2-1. Public Comments Received on the Draft SEIR

| Date Received | Commenting Organization | Comment Code | Page |
|---------------|--|--------------|------|
| July 23, 2018 | Orange County Public Works | A | 2-4 |
| July 25, 2018 | Orange County Transportation Authority | B | 2-6 |
| July 24, 2018 | City of Irvine | C | 2-10 |
| July 27, 2018 | Southern California Association of Governments | D | 2-12 |
| July 26, 2018 | California Department of Transportation, District 12 | E | 2-16 |
| July 25, 2018 | Orange County Fire Authority | F | 2-21 |
| July 27, 2018 | South Coast Air Quality Management District | G | 2-25 |
| July 9, 2018 | Department of Toxic Substances Control | H | 2-34 |
| July 27, 2018 | Governor's Office of Planning and Research | I | 2-38 |
| July 23, 2018 | Santa Ana Planning Commission Meeting | J | 2-41 |

A. Orange County Public Works

Comment Letter A



July 23, 2018

NCL-18-043

Ali Pezeshkpour, AICP, Senior Planner
City of Santa Ana Planning and Building Agency
P.O. Box 1988
Santa Ana, CA 92702

Subject: Draft Subsequent Environmental Impact Report for the Metro East Mixed-Use Overlay Zone Expansion and Elan Development Projects

Dear Mr. Pezeshkpour:

A-1

The County of Orange has reviewed the Draft Subsequent Environmental Impact Report for the Metro East Mixed-Use Overlay Zone Expansion and Elan Development project and has no comments at this time. We would like to be advised of further developments on the project. Please continue to keep us on the distribution list for future notifications related to the project.

If you have any questions, please contact Cindy Salazar in Development Services at (714) 667-8870.

Sincerely,

Richard Vuong, Manager, Planning Division
OC Public Works Service Area/OC Development Services
300 North Flower Street
Santa Ana, California 92702-4048
Richard.Vuong@ocpw.ocgov.com

300 N. Flower Street, Santa Ana, CA 92703
P.O. Box 4048, Santa Ana, CA 92702-4048

www.ocpublicworks.com
714.667.8800 | Info@OCPW.ocgov.com

Response to Comment A-1

The City acknowledges that the County has reviewed the Draft SEIR and has no comments at this time. The City will continue to keep Orange County Public Works on the distribution list for future notifications related to the project.

B. Orange County Transportation Authority

Comment Letter B



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July 25, 2018

Mr. Ali Pezeshkpour, AICP, Senior Planner
City of Santa Ana Planning and Building Agency, M20
P.O. Box 1988
Santa Ana, CA 92707

Subject: Metro East Mixed-Use Overlay Zone Expansion and ELAN Projects

Dear Mr. Pezeshkpour:

Thank you for providing the Orange County Transportation Authority (OCTA) with the Draft Subsequent Environmental Impact Report for the Metro East Mixed-Use Overlay Zone Expansion and ELAN Projects (Project). The following comments are provided for your consideration:

- B-1 • The proposed Mitigation Measure MM-OZ 4.12-1 in the Environmental Impact Report indicates that the City of Santa Ana (City) would work with OCTA on improving transit service in the study area. Please note that OCTA has no plans to improve the bus routes in this area based on current and future land uses. The City should consider removing such commitment, given OCTA does not have sufficient resources to improve the bus routes in this area beyond the current headways and operating hours.
- B-2 • The City should consider additional Transportation Demand Management measures to encourage existing transit service. These could include providing transit information to new residents and employees or having developers subsidize transit passes.
- B-3 • On page 5 of section "2.2 Project Study Area" of the Traffic Impact Study, please revise "Congestion Management Plan" to state Congestion Management Program (CMP).
- B-4 • Please note that Mabury Street is currently a secondary arterial highway that is planned for four lanes per the Master Plan of Arterial Highways (MPAH) classification. The proposed Project should consider the planned buildout of Mabury Street and its potential right-of-way needs.

Orange County Transportation Authority
550 South Main Street / P.O. Box 14184 / Orange / California 92663-1584 / (714) 560-OCTA (6282)

Mr. Ali Pezeshkpour
July 25, 2018
Page 2

- B-5
- OCTA recommends that future developments also recognize the planned buildout of Mabury Street, as it relates to MM-OZ 4.12-2. If there is a desire to amend the MPAH, please contact OCTA staff.
- B-6
- In coordination with OCTA, the City of Santa Ana has proposed a general plan amendment that would reclassify First Street from a major arterial to a primary arterial, and Fourth Street from a primary arterial to a divided collector arterial, among other reclassifications. Please be cognizant of the influence that these proposed general plan changes could potentially have on Project impacts, should the general plan update be approved.

Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Sincerely,



Dan Phu
Manager, Environmental Programs

Response to Comment B-1

The City acknowledges that the Orange County Transportation Authority (OCTA) has no plans to improve the bus routes in the area based on current and future land uses, and does not have sufficient resources to improve the bus routes beyond the current headways and operating hours. Mitigation Measure MM-OZ 4.12-1 was included in the 2007 MEMU Final EIR and therefore was carried forward into the current Draft SEIR. The comment does not result in the need to modify the Draft SEIR, nor does it have any bearing on the environmental impact conclusions contained in the Draft SEIR. Therefore, no further response is warranted.

Response to Comment B-2

The City is considering additional Transportation Demand Management measures to encourage existing transit service throughout the MEMU project area, as well as potential city-wide application. The City is working separately with a consultant team to evaluate these strategies. The comment does not result in the need to modify the Draft SEIR, nor does it have any bearing on the environmental impact conclusions contained in the Draft SEIR. Therefore, no further response is warranted.

Response to Comment B-3

The City acknowledges the error on page 5 of the Traffic Impact Study (Appendix G1 of the Draft SEIR), and the request to revise “Congestion Management Plan” to “Congestion Management Program.” This modification is shown in Chapter 3 of this Final SEIR.

Response to Comment B-4

The City acknowledges that Mabury Street is planned for four lanes per the Master Plan of Arterial Highways (MPAH) classification. However, the traffic study was based on impacts in the context of existing conditions, which is the requirement per CEQA. Additionally, should Mabury Street ultimately be widened per the MPAH, the developable area within the expanded MEMU boundary would be reduced, thereby reducing traffic generation while also reducing congestion along area roadways and intersections. Therefore, it can be deduced that the current traffic study represents a conservative scenario, and impacts would be potentially reduced as currently stated.

Response to Comment B-5

Depending upon the timing, future development proposals within the MEMU District would recognize the planned buildout of Mabury Street. The individual traffic studies for projects that could affect or be affected by the buildout will consider the improvements identified in Mitigation Measure MM-OZ 4.12-2. The City has no desire or intention to amend the MPAH at this time.

Response to Comment B-6

OCTA is correct that the City is currently undertaking studies to amend the Circulation Element of the General Plan, which includes proposals to reclassify First Street and Fourth Street in the project area’s vicinity. However, these reclassifications may or may not ultimately be adopted, and—based on comments from other jurisdictions—additional changes may need to occur. The adoption of the General Plan Amendment is not imminent; therefore, the traffic analysis accurately describes the

current and reasonably foreseeable future conditions. Should these change, future projects would account for the reclassifications.

C. City of Irvine

Comment Letter C



Community Development

cityofirvine.org

1 Civic Center Plaza, Irvine, CA 92606-5208

949-724-6000

July 24, 2018

Mr. Ali Pezeshkpour
City of Santa Ana
Planning and Building Agency
PO Box 1988
Santa Ana, CA 92702

Subject: Initial Study and Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for Metro East Mixed-Use (MEMU) Overlay Zone Expansion and Elan Development Projects

Dear Mr. Pezeshkpour:

C-1

The City of Irvine has received the NOP for the Metro East Mixed-Use (MEMU) Overlay Zone Expansion and the Elan Development Projects in the City of Santa Ana. The project includes modifying the overlay zone to expand its boundaries and redeveloping the Elks Club into a mixed-use site (two multi-family residential and commercial buildings). The two buildings will consist of one seven-story wrap structure and one five-story structure with underground parking. Staff completed its review and has no comments. If you have any questions, please contact me at 949-724-6364 or by email at jequina@cityofirvine.org.

Sincerely,

Justin Equina
Associate Planner

ec: Kerwin Lau, Manager of Planning Services
Bill Jacobs, Principal Planner
Karen Urman, Senior Transportation Analyst

Response to Comment C-1

The City acknowledges that the City of Irvine has reviewed the Draft SEIR and has no comments.

D. Southern California Association of Governments

Comment Letter D



SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017
T: (213) 236-1800
www.scag.ca.gov

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D-1

July 27, 2018

Ali Pezeshkpour, AICP, Senior Planner
City of Santa Ana, Planning Division
P.O. Box 1988
Santa Ana, California 92702
Phone: (714) 647-5882
E-mail: apezeshkpour@santa-ana.org

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Metro East Mixed-Use Overlay Zone Expansion [SCAG NO. IGR5442]

Dear Mr. Pezeshkpour,

Thank you for submitting the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Metro East Mixed-Use Overlay Zone Expansion ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS) pursuant to Senate Bill (SB) 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.¹ SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Community Strategies (RTP/SCS) goals and align with RTP/SCS policies.

SCAG staff has reviewed the NOP of a DEIR for the Metro East Mixed-Use Overlay Zone Expansion. The proposed project includes a new mixed-use development with 603 residential units and 8,500 square feet of commercial space, and an expansion of the existing overlay zone from 200 acres to 233.52 acres.

When available, please send environmental documentation to SCAG's Los Angeles office in Los Angeles (900 Wilshire Boulevard, Ste. 1700, Los Angeles, California 90017) or by email to au@scag.ca.gov providing, at a minimum, the full public comment period for review.

If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Anita Au, Associate Regional Planner, at (213) 236-1874 or au@scag.ca.gov. Thank you.

Sincerely,

Ping Chang
Acting Manager, Compliance and Performance Monitoring

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS for the purpose of determining consistency for CEQA. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a determination of consistency with the 2016 RTP/SCS for CEQA.

July 27, 2018
Mr. Pezeshkpour

SCAG No. IGR5442
Page 2

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
METRO EAST MIXED-USE OVERLAY ZONE EXPANSION [SCAG NO. IGR5442]**

CONSISTENCY WITH RTP/SCS

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS. For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the RTP/SCS.

2016 RTP/SCS GOALS

The SCAG Regional Council adopted the 2016 RTP/SCS in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see <http://scagrtpscscs.net/Pages/FINAL2016RTPSCS.aspx>). The goals included in the 2016 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2016 RTP/SCS are the following:

| SCAG 2016 RTP/SCS GOALS | |
|--|--|
| RTP/SCS G1: | <i>Align the plan investments and policies with improving regional economic development and competitiveness</i> |
| RTP/SCS G2: | <i>Maximize mobility and accessibility for all people and goods in the region</i> |
| RTP/SCS G3: | <i>Ensure travel safety and reliability for all people and goods in the region</i> |
| RTP/SCS G4: | <i>Preserve and ensure a sustainable regional transportation system</i> |
| RTP/SCS G5: | <i>Maximize the productivity of our transportation system</i> |
| RTP/SCS G6: | <i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)</i> |
| RTP/SCS G7: | <i>Actively encourage and create incentives for energy efficiency, where possible</i> |
| RTP/SCS G8: | <i>Encourage land use and growth patterns that facilitate transit and active transportation</i> |
| RTP/SCS G9: | <i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies*</i> |
| *SCAG does not yet have an agreed-upon security performance measure. | |

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

July 27, 2018
Mr. Pezeshkpour

SCAG No. IGR5442
Page 3

| SCAG 2016 RTP/SCS GOALS | |
|---|--|
| Goal | Analysis |
| RTP/SCS G1: <i>Align the plan investments and policies with improving regional economic development and competitiveness</i> | Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference |
| RTP/SCS G2: <i>Maximize mobility and accessibility for all people and goods in the region</i> | Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference |
| etc. | etc. |

2016 RTP/SCS STRATEGIES

To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. Technical appendances of the 2016 RTP/SCS provide additional supporting information in detail. To view the 2016 RTP/SCS, please visit: <http://scagrtpscsc.net/Pages/FINAL2016RTPSCS.aspx>. The 2016 RTP/SCS builds upon the progress from the 2012 RTP/SCS and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that the SCAG region strives toward a more sustainable region, while the region meets and exceeds in meeting all of applicable statutory requirements pertinent to the 2016 RTP/SCS. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

DEMOGRAPHICS AND GROWTH FORECASTS

Local input plays an important role in developing a reasonable growth forecast for the 2016 RTP/SCS. SCAG used a bottom-up local review and input process and engaged local jurisdictions in establishing the base geographic and socioeconomic projections including population, household and employment. At the time of this letter, the most recently adopted SCAG jurisdictional-level growth forecasts that were developed in accordance with the bottom-up local review and input process consist of the 2020, 2035, and 2040 population, households and employment forecasts. To view them, please visit <http://www.scag.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf>. The growth forecasts for the region and applicable jurisdictions are below.

| | Adopted SCAG Region Wide Forecasts | | | Adopted City of Santa Ana Forecasts | | |
|------------|------------------------------------|------------|------------|-------------------------------------|-----------|-----------|
| | Year 2020 | Year 2035 | Year 2040 | Year 2020 | Year 2035 | Year 2040 |
| Population | 19,663,000 | 22,091,000 | 22,138,800 | 340,600 | 343,400 | 343,100 |
| Households | 6,458,000 | 7,325,000 | 7,412,300 | 76,600 | 77,700 | 78,000 |
| Employment | 8,414,000 | 9,441,000 | 9,871,500 | 160,600 | 165,200 | 166,000 |

MITIGATION MEASURES

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG's Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on April 7, 2016 (please see: <http://scagrtpscsc.net/Pages/FINAL2016PEIR.aspx>). The Final PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

Response to Comment D-1

The City acknowledges that the Southern California Association of Governments (SCAG) has reviewed the Notice of Preparation (NOP) for the proposed project and that SCAG has requested the environmental documentation when available. SCAG was provided the Notice of Availability (NOA) of the Draft SEIR, along with an electronic copy of the Draft SEIR and a link to the City's website containing the documents. These were available for a 45-day public review period in accordance with CEQA. As no comments were provided, no further response is warranted.

E. California Department of Transportation, District 12

Comment Letter E

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

1750 EAST FOURTH STREET, SUITE 100

SANTA ANA, CA 92705

PHONE (657) 328-6267

FAX (657) 328-6510

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www.dot.ca.gov

*Making Conservation
a California Way of Life.*

July 26, 2018

Mr. Ali Pezeshkpour
City of Santa Ana
20 Civic Center Plaza
Santa Ana, CA 92072

File: IGR/CEQA
SCH#: 2006031041
DOC#: 12-ORA-2018-00906
I-5 30.97
SR 55 13.41

Dear Mr. Pezeshkpour,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Supplemental Environmental Impact Report (SEIR) for the proposed Metro East Mixed-Use Overlay Zone Expansion and Elan Development Projects. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

The project proposes to amend the City of Santa Ana's existing General Plan to allow the development of mixed-use multi-family residential and commercial. The project is located on First and Fourth Street in the City of Santa Ana, west of State Route 55 (SR 55) and east of Grand Avenue. Caltrans is a responsible agency and has the following comments:

Transportation Planning:

- E-1
1. The proposed project is in close proximity to the Santa Ana Regional Transportation Center (SARTC). Ensuring first and last mile connections would promote a cohesive and dependable multi-modal network. Promoting the use of these connections would also go well in achieving the City's Complete Street and Active Transportation goals.
 - a. OCTA Bus Route 463 is a commuter route that is synced with the SARTC drop-off and pick-up times. Route 463 runs a service from SARTC to the MEMU Overlay Zone.
 - b. Other OCTA Bus Services include Route 59 servicing Grand Avenue, Route 64 servicing First Street, and Route 71 Tustin Avenue. These routes link transit services to the Elan Development area and Downtown Santa Ana.
 - c. The City's Bikeway Master Plan shows proposed Class II Bicycle Facilities on First Street and Grand Avenue. The City should consider developing these proposed bicycle facilities to improve local connectivity and promote active transportation. Coordinate with Caltrans for sections of the proposed bicycle facilities that intersect Caltrans Right-of-Way (ROW).
- E-2
2. Future development that fall within the project area should be submitted to Caltrans for review and comment.

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to enhance California's economy and livability"*

City of Santa Ana
 July 26, 2018
 Page 2

Traffic Operations:

- E-3 3. Caltrans Traffic Operations has the following comments on the Project Trip Generation (SEIR page 4-126).
- a. The trip generation for year 2040 with built project states that the AM peak hour is at -658. There cannot be a negative peak hour trip, the City shall address this issue.
 - b. The trip generation for year 2040 uses the existing land use for their calculations. The City shall generate year 2040 trip generations using the proposed future land use.
- E-4 4. The City shall comply with Caltrans' threshold of significance. Please refer to the Caltrans "Guide for the Preparation of Traffic Impact Studies" for the thresholds of significance.
http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf
- E-5 5. Freeway mainline facilities are to be analyzed using the Highway Capacity Manual (HCM) 2010. The City shall perform Level of Service analysis at any intersections that fall within State ROW. The City shall provide merge and diverge analysis where appropriate. Segments are to be analyzed as basic, merge (on ramp), diverge (off ramp), or weaving per the HCM.
- E-6 6. Include 95th-percentile queue analysis for Caltrans intersections and onramp locations. Identify impacts to queue lengths for offramps and turn bays, as well as ramp storage. Please refer to Caltrans Ramp Meter Design Manual 2016.
<http://www.dot.ca.gov/trafficops/tm/docs/RMDM.pdf>

Design:

- E-7 7. All improvements within State ROW shall be fully compliant with Americans with Disabilities Act, as well as the Highway Design Manual. Improvements and mitigation measures should be considered to support all modes of transportation, including pedestrians, bicycles and transit. Improvement to the on and off-ramps at SR 55/Fourth Street should address all movements on and off the freeway, as trips will be generated in both directions. Secondary impacts to drainage, electrical, ROW, fiber optic communications will need to be addressed. Include charging stations for electric vehicles.

Permits:


- E-8 8. Any project work proposed in the vicinity of the State ROW would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans's requirements for work done within State ROW, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near State ROW. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

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City of Santa Ana
July 26, 2018
Page 3

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Jude Miranda at (657) 328-6229 or Jude.Miranda@dot.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Scott Shelley".

SCOTT SHELLEY
Branch Chief, Regional-IGR-Transit Planning
District 12

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to enhance California's economy and livability"*

Response to Comment E-1

The California Department of Transportation (Caltrans) comment provides information to promote the first and last mile connections to the Santa Ana Regional Transportation Center (SARTC), including various bus routes, other OCTA bus services, and the City's Bikeway Master Plan, which shows Class II Bicycle Facilities on First Street and Grand Avenue. The comment also recommends that the City consider developing these proposed bicycle facilities to improve local connectivity and promote active transportation. As these facilities are included in the City's Bikeway Master Plan, the City's intention is to move forward with these improvements in the future as funding and feasibility allow. There are no plans to implement these improvements at this time.

Response to Comment E-2

The City acknowledges the requests that future development that falls within the project area be submitted to Caltrans for review and comment.

Response to Comment E-3

The reduction in trip generation is not a mistake. The 2040 buildout year with project conditions calculates project trips using the proposed potential land use less that land use from the previously approved MEMU Overlay Zone Project and less the existing land use in the new expansion area. Additionally, the internal trip capture trip reductions applied to the forecasted trips are 8,534 daily trips. These reductions apply to the retail/commercial and office components of the MEMU Overlay District Expansion and Elan Development Projects and the corresponding residential trip ends. The trip generation for existing land uses is presented as a baseline from which to compare the impacts and the difference from the 2007 MEMU Final EIR.

Response to Comment E-4

The City acknowledges that the Caltrans threshold of significance differs from the City's. Caltrans "endeavors to maintain a target LOS at the transition between LOS 'C' and LOS 'D' on State highway facilities"; it does not require that LOS D be maintained. Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. Caltrans has determined that all state-owned facilities that operate below LOS D should be identified and improved to an acceptable LOS. The Caltrans Traffic Impact Study Guidelines dated December 2002 states that if an existing state-owned facility operates at less than LOS D, the existing service level should be maintained. While the traffic study may not explicitly state the Caltrans threshold, the determination of significance accounts for these standards and the impacts have been accurately identified and disclosed. No revisions are necessary to either the traffic study or the SEIR.

Response to Comment E-5

The freeway mainline facilities—including merge, diverge, and weaving analyses—were included in the 2007 MEMU Final EIR. As the proposed project does not increase development, but rather spreads out the maximum development along a larger area, the project would not result in additional traffic on the freeway. Therefore, additional analysis is not required as part of this SEIR.

Response to Comment E-6

See Response to Comment E-5 above.

Response to Comment E-7

The City acknowledges that any improvements needed within the state right-of-way will be fully compliant with Americans with Disabilities Act, as well as the Highway Design Manual. The necessary improvements required as part of the full buildout of the mitigation measures will be identified and included as part of the design and implementation of those measures. The MEMU Overlay District Expansion and Elan Development Projects do not require implementation of improvements at Caltrans facilities.

Response to Comment E-8

The City acknowledges that any project work proposed near the state right-of-way would require an encroachment permit. The MEMU Overlay District Expansion and Elan Development Projects would not require an encroachment permit, and there are no other projects currently in process that would require work in the state right-of-way.

F. Orange County Fire Authority



ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115

1 Fire Authority Way, Irvine, CA 92602

Brian Fennessy, Fire Chief • www.ocfa.org • (714) 573-6000 / Fax (714) 368-8843

Comment Letter F

July 25, 2018

City of Santa Ana
Planning Division
Attn: Ali Pezeshkpuor, AICP, Senior Planner
PO Box 1988
Santa Ana, CA 92702

Ref: Notice of Availability of a Draft Subsequent Environmental Impact Report for the Metro East Mixed-Use Overlay Zone Expansion and Elan Development Projects

Dear Ali Pezeshkpuor:

Thank you for the opportunity to review the subject document. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to the project area. Services include: structural fire protection, emergency medical and rescue services, education and hazardous material response. OCFA also participates in disaster planning as it relates to emergency operations, which includes high occupant areas and schools sites and may participate in community disaster drills planned by others. Resources are deployed based upon a regional service delivery system, assigning personnel and equipment to emergency incidents without regard to jurisdictional boundaries. The equipment used by the department has the versatility to respond to both urban and wildland emergency conditions

Orange County Fire Authority has the following comments:

Statement in Subject Document, Page 52: Fire Protection:

“Operation of the proposed project would increase the demand for fire protection services, but it would not require the construction of new physically altered facilities to accommodate the increased demand or maintain acceptable response times.”

OCFA Response to Statement in Subject Document, Page 52: Fire Protection:

F-1 The expansion portion of this project may cause an impact to emergency response with the MEMU project as a whole, along with the cumulative effect of multiple projects planned within this area of the City. Cumulatively these projects introduce approximately 7,000 residential units and potentially over 1,000,000 square feet of commercial space which would impact emergency services and response times. We believe with the Mitigation Measures outlined in this letter that some fire impact will be reduced; however, 80% of calls OCFA responds to in Santa Ana are for emergency medical services.

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RESIDENTIAL SPRINKLERS AND SMOKE DETECTORS SAVE LIVES

We believe the projects impact on fire services will be reduced with the following Mitigation Measures:

- F-2 • The project is subject to review by the City and the OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. The project will be subject to the 2016 editions of the CBC, CFC and related codes.
- F-3 • Structures of this size and occupancy are required to have automatic fire sprinkler systems designed per NFPA 13 as required in the 2016 CBC, CFC.
- F-4 • A water supply system to supply fire hydrants and automatic fire sprinkler systems is required. Fire flow and hydrant spacing shall meet the minimums identified in the codes. Please refer to the California Fire Code Appendix section. These tables are also located in OCFA Guideline B09, Attachment 23.
- F-5 • Fire apparatus and personnel access to and around structures shall meet the minimum development standards of the OCFA and California Fire Code requirements. Please reference Section 2 of the OCFA's Guideline B-09 at www.ocfa.org.
- F-6 • If the project scope includes or requires the installation of traffic signals on public access ways, these improvements shall include the installation of optical preemption devices.
- F-7 • High rise provisions will be required for buildings or parking structures over 75' amenity decks are considered an Assembly.
- F-8 • Occupancy and proper egress provisions are required if included in this project.
- F-9 • Any occupancy of any portion of the project will be after final approval has taken place.

- F-10 In addition, we would like to point out that all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, and the like will be applied to this project at the time of plan submittal. Thank you for providing us with this information. Please contact me at 714-573-6199 if you have any questions.

Sincerely,



Tamera Rivers

Management Analyst
Strategic Services Section
tamyrrivers@ocfa.org
714-573-6199

Response to Comment F-1

The Orange County Fire Authority (OCFA) comment suggests that the proposed project would introduce approximately 7,000 residential units and potentially over 1,000,000 square feet of commercial space, which would result in impacts on emergency services and response times. However, it should be reiterated that the proposed expansion of the MEMU District would not increase the number of residential units or commercial space beyond what was previously approved as part of the 2007 MEMU Final EIR. Rather, the project would spread the development among a larger area. Therefore, the impacts associated with new residential and commercial development, and increased population, have been adequately addressed, and no new impacts would occur. The mitigation measures identified were carried forward from the prior 2007 MEMU Final EIR, as they remain applicable for future development within the MEMU District.

Response to Comment F-2

The City acknowledges that individual projects are subject to review by the City and the OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. This is a standard requirement and is not required to reduce a significant impact. Therefore, the City does not believe this mitigation is warranted.

Response to Comment F-3

The City acknowledges that individual projects of a certain size and occupancy are required to have automatic fire sprinkler systems. This is a standard requirement and is not required to reduce a significant impact. Therefore, the City does not believe this mitigation is warranted.

Response to Comment F-4

The City acknowledges that individual projects are required to ensure that water supply systems supply fire hydrants and automatic sprinkler systems, and that fire flow and hydrant spaces shall meet the minimums identified in the codes. This is a standard requirement and is not required to reduce a significant impact. Therefore, the City does not believe this mitigation is warranted.

Response to Comment F-5

The City acknowledges that individual projects shall meet minimum development standards to provide fire apparatus and personnel access to and around structures. This is a standard requirement and is not required to reduce a significant impact. Therefore, the City does not believe this mitigation is warranted.

Response to Comment F-6

No traffic signals are proposed to be installed at this time. Should they be required in the future, the City will work with OCFA to include the installation of optical preemption devices. This is a standard requirement and is not required to reduce a significant impact. Therefore, the City does not believe this mitigation is warranted.

Response to Comment F-7

The City acknowledges that individual projects exceeding 75 feet that include amenity decks shall include high rise provisions. This is a standard requirement and is not required to reduce a significant impact. Therefore, the City does not believe this mitigation is warranted.

Response to Comment F-8

The City acknowledges that occupancy and proper egress provisions are required for individual projects. This is a standard requirement and is not required to reduce a significant impact. Therefore, the City does not believe this mitigation is warranted.

Response to Comment F-9

The City understands that occupancy of any portion of the project shall not occur until final approval is provided by OCFA. This is a standard requirement and is not required to reduce a significant impact. Therefore, the City does not believe this mitigation is warranted.

Response to Comment F-10

The City acknowledges that all standard conditions with regard to development will be applied to individual projects at the time of plan submittal. This is a standard requirement and is not required to reduce a significant impact. Therefore, the City does not believe this mitigation is warranted.

G. South Coast Air Quality Management District

Comment Letter G



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

July 27, 2018

apezeshkpour@santa-ana.org

Ali Pezeshkpour, AICP, Senior Planner
City of Santa Ana Planning and Building Agency, M20
P.O. Box 1988
Santa Ana, CA 92702

Draft Subsequent Environmental Impact Report (Draft SEIR) for the Proposed Metro East Mixed-Use Overlay Zone Expansion and Elan Development Project (SCH No.: 2006031041)

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be incorporated into the final CEQA document.

SCAQMD Staff's Summary of Project Description

The lead agency proposes to expand the boundaries of the Metro East Mixed-Use (MEMU) Overlay Zone¹ and to construct the Elan Development (proposed project). The MEMU Overlay Zone expansion is located in the city of Santa Ana, extending west of First Street, primarily bound by Interstate -5 (I-5) Freeway on the east². The Elan Development is located at 1660 East First Street on the southwest corner of Mabury Street and East First Street³. The Elan Development will consist of two buildings with a total of 603 residential units, 8,500 square feet of commercial uses, and subterranean parking on a 6.4-acre portion of 200 acres⁴.

SCAQMD Staff's Summary of Air Quality Analysis

The air quality analysis for the proposed project was based on an updated buildout scenario of 2040 for the MEMU Overlay Zone project. Additionally, a project-specific analysis for the proposed Elan Development Project was included.

MEMU Overlay Zone Expansion

- G-1 The lead agency did not quantify construction emissions for the MEMU Overlay Zone Expansion because it determined that "the development capacity of the original MEMU Overlay Zone would remain the same for the entire MEMU Overlay Zone area. Since the total amount of development would not change, the lead agency determined that the programmatic-level analysis of construction emissions conducted in the MEMU EIR would still apply to the MEMU Overlay Zone expansion area⁵. Therefore, the lead agency determined that the MEMU Overlay Zone project, including, mitigation measures MM-OZ 4.2-2 through MM-OZ 4.2-16 from the MEMU EIR, would also be significant and unavoidable⁶." The lead agency quantified the operational emissions for the MEMU Overlay Zone project due to the change of build-out year from 2030 to 2040, along with an updated traffic impact study.
- G-2 However, similar to the original finding in the MEMU EIR, regional operational emissions would be

¹ Draft SEIR, Executive Summary, ES.4, Page ES-2.

² *Ibid.*, Executive Summary, ES.2, Page ES-1.

³ *Ibid.*

⁴ *Ibid.*, Page ES-5.

⁵ Draft SEIR, Section 4.1: Air Quality, Impact 4.1-1, Page 4-9.

⁶ *Ibid.*

Ali Pezeshkpour

July 27, 2018

G-2 cont. [significant and unavoidable⁷. Therefore, SCAQMD staff recommends additional migration for the MEMU Overlay Zone. See attachment for SCAQMD staff recommended mitigation measures.

G-3 [Elan Development The lead agency found that construction and operational emissions from the Elan Development portion of the project will be less than significant after incorporating additional mitigation measures MM-AQ-1 through MM-AQ-3⁸. Additionally, due to the proposed project's close proximity to the I-5 freeway, the lead agency performed a mobile health risk assessment (HRA) and found that the maximum incremental cancer risk during operation would be 14.22 in one million⁹, which exceeds SCAQMD's CEQA significance threshold of 10 in one million for cancer risk¹⁰. Therefore, SCAQMD staff recommends inclusion of additional mitigation to reduce the impacts from the proposed project. See attachment for SCAQMD staff recommended mitigation measures.

G-5 [SCAQMD's 2016 Air Quality Management Plan
On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)¹¹, which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

SCAQMD Staff's General Comments

As described in the 2016 AQMP, achieving NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. SCAQMD is committed to attain the ozone NAAQS as expeditiously as practicable. The proposed project plays an important role in contributing to NOx emissions during operation. Therefore, SCAQMD staff has comments on the existing air quality mitigation measures and recommends strengthening and incorporating new mitigation measures to further reduce NOx emissions as well as emissions from ROG, CO, PM10, and PM2.5. Please see the attachment for more information.

Closing

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the lead agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the final CEQA document. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and to the public who are interested in the Proposed Project. Further, when the lead agency makes the finding that the recommended mitigation measures are not feasible, the lead agency should describe the specific reasons for rejecting them in the final CEQA document (CEQA Guidelines Section 15091).

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

⁷ *Ibid.* Impact 4.1-2. Page 4-10.

⁸ *Ibid.* Impact 4.1-E1 - E4: Pages 4-16 – 26.

⁹ *Ibid.* Page 4-25.

¹⁰ *Ibid.* Impact 4.1-E4. Pages 4-21 – 4.25.

¹¹ South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

Ali Pezeshkpour

July 27, 2018

Sincerely,
Daniel Garcia
Daniel Garcia
Program Supervisor
Planning, Rule Development & Area Sources

DG/AM
Attachment
ORC180619-03
Control Number

Ali Pezeshkpour

July 27, 2018

ATTACHMENT

Recommendations for Existing Mitigation Measures Applicable to the Proposed Project

G-6

SCAQMD staff recommends that the lead agency modify the proposed mitigation measure MM-AQ-2 by adding the following:

If the lead agency determines that 2010 model year diesel trucks are not feasible, supported by substantial evidence in the record, then the lead agency shall require the use of trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum.

Recommended Mitigation Measures for future development in the MEMU Overlay Zone

G-7

The operation of the MEMU Overlay Zone will exceed the SCAQMD regional CEQA significance thresholds for NOx, VOCs, CO, PM10 and PM2.5. In order to further mitigate significant impacts to regional air quality from future operation in the MEMU Overlay Zone, SCAQMD staff recommend that the following mitigation measures be required.

MM-OZ 4.2-17 – Overlapping Construction and Operational Impacts Analysis

Future, project-specific developments within the MEMU Overlay Zone that are subject to CEQA shall analyze project-specific construction activities that overlap with the baseline¹² operational activities in the MEMU Overlay Zone at the time of preparation of the project-specific CEQA document. The lead agency should identify the overlapping years, combine construction emissions (including emissions from demolition) with operational emissions, and compare the combined emissions to SCAQMD's air quality CEQA operational thresholds of significance to determine the project's air quality impacts. In the event that the lead agency finds that the proposed project's air quality impacts would be significant, mitigation measures will be required pursuant to CEQA Guidelines Section 15126.4.

G-8

MM-OZ 4.2-18 – Health Risk Assessment (HRA) Analysis/ Toxic Air Contaminants (TACs)

A project-specific Health Risk Assessment shall be conducted for future residential developments within the MEMU Overlay Zone that are subject to CEQA and that are proposed within 500 feet of the I-5, pursuant to the recommendations set forth in the CARB *Air Quality and Land Use Handbook: A Community Health Prospective*¹³. The Health Risk Assessment shall evaluate a project per the following SCAQMD TACs thresholds:

- Cancer Risk: Emit carcinogenic or toxic contaminants that exceed the maximum individual cancer risk of 10 in one million.
- Non-Cancer Risk: Emit toxic contaminants that exceed the maximum hazard quotient of one in one million.

If projects are found to exceed the SCAQMD's TACs Thresholds¹⁴, mitigation shall be incorporated to reduce impacts to below these thresholds.

¹² CEQA Guidelines, Section 15125. Environmental Setting.

¹³ CARB *Air Quality and Land Use Handbook: A Community Health Prospective*. Accessed at: <https://www.arb.ca.gov/ch/landuse.htm>

¹⁴ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>

Ali Pezeshkpour

July 27, 2018

MM-OZ 4.2-19 – Mitigating the Health Risk of a Project on Sensitive Receptors

Project applications shall be required to use enhanced filtration systems with a maximum efficiency rating value (MERV) of 13 or better in residential units within 500 feet of I-5 to ensure the maximum reduction of health risks from exposures to diesel particulate matter (DPM) emissions from vehicles and trucks traveling on the freeway.

If an enhanced filtration system is installed, it is important to consider the limitations. In a study that SCAQMD conducted to investigate filters¹⁵, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the resident have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail and disclosed to prospective residences prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

G-9

Because of the limitations, SCAQMD staff recommends that the lead agency make the following disclosures to prospective residences and include them as requirements in the final CEQA document.

- Disclosure on potential health impacts to prospective residents from living in proximity to freeways and the reduced effectiveness of air filtration systems when the windows are open;
- Disclosure on increased energy costs for running the HVAC system to prospective residents;
- Recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units;
- Ongoing cost sharing strategies, if any, for replacing the enhanced filtration units;
- Identification of the responsible implementing and enforcement agency, such as the lead agency, for ensuring that enhanced filters are installed at residential units before a permit of occupancy is issued;
- Identification of the responsible entity such as Homeowner Association or property management for ensuring filters are replaced on time, if appropriate and feasible;
- Criteria for assessing progress in installing and replacing the enhanced filtration units; and
- Process for evaluating the effectiveness of the enhanced filtration units at the proposed project.

Additional Mitigation Measures for the Elan Development Project

G-10

SCAQMD staff found that in Appendix B of the AQ-GHG-Elan HRA technical appendices, the project applicant has agreed to installing and maintaining a Minimum Efficiency Reporting Value (MERV) 13 or better filtration system at the Elan Development Project¹⁶. SCAQMD staff recommends that this commitment be included in the CEQA document as a project-specific mitigation measure in order to ensure enforceability.

G-11

Additionally, given that the Elan Development Project is located approximately 480 feet from the I-5 freeway¹⁷ and the lead agency has determined that the project will result in significant health risk impacts,

¹⁵ This study evaluated filter rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>.

¹⁶ DSEIR, Appendix B: AQ-GHG, ElanHRA, Page 9.

¹⁷ Google Maps, 1660 E. First Street, Santa Ana, CA 92701. Accessed at: <https://www.google.com/maps>

Ali Pezeshkpour

July 27, 2018

G-11 cont. [SCAQMD staff recommends that the lead agency include mitigation for the proposed development project in order to maximize the distance between residences and the I-5 freeway.

Other Considerations for to Mitigate Operational Impacts

- | | |
|------|--|
| G-12 | <ul style="list-style-type: none"> • Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs and/or on the Project site to generate solar energy for the facility. |
| G-13 | <ul style="list-style-type: none"> • Limit parking supply and unbundle parking costs. |
| G-14 | <ul style="list-style-type: none"> • Require that 240-Volt electrical outlets or Level 2 chargers be installed in parking lots that would enable charging of NEV and/or battery powered vehicles. <p>It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is build compared to retrofitting an existing building.</p> |
| G-15 | <ul style="list-style-type: none"> • Maximize the planting of low VOC and/or California Native trees in the landscaping and parking lots. |
| G-16 | <ul style="list-style-type: none"> • Use light colored paving and roofing materials. |
| G-17 | <ul style="list-style-type: none"> • Install light colored “cool” roofs and cool pavements. |
| G-18 | <ul style="list-style-type: none"> • Utilize only Energy Star heating, cooling, and lighting devices and appliances. |

Response to Comment G-1

The South Coast Air Quality Management District (SCAQMD) comment summarizes the conclusions from the Draft SEIR regarding programmatic construction emissions. No comments are provided; therefore, no further response is warranted.

Response to Comment G-2

The comment summarizes the conclusions from the Draft SEIR regarding programmatic operational emissions. The commenter further recommends additional mitigation measures, which are included in the attachment. See Response to Comment G-7 to address the specific recommendations

Response to Comment G-3

The comment summarizes the findings from the Draft SEIR regarding the less-than-significant determination with mitigation for the construction of the Elan development. No comments are provided; therefore, no further response is warranted.

Response to Comment G-4

The comment summarizes the conclusions from the Draft SEIR regarding the mobile health risk assessment. The commenter further recommends additional mitigation measures, which are included in the attachment. See Response to Comment G-8 to address the specific recommendations.

Response to Comment G-5

The comment provides information on SCAQMD's 2016 Air Quality Management Plan and recommends modifications to mitigation measures as well as additional mitigation measures to strengthen and further reduce emissions of criteria air pollutants; these recommendations are included in the attachment. See Response to Comments G-12 through G-18 to address the specific recommendations.

Response to Comment G-6

The comment recommends that Mitigation Measure MM-AQ-2 be modified to add additional language regarding the use of diesel trucks during construction. The mitigation measure has been modified as requested, as shown in Chapter 3 of this Final SEIR.

Response to Comment G-7

The comment recommends a mitigation measure that addresses overlapping of construction and operational activities associated with future, project-specific developments within the MEMU Overlay Zone. Specifically, the recommended mitigation measure MM-OZ 4.2-17 suggests that future projects analyze construction activities that overlap with operational activities and compare the combined emissions to SCAQMD's thresholds of significance. However, this recommendation is an emissions analysis approach related to use of SCAQMD's established air quality CEQA thresholds and does not constitute mitigation that reduces a specific impact. As such, this mitigation measure will not be added to the SEIR. However, text that discloses this analysis approach and use of SCAQMD's CEQA thresholds will be added under the Criteria of Significance discussion under Section 4.1 (Air Quality), as shown in Chapter 3 of this Final SEIR.

Response to Comment G-8

The comment recommends the addition of Mitigation Measure MM-OZ 4.2-18, which would require future residential developments within the MEMU Overlay Zone that are within 500 feet of Interstate 5 (I-5) to conduct a project-specific Health Risk Assessment (HRA). However, because this is already a current requirement under Mitigation Measure MM-OZ 4.6-1, there is no need to add an additional mitigation measure to conduct project-specific HRAs. Additionally, it should be noted that there are very few developable parcels (for residential uses) within the existing or expanded MEMU area that are within 500 feet of I-5.

Response to Comment G-9

The comment recommends addition of Mitigation Measure MM-OZ 4.2-19 to mitigate the health risk from the exposure of future residential uses located within 500 feet of I-5 to diesel particulate matter emissions. As noted in the Draft SEIR, the HRA for the Elan Development Project was presented as an informative practice for the purposes of disclosure, but it was not presented as an impact for the purposes of CEQA. This issue was the topic of the *California Building Industry Association v. Bay Area Air Quality Management District* California Supreme Court case in 2015, which concluded that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future uses or residents. Therefore, there is no requirement to mitigate the health risk of existing conditions on proposed sensitive receptors, and the mitigation measure will not be added. Additionally, Mitigation Measure MM-OZ 4.6-1 currently requires HRAs to be prepared for all future residential uses that are developed under the MEMU Overlay Zone and located within 500 feet of an existing freeway to assess health risks associated with diesel exhaust. It also requires that recommendations contained within the HRA to be implemented in a project's design.

Response to Comment G-10

The comment recommends that the commitment to install and maintain a Minimum Efficiency Reporting Value (MERV) 13 or better at the Elan Development Project be included as a project-specific mitigation measure. As noted in Response to Comment G-9, there is no requirement to mitigate the health risk of existing conditions on proposed sensitive receptors. However, the developer for Elan has voluntarily agreed to include this design measure to reduce the health impacts on its residents. Therefore, there is no need to include this commitment as a mitigation measure.

Response to Comment G-11

The comment notes that the proposed project is located approximately 480 feet from I-5. However, the comment incorrectly states that the lead agency has determined that the project will result in significant health risks. As noted above, the HRA for the Elan Development Project was presented as an informative practice for the purposes of disclosure. It was not presented as an impact for the purposes of CEQA, as CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future uses or residents. Therefore, there is no requirement to mitigate the health risk of existing conditions on proposed sensitive receptors.

Response to Comments G-12 through G-18

The City acknowledges the other considerations to mitigate operational emissions. Most of the considerations are already part of the California Building Code and standard conditions imposed by the City. It should also be noted that the MEMU Overlay District has lower parking standards than other parts of the City to encourage more walkable and transit-oriented solutions. Therefore, these considerations will be taken into account on a case-by-case basis for future development within the MEMU Overlay District.

H. Department of Toxic Substances Control

Comment Letter H



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Barbara A. Lee, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

July 9, 2018

Mr. Ali Pezeshkpour, AICP
Senior Planner
City of Santa Ana
20 Civic Center Plaza, M-20
Santa Ana, California 92701
Alipezeshkpour@santa-ana.org

Governor's Office of Planning & Research

JUL 09 2018
STATE CLEARINGHOUSE

SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) FOR METRO EAST MIXED-USE OVERLAY DISTRICT EXPANSION AND ELAN DEVELOPMENT PROJECTS, LOCATED AT SANTA ANA (I-5) FREEWAY AND COSTA MESA (SR-55) FREEWAY, SANTA ANA, ORANGE COUNTY (SCH# 2006031041)

Dear Mr. Pezeshkpour:

H-1

The Department of Toxic Substances Control (DTSC) has reviewed the subject EIR. The following project description is stated in the SEIR: "The expansion of the MEMU Overlay district is expected to produce up to 1,888 residential units (3,776 residents) in the expansion area, a maximum of approximately 2,835,000 sf of building area, which includes 944,500 sf of non-residential square footage. The proposed project would create additional housing development opportunities that are consistent with opportunity sites identified in the City's 2014-2021 Housing Element."

Based on the review of the submitted document, DTSC has the following comments:

H-2

1. The SEIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.
2. The SEIR further states, "A review of the Geotracker and Envirostor websites identified one site within the MEMU Overlay Zone expansion area within the Leaking Underground Storage Tank (LUST) Cleanup Site database: Unocal #4991 at 1601 East First Street. The violation involved a gasoline release to soil and groundwater. Contaminants of concern included total petroleum

♻️ Printed on Recycled Paper

Mr. Ali Pezeshkpour, AICP
 July 9, 2018
 Page 2

H-2
 cont.

hydrocarbons – gasoline (TPH-g), benzene, and methyl-tert butyl ether (MTBE). Impacted media was identified during the excavation, removal, and replacement of fuel product dispensers, product piping, and spill containment sumps for underground storage tanks (USTs) located on site at the time. Remediation activities included groundwater monitoring and installation and operation of a Soil Vapor Extraction unit. The case was opened in February of 1997 and was granted closure in August of 2007 by the Santa Ana Regional Water Quality Control Board (RWQCB). The EIR further states, "Offsite properties within immediate proximity to the MEMU Overlay Zone expansion area include two LUST sites (one approximately 200 feet from the southwest boundary at the intersection of East Frist Street and South Grand Avenue, and the other approximately 500 feet from the northwest boundary at the corner of North Grand Avenue and East Fourth Street) that were also part of the Underground Storage Tank (UST) permit database. Both sites were former gasoline stations and both have received closure by the Santa Ana RWQCB." DTSC is unable to evaluate whether vapor sampling and/or potential vapor intrusion risk was adequately addressed due to lack of relevant detailed information in the SEIR. DTSC recommends soil gas sampling and vapor intrusion risk evaluation on sites with releases of volatile organic compounds (VOCs) or total petroleum hydrocarbons (TPH). DTSC recommends soil gas sampling to confirm no residual VOC/TPH contamination remain onsite and/or risk is acceptable based on applicable and relevant state guidelines.

H-3

3. If the project development involves soil export/import, proper evaluation is required. If soil contamination is suspected or observed in the project area, then excavated soil should be sampled prior to export/disposal. If the soil is contaminated, it should be disposed of properly in accordance with all applicable and relevant laws and regulations. In addition, if imported soil was used as backfill onsite and/or backfill soil will be imported, DTSC recommends proper evaluation/sampling as necessary to ensure the backfill material is free of contamination.

H-4

4. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the SEIR should identify how any required investigation and/or remediation will be conducted and the appropriate government agency to provide regulatory oversight.

Mr. Ali Pezeshkpour, AICP
July 9, 2018
Page 3

H-4
cont.

If you have any questions regarding this letter, please contact me at (714) 484-5380 or by email at Johnson.Abraham@dtsc.ca.gov.

Sincerely,



Johnson P. Abraham
Project Manager
Brownfields Restoration and School Evaluation Branch
Site Mitigation and Restoration Program – Cypress

kl/sh/ja

cc: Governor's Office of Planning and Research (via e-mail)
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
State.clearinghouse@opr.ca.gov

Mr. Dave Kereazis (via e-mail)
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Mr. Shahir Haddad, Chief (via e-mail)
Schools Evaluation and Brownfields Cleanup
Brownfields and Environmental Restoration Program - Cypress
Shahir.Haddad@dtsc.ca.gov

CEQA# 2006031041

Response to Comment H-1

The Department of Toxic Substances Control (DTSC) comment suggests that the SEIR should identify and determine whether current or historic uses at the project site may have resulted in any releases of hazardous wastes/substances. Section 3.4 identifies existing hazardous waste sites within the MEMU Overlay District, as well as adjacent areas outside of the MEMU Overlay District that could affect future development within the district. Based on their regulatory status and site-specific environmental information reviewed, none of the aforementioned sites were considered likely to result in impacts on the MEMU Overlay District. Additionally, a site-specific Phase I Environmental Site Assessment Report (Phase I ESA) prepared by Partner Engineering and Science, Inc., in May 2016 (Appendix D of the SEIR) was prepared for the Elan Development Project to identify any potential issues on site. Other than potential asbestos-containing building materials and lead-based paint associated with the Elks building—which could be abated in accordance with implementation of standard rules and regulations—no environmental concerns were noted on site. Furthermore, a supplemental review of environmental database information via Geotracker and Envirostor during preparation of the SEIR did not identify any sites either within the Elan Development Project footprint or its surroundings with a high likelihood of having resulted in impacts on the Elan Development Project site. Section 4.4 presents the potential impacts and mitigation to address hazardous waste sites. Mitigation Measure MM-OZ 4.6-2 requires undertaking preliminary environmental site assessments for future development projects within the MEMU Overlay Zone expansion area, and Mitigation Measure MM-OZ 4.6-3 requires development and implementation of a Risk Management Plan in the event that unknown soil or groundwater contamination is encountered.

Response to Comment H-2

The comment restates information that was contained in the Draft SEIR regarding closed cases of contamination that have been remediated. DTSC recommends further soil gas sampling and vapor intrusion risk evaluations on sites with releases of volatile organic compounds or total petroleum hydrocarbons to confirm no residual contamination remains on site or risk is acceptable. These issues will be addressed by future projects (as part of the MEMU Overlay Zone Expansion Area) through Mitigation Measures MM-OZ 4.6-2 and MM-OZ 4.6-3. No further analysis or mitigation is required at this time, as no contamination has been identified as part of the Elan Development Project.

Response to Comment H-3

The comment provides recommendations for proper evaluation of soil export/import. As noted above and in the SEIR, no further analysis or mitigation is required at this time as no contamination has been identified as part of the Elan Development Project. These issues will be addressed by future projects (as part of the MEMU Overlay Zone Expansion Area) through Mitigation Measures MM-OZ 4.6-2 and MM-OZ 4.6-3, and adherence to applicable laws and regulations.

Response to Comment H-4

The comment provides recommendations for implementation of health and safety procedures if during construction soil and/or groundwater contamination is expected. As noted above and in the SEIR, no further analysis or mitigation is required at this time as no contamination has been identified as part of the Elan Development Project. These issues will be addressed by future projects

(as part of the MEMU Overlay Zone Expansion Area) through Mitigation Measures MM-OZ 4.6-2 and MM-OZ 4.6-3, and adherence to applicable laws and regulations.

I. Governor's Office of Planning and Research

Comment Letter I

EDMUND G. BROWN JR.
GOVERNORSTATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCHKEN ALEX
DIRECTOR

July 27, 2018

Ali Pezeshkpour
City of Santa Ana
PO Box 1988
Santa Ana, CA 92702Subject: Metro East Mixed-Use Overlay Zone Expansion and Elan Development Projects
SCH#: 2006031041

Dear Ali Pezeshkpour:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 26, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

I-1

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
1-916-322-2318 FAX 1-916-558-3184 www.opr.ca.gov

Document Details Report State Clearinghouse Data Base

SCH# 2006031041
Project Title Metro East Mixed-Use Overlay Zone Expansion and Elan Development Projects
Lead Agency Santa Ana, City of

Type SIR Supplemental EIR
Description The proposed project includes expansion of the boundaries of the MEMU Overlay Zone, modification of development standards, an amendment to the existing GP, an amendment to the existing zoning code, and development of a mixed use multi family residential and commercial project. Under the proposed project, the development of two mixed use (residential and commercial) structures with 603 residential units and approx 8,500 sf of commercial uses at the ground floor, and would include pools, spas, courtyards, public open space, fitness rooms, and other amenities for the residents.

Lead Agency Contact

Name Ali Pezeshkpour
Agency City of Santa Ana
Phone (714) 647-5882 **Fax**
email
Address PO Box 1988
City Santa Ana **State** CA **Zip** 92702

Project Location

County Orange
City Santa Ana
Region
Lat / Long 33° 44' 41" N / 117° 50' 40" W
Cross Streets First Street, Fourth St, I-5 and Grand Ave
Parcel No. several
Township **Range** **Section** **Base**

Proximity to:

Highways I-5, SR 55
Airports
Railways UP, Amtrak, Metrolink
Waterways
Schools Raymond Villa, Reming
Land Use district center, professional and administrative offices, gen commercial, med res, low res, urban neighborhood, specific dev

Project Issues Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Aesthetic/Visual; Agricultural Land; Air Quality; Forest Land/Fire Hazard; Minerals; Septic System; Vegetation; Wetland/Riparian

Reviewing Agencies Resources Agency; Central Valley Flood Protection Board; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; State Water Resources Control Board, Division of Drinking Water; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; Department of Housing and Community Development

Date Received 06/12/2018 **Start of Review** 06/12/2018 **End of Review** 07/26/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Comment I-1

The letter from the Office of Planning and Research explains that the public comment period closed on July 26, 2018, and that the City has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA. Comment letters from state agencies that were forwarded via the State Clearinghouse have been included in this Final SEIR and responded to accordingly.

J. Planning Commission Meeting Comments

The following verbal comments were received during the Planning Commission meeting on July 23, 2018:

- **J-1.** Trisha Vasquez: Concerned that reduced parking will be a big issue for Tustin residents.
- **J-2.** Lisandro Orozco: Supportive of project. Street parking is public. Project will reduce parking but positive impacts outweigh any negative impacts.

Response to Comment J-1

The commenter notes concerns about reduced parking for Tustin residents. As explained during the Planning Commission meeting, the proposed Elan Development Project would reduce existing street parking along its frontage along Elk Lane. The Elan Development Project provides more than the required parking for its residents and potential commercial tenants. On-street parking is not required to be provided to Tustin residents along Elk Lane. Therefore, no significant impacts have been identified, and no mitigation is required.

Response to Comment J-2

The commenter is supportive of the proposed project and notes that street parking is public and not assigned to specific residents. The commenter further opined that positive impacts outweigh any negative impacts.

Clarifications and Modifications to the Draft SEIR

3.1 Overview

This chapter provides clarifications and modifications to the Draft SEIR. Any corrections to the Draft SEIR text, tables, and figures generated either from responses to comments or independently by the City are stated in this section of the Final SEIR. The Draft SEIR text, tables, and figures have not been modified and published in their entirety as a single document to reflect these SEIR modifications.

These Draft SEIR revisions are provided to clarify, refine, and provide supplemental information for the Draft SEIR. Changes may be corrections or clarifications to the text and tables of the Draft SEIR. Other changes to the Draft SEIR clarify the analysis therein based upon the information and concerns raised by comments during the public review period. None of the information contained in these Draft SEIR revisions constitutes significant new information or changes to the analysis or conclusions of the Draft SEIR that require recirculation of the Draft SEIR.

The SEIR modifications contained in the following pages are in the same order as the information appears in the Draft SEIR. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by underlining (underline) where text has been added. The applicable page numbers from the Draft SEIR are also provided where necessary for easy reference.

3.2 Modifications to the Draft SEIR

Executive Summary

The Executive Summary has been reprinted in its entirety with modifications, including those shown below that carry forward into the Summary.

Pages 2-3 through 2-4, Section 2.2 Project Objectives

MEMU Overlay District Expansion Objectives

The overall objectives of the MEMU Overlay Zone are to encourage a more active commercial and residential community, provide an expanded economic base, maximize property sales tax revenues, improve the jobs/housing balance within the City, and provide for a range of housing options. Expansion of this Overlay Zone will extend the same objectives into the new area, and implementation of the Overlay Zone is intended to fulfill the following major objectives:

- Create an active, mixed-use urban village where it is possible to live, work, shop, and play all within a short walk of each other.
- Facilitate well-designed new mixed-use development projects that combine residential and nonresidential uses through innovative and flexible design solutions.

- Achieve the harmonious integration of new mixed-use development within the existing fabric of the mid-rise and high-rise office environment.
- Encourage urban form and architecture that incorporate contemporary design styles and solutions as well as the use of sustainable building and site design concepts such as green buildings, energy-conserving building materials, and landscaping designs that reduce water consumption.
- Create highly amenitized streetscapes that provide items such as landscaping, street furniture, niche or linear parks, passive and active water features, public plazas and courtyards, public art, and public transportation shelters in a design that integrates the public realm with the private development and serves to create a distinct identity for the district.
- Provide for adequate buffering from the Santa Ana and Costa Mesa freeways.
- Create a highly integrated pedestrian system that provides for connectivity between the residential areas and public recreation amenities to the north and the Overlay Zone.
- Provide for active street life through the inclusion of dedicated pedestrian-oriented design and active uses on the ground floor at strategic locations.
- Provide for a mix of housing in order to encourage a continuum of living and a variety of household types.
- Ensure that each project includes exceptional site planning, unique architecture, high-quality building materials, extensive open space, indoor and outdoor amenities, and first-rate public improvements.
- Encourage parking solutions that provide for adequate parking to ensure the long-term quality of the project, but that are creative in their design thereby enhancing the area's urban form. Parking requirements are designed to create a level of scarcity that will discourage vehicle trips, increase pedestrian activity, and enhance the provision of high-quality building and site design.
- Facilitate project designs that encourage adequate amounts of retail or commercial space to service residents and/or employees within the development and the larger Overlay Zone.
- Allow for the development of varied residential types in a mixed-use configuration including, but not limited to, loft-style units, live/work units, attached row houses, and high-quality stacked flats.
- Provide adequate access for public safety services.
- Stimulate investment and reinvestment in the area through the provision of a comprehensive planning framework that facilitates private-market success.

Elan Development Project Objectives

The Elan Development Project is intended to implement some of the objectives of the MEMU Overlay District Expansion. Its primary objectives include:

- Facilitate new high-density housing opportunities and commercial opportunities within the City.
- Provide new mixed-use development that combines residential and commercial components.
- Encourage live/work opportunities within a mixed-use environment.

- Ensure high-quality architectural features as part of the site planning process.
- Provide exceptional public open space and amenities for existing and future residents.
- Develop adequate parking that maximizes space and minimizes visual screening.
- Activate First Street at a key gateway intersection into the City.
- Redevelop a vacant and blighted site/area.

Pages 2-7 through 2-8, Table 2-1. Proposed Modifications to MEMU Overlay Zone

Table 2-1. Proposed Modifications to MEMU Overlay Zone

| Current MEMU Standards | Proposed MEMU Standards |
|---|---|
| <p>Three stories maximum in Neighborhood Transitional District.</p> <p>Private/common open space required at 100 square feet per unit (sf/unit) in the Neighborhood Transitional, Village Center, and Active Urban districts.</p> <p>Multiple-family residential uses are prohibited within the Village Center District.</p> <p>Churches are not currently identified as an allowable non-residential use in any district.</p> <p>Front building setbacks are identified for each district.</p> <p>Parking requirements for stand-alone residential uses within the Neighborhood Transitional District are as required at 2.25 spaces per residential unit, inclusive of guest parking.</p> <p>Parking requirements within the Village Center District for mixed-use developments with less than 10 percent of the gross floor area devoted to a commercial activity are required to provide a minimum of 2.0 spaces per residential or live/work unit inclusive of guest parking and any nonresidential uses.</p> <p>Parking requirements within the Active Urban District for mixed-use developments with less than 10 percent of the gross floor area devoted to a commercial activity are required to provide a minimum of 2.0 spaces per residential or live/work unit inclusive of guest parking and any nonresidential uses.</p> <p>Parking requirements within the Office District for office or other non-residential uses are as required by Division 3, of Article 15, Off-Street Parking Requirements, SAMC.</p> | <p>Four stories maximum in Neighborhood Transitional District.</p> <p>Private/common open space required at 90 sf/unit in the Neighborhood Transitional, Village Center, and Active Urban districts.</p> <p>Multiple-family residential uses are permitted by right within the Village Center District.</p> <p>Churches uses will be identified as an allowable non-residential use in all districts, subject to a Conditional Use Permit</p> <p>Clarification of front building setback distance from a public or private street.</p> <p>Parking requirements for stand-alone residential uses within the Neighborhood Transitional District are as required at 2.0 spaces per residential unit, inclusive of guest parking.</p> <p>Parking requirements for mixed-use developments with less than 10 percent of the gross floor area devoted to a commercial activity are required to provide a minimum of 1.8 spaces per residential or live/work unit inclusive of guest parking and any nonresidential uses.</p> <p>Parking requirements for mixed-use developments with less than 10 percent of the gross floor area devoted to a commercial activity are required to provide a minimum of 1.8 spaces per residential or live/work unit inclusive of guest parking and any nonresidential uses.*</p> <p>Parking requirements within the Office District for office or other non-residential uses will be 1 space/400 sf.</p> |

| Current MEMU Standards | Proposed MEMU Standards |
|---|-------------------------|
| <u>*This modification is still under consideration by the City.</u> | |

Page 2-8, Section 2.3 Project Description

Elan Mixed-Use Development

The proposed project includes redevelopment of the old Elks Club site into two mixed-use (residential and commercial) structures: one seven-story “wrap” building and one five-story building with two levels of underground parking. A site plan is shown in Figure 2-7 and architectural elevations are shown in Figures 2-8a through 2-8c.

The project includes 603 residential units and ~~approximately 8,500~~ 8,530 sf of commercial uses at the ground floor, and would include pools, spas, courtyards, public open space, fitness rooms, and other amenities for the residents. The project would result in a residential density of 93.75 du/ac, and the proposed development would be within the capacity established by the MEMU Overlay Zone.

The 8,530 sf of leasable commercial area could be nearly doubled to 16,338 sf if a second floor or mezzanine were constructed within the large-volume commercial space. The project has been designed and conditioned to maintain the flexibility to expand the commercial floor. The development will also contain seven live/work units. Combined, the live/work units will contain 4,333 sf of commercial space consisting of ground-floor shopkeeper units and upper-level residential/work areas. Overall, the project has the capacity of approximately 19,700 sf of commercial area.

Underground parking would include 1,209 parking spaces with two access points from Elk Lane and two access points from Lyon Street. Construction would occur generally in a single phase, with completion of one building proceeding the other by a few months to facilitate staging.

Page 4-4, Section 4.1. Air Quality, Criteria of Significance

According to the California Environmental Quality Act (CEQA) Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make significance determinations for potential impacts on environmental resources. As described in the MEMU EIR, the City uses SCAQMD’s thresholds to assess the significance of a project’s potential air quality impacts. Thus, the applicable construction and operational air quality thresholds established by SCAQMD are used to assess potential impacts resulting from implementation of the proposed project. Table 4.1-1 presents the current quantifiable thresholds recommended by SCAQMD to determine the significance of regional air quality impacts from construction and operational emissions generated by projects. It should be noted that while SCAQMD has established separate quantifiable thresholds for construction and operational emissions associated with a project, under conditions where a project’s construction activities would overlap with operational activities, the SCAQMD recommends that the emissions from both activities during overlapping periods be combined and the total emissions evaluated against the operational thresholds shown in Table 4.1-1.

Page 4-30, Section 4.1. Air Quality, New Mitigation Measures Applicable to the Proposed Project

MM-AQ-2 **Require the Use of 2010 and Newer Haul Trucks during Construction.** All applicants proposing development of projects within the MEMU Overlay Zone and expansion area shall require their contractors, as a condition of contract, to use diesel trucks that have 2010 model year or newer engines. In the event that 2010 model year or newer diesel trucks cannot be obtained, the contractor must provide documentation to the City showing that a good-faith effort to locate such engines was conducted. If the lead agency determines that 2010 model year diesel trucks are not feasible, supported by substantial evidence in the record, then the lead agency shall require the use of trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum.

Page 6-3, Section 6.3 Subsequent Alternatives Analysis

Alternative E1a: No Project/No Development

Under the No Project/No Development Alternative, development of the Elan Project would not occur. The existing site would remain in its current state—the northern one-third of the property would remain vacant and undeveloped, and the Elks Lodge building would remain intact on site. As part of a separate project, the Elks Lodge operations are moving their operations to a new 52,720-square-foot facility at 1701 East Saint Andrew Place in Santa Ana. Therefore, the Elks Lodge building would be vacated and could fall into disrepair if not maintained or re-occupied with another use. All impacts associated with the proposed Elan Project would be avoided, including the significant and unavoidable cultural resources impact associated with demolition of the Elks Lodge building.

Alternative E1b: No Project/ Existing General Plan and Zoning

Under the No Project/Existing General Plan and Zoning Alternative, development of the Elan Project would not occur. Instead, it may be reasonably foreseeable that that site could be developed according to the existing General Plan and Zoning. The existing General Plan designation is GC (General Commercial), and the site is zoned C2 (General Commercial). The combined GC land use designation and C2 zoning would allow for a variety of retail and service uses, professional, administrative and business offices, parking lots and structures, automobile sales, and various other commercial uses. The site could be developed with a floor area ratio (FAR) density of 0.5. At 6.4 acres, this would equate to approximately 278,784 square feet of commercial uses.

Using the same trip rates for retail/commercial uses (shopping center) as presented in the Traffic Study for Elan (Appendix G2 of the Draft SEIR), this alternative could generate 11,904 daily trips (approximately 270 AM Peak Hour Trips and approximately 1,039 PM Peak Hour Trips). Compared to the 4,648 net project trips for Elan, this represents an increase in vehicle trips by a factor of more than 2.5.

Compared to the proposed Elan project, in addition to increased traffic impacts, this alternative would result in increased air quality emissions, increased GHG emissions, and increased noise.

Additionally, this alternative would not reduce or avoid the significant and unavoidable cultural resources impact associated with demolition of the Elks Lodge building.

This alternative would also not achieve many of the project objectives, including, but not limited to, facilitating well-designed new mixed-use development projects through innovative and flexible design solutions, achieving harmonious integration of new mixed-use development, creating extensive outdoor amenities, or providing new high-density hours and live/work opportunities within a mixed-use environment.

Appendix G-1, Traffic Impact Study for the Santa Ana Metro East Overlay Expansion Project, Section 2.2 Project Study Area

Thirty-seven of the study intersections are located in the City of Santa Ana. Fifteen of the study intersections are located in the City of Tustin. Two of the study intersections are part of the Orange County Congestion Management ~~Plan~~ Program (OC CMP) network.