



## Westview Housing Project

### Final Initial Study – Mitigated Negative Declaration

*prepared by*

**City of Santa Ana**

Planning and Building Agency  
20 Civic Center Plaza, Ross Annex M-20  
Santa Ana, California 92702  
Contact: Selena Kelaher, AICP

*prepared with the assistance of*

**Rincon Consultants, Inc.**

250 East 1<sup>st</sup> Street, Suite 1400  
Los Angeles, California 90012

**December 2020**



**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

[rinconconsultants.com](http://rinconconsultants.com)

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# Table of Contents

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1	Introduction .....	1
	Format of the Final IS-MND .....	1
	Summary of the Project .....	1
2	Responses to Comments on the IS-MND .....	5
	Letter 1.....	6
	Letter 2.....	9
3	Mitigation Monitoring and Reporting Program.....	15

## Tables

Table 1	Project Summary.....	2
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# 1 Introduction

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This Final Initial Study – Mitigated Negative Declaration (IS-MND) has been prepared by Rincon Consultants, Inc. for the City of Santa Ana (hereafter referred to as “City” or “Santa Ana”) for the Westview Housing Project (hereafter referred to as “proposed project” or “project”). This Final IS-MND has been prepared in conformance with the California Environmental Quality Act of 1970 (CEQA) statutes (California Public Resources Code, Section 21000 et. seq., as amended) and implementing guidelines (California Code Regulations, Title 14, Section 15000 et. seq.).

The Draft IS-MND was circulated for a 20-day public review period that began on November 6, 2020 and ended on November 25, 2020. Before approving a project, CEQA requires the lead agency to prepare and certify a Final IS-MND. The City has the principal responsibility for approval of the project and is therefore considered the lead agency under CEQA Section 21067.

## Format of the Final IS-MND

The Final IS-MND consists of the following three chapters:

- **Introduction.** This chapter summarizes the contents of the Final IS-MND, the environmental review process, and provides a summary of the project characteristics.
- **Response to Comments.** During the public review period for the Draft IS-MND, written comment letters were received by the City. This chapter contains the comment letters for the Draft IS-MND and the City’s responses to the comments.
- **Mitigation Monitoring and Reporting Program.** This chapter of the Final IS-MND provides the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. The MMRP is presented in table format and identifies mitigation measures for the project, the implementation period for each measure, the monitoring period for each measure, and the enforcing agency. The MMRP also provides a section for recordation of mitigation reporting.

## Summary of the Project

The following is a summary of the full project description, which can be found in Section 8, *Description of Project*, of the Draft IS-MND.

The project is located at 2530 and 2534 Westminster Avenue and involves construction of 85 apartment units within two, 3- to 4-story buildings (i.e., Building A and Building B) on a vacant, 2.1-acre project site. Building A would be situated on the northwestern corner of the site and Building B would be situated on the northeastern corner and center portion of the site. The 85 apartment units would consist of 23 one-bedroom units, 4 two-bedroom units (including a manager’s unit), 34 three-bedroom units, and 24 four-bedroom units. All units, except the manager’s unit, would be designated as affordable housing units. The project would consist of 98,169 square feet (sf) in total building area. The project would also provide 136 parking spaces on a surface lot, consisting of 90 standard spaces, 42 tandem spaces, and 4 Americans with Disabilities Act (ADA) accessible spaces. Vehicular access to the project site and parking lot would be provided via an egress/ingress driveway located along Westminster Avenue. The project would provide 40 bicycle parking spaces for residents within an on-site bicycle room and bicycle racks for guests at the project entrance for up to four bicycles. In addition, the project would provide 10,655 sf of

common outdoor area (i.e., courtyard, decks, roof decks, picnic area, and playground area) and 4,725 sf of balcony space for a total of 15,380 sf of open space. Table 1 provides a summary of the project.

**Table 1 Project Summary**

<b>Site Summary</b>	
Lot Area	92,400 sf (2.1 acres)
<b>Project</b>	
Residential	75,367 sf
Amenities	4,401 sf
Common	18,401 sf
<b>Total</b>	<b>98,169 sf</b>
<b>Residential Units</b>	
1-Bedroom Units	23 units
2-Bedroom Units	4 units <sup>1</sup>
3-Bedroom Units	34 units
4-Bedroom Units	24 units
<b>Total</b>	<b>85 units</b>
<b>Vehicle Parking Spaces</b>	
Standard	90 spaces
Open Tandem	42 spaces
ADA Accessible	4 spaces
<b>Total</b>	<b>136 spaces</b>
<b>Bicycle Parking Spaces</b>	
Residents	40 spaces
Guests	4 spaces
<b>Total</b>	<b>44 spaces</b>
<b>Open Space</b>	
Outdoor Area	10,655 sf
Balconies	4,725 sf
<b>Total</b>	<b>15,380 sf</b>

<sup>1</sup> Includes one manager's unit.

The proposed project would require approval of a General Plan Amendment from General Commercial (GC) to Urban Neighborhood (UN), and a Zone Change from Commercial General (C2) to Specific Development No. 97 (SD-97).

## Green Building Features

The project would meet California's Green Building Standards Code (CALGreen; California Code of Regulations, Title 24, Part 11) and include water and energy efficiency features. The project's water consumption would be minimized through the use of low-flow plumbing fixtures, centralized laundry facilities with water-conserving appliances, and use of drought-tolerant native and adaptive plants as part of the landscape design. Furthermore, the project would include rooftop and ENERGY-star appliances and use of natural light for building interiors to support energy efficiency. Of the 136 parking spaces, an estimated seven spaces would be equipped with electric vehicle (EV) charging stations, with additional infrastructure to expand stations for increased demand in the future.

## Construction

Construction of the project is anticipated to occur over a 22-month period from June 2021 to April 2023. Construction phasing would include site preparation, grading, building construction, asphalt paving, and architectural coating. Grading of the project would involve 1,100 cubic yards (cy) of cut soil and 1,900 cy of fill soil. Therefore, the project would import 800 cy of soil to use as fill in conjunction with the cut soil. Construction would occur Monday through Friday between 7:00 AM and 3:00 PM.



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## 2 Responses to Comments on the IS-MND

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This section includes comments received during the circulation of the Draft IS-MND prepared for the proposed project.

The Draft IS-MND was circulated for a 20-day public review period that began on November 6, 2020 and ended on November 25, 2020. The City of Santa Ana received two comment letters on the Draft IS-MND. The commenters and the page number on which each commenter's letter appear are listed below.

Letter No. and Commenter	Page No.
1 Robert Distaso, Fire Safety Engineer, Orange County Fire Authority	6
2 Christopher L. Jacobson, City Resident	9

The comment letter is included after the responses below and has been numbered sequentially and each issue raised by the commenter has been assigned a number. The responses to each comment identify first the number assigned to each issue. Response 1.1, for example, indicates that the response is for the first issue raised in Letter 1.



# ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602-0125

Brian Fennessy, Fire Chief

(714) 573-6000

www.ocfa.org

## Letter 1

November 24, 2020

City of Santa Ana Planning Division  
20 Civic Center Plaza (PO Box 1988)  
Santa Ana, CA 92701  
Contact: Selena Kelaher

Ref: Notice of Intent to Adopt a Mitigated Negative Declaration – Westview Housing Project

Dear Selena Kelaher:

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 school 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. The following are our comments:

1.1

We believe this project will have Less Than Significant Impact with the following Measures:

- 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 current editions of the California Building Code (CBC), California Fire Code (CFC), and related codes.
- Structures of this size and occupancy are required to have automatic fire sprinkler systems designed per NFPA 13 as required in the current CBC, CFC.
- 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 CFC Appendix section. These tables are also located in OCFA Guideline B09, Attachment 23.

1.2

- Fire department access shall be provided all around the buildings.
- Attic spaces shall be fully sprinklered
- Amenity decks shall comply with “Assembly” occupancy provisions for access and exiting
- It is unlawful to occupy any portions of these buildings until City building department and OCFA have conducted final inspection and sign off.
- Impact: Project increases population and can potentially increase workload. All projects are cumulative and OCFA uses a fair share approach to mitigate fire service response impacts and facility/equipment needs.
  - Mitigation: Participate with the City of Santa Ana through developer agreements for future fire facility mitigation.



1.2  
cont'd

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 714-573-6253 if you have any questions.

1.3

Sincerely,

Robert Distaso PE  
Fire Safety Engineer  
Planning and Development  
[robertdistaso@ocfa.org](mailto:robertdistaso@ocfa.org)  
[www.ocfa.org](http://www.ocfa.org)

## Letter 1

**COMMENTER:** Robert Distaso, Fire Safety Engineer, Orange County Fire Authority

**DATE:** November 24, 2020

### Response 1.1

The commenter provides an introductory summary of the fire protection and emergency medical services that the Orange County Fire Authority (OCFA) provides to the project area and notes that the equipment used by the department has the capability to respond to both urban and wildland emergencies.

This comment is noted and raises no environmental issues. As discussed in Section 15, *Public Services*, of the IS-MND, OCFA meets the performance standard for emergency calls in the City.

### Response 1.2

The commenter states that their belief that the project would have a less than significant impact on fire protection and emergency medical services with compliance with regulatory measures. The commenter provides a bullet list of several codes and regulations related to fire safety that the project would be required to comply with, including the California Building Code (CBC), California Fire Code (CFC), and other City and OCFA measures. The commenter adds that all standard conditions related to development (e.g., water supply, built-in fire protection systems, site access, building materials) would also be applied to the project and associated plan submittal.

This comment raises no environmental issues. As discussed in Section 15, *Public Services*, of the IS-MND, the project would not impede the ability of OCFA to provide fire protection services to the City because existing roadways would not be altered, and the required fire protection measures would be included in the new development in accordance with the current CBC and CFC.

Furthermore, as part of the project analysis and to obtain more information regarding the project's potential impacts on existing fire protection services, Rincon contacted Tamy Rivers, Management Analysis, of OCFA on October 29, 2020 via email. According to correspondence with Tamy Rivers, final project design would be subject to plan check by OCFA to verify compliance with applicable fire prevention and protection requirements including payment of the City's fire facilities fee.

### Response 1.3

The commenter provides contact information for any additional questions.

The commenter's contact information is noted.

**From:** [Kelaheer, Selena](#)  
**To:** [Vanessa Villanueva](#)  
**Subject:** [EXT] FW: Mitigated Negative Declaration for the Westview Housing project located at 2350 and 2534 Westminster Avenue  
**Date:** Wednesday, November 25, 2020 10:54:58 AM

**CAUTION:** This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Letter 2

Hi Vanessa,

Please see the email below from a resident.

Thanks,

**Selena Kelaheer, AICP**

City of Santa Ana  
Planning and Building Agency | M20  
20 Civic Center Plaza | Post Office Box 1988 | Santa Ana, CA 92702  
[skelaheer@santa-ana.org](mailto:skelaheer@santa-ana.org) | Direct Phone: (714) 667-2740

**From:** Christopher Jacobson [REDACTED]  
**Sent:** Wednesday, November 25, 2020 10:52 AM  
**To:** Kelaheer, Selena <[skelaheer@santa-ana.org](mailto:skelaheer@santa-ana.org)>; Pulido, Miguel <[MPulido@santa-ana.org](mailto:MPulido@santa-ana.org)>; Sarmiento, Vicente <[VSarmiento@santa-ana.org](mailto:VSarmiento@santa-ana.org)>; Penaloza, David <[DPenaloza@santa-ana.org](mailto:DPenaloza@santa-ana.org)>; Solorio, Jose <[JSolorio@santa-ana.org](mailto:JSolorio@santa-ana.org)>; Bacerra, Phil <[pbacerra@santa-ana.org](mailto:pbacerra@santa-ana.org)>; Villegas, Juan <[JVillegas@santa-ana.org](mailto:JVillegas@santa-ana.org)>; Mendoza, Nelida <[nmendoza@santa-ana.org](mailto:nmendoza@santa-ana.org)>  
**Subject:** Mitigated Negative Declaration for the Westview Housing project located at 2350 and 2534 Westminster Avenue

Greetings from a long-time Santa Ana resident (I was born here in 1952),

I object to the Mitigated Negative Declaration for the Westview Housing Project as I believe it is insufficient in the areas of the Noise Study and of Air Quality. While the study does a good job of analyzing the effects of these for the planned residents of the Development and for generally during the construction phase, it does not do a good job of analyzing the effects upon the existing residential neighborhood which the Development is being built right on top of.

2.1

First, as to the Noise and Vibration Study (Appendix H), I do not have any comments on that portion of the study that covers the time period during the “course of construction” but I would like to know during what hours construction will be allowed to take place. Construction is noisy, regardless of what Table 1 Summary of Impacts says.

2.2

The rest of the Noise Study, for the most part, deals with the traffic noise that the new tenants of the proposed development will face and that during construction steps will be taken to mitigate the noise for those tenants. It does not deal with the effect upon the existing residential neighborhood.

2.3

The fact is, the existing traffic noise level already exceeds Federal guidelines for proximity to a residential neighborhood. It did at the time of the Westminster Widening Project, which project made the noise level worse. I brought up those facts to the city council at that time, and the council's response was that it only made it a little bit worse and they didn't know what they could do about it anyway. I pointed out that using that logic, you could increase the noise level until everyone was deaf as long as you did it only a little bit at a time. The council admitted that was true, but that did not change anything.

2.4

Since then, traffic has only increased and the noise level has worsened. Now with the proposed development: 1). The project will use the existing residential streets as a way to get to the entrance of the project, 2). by amending the general plan to change zoning from its current classification to residential, throughout the day retail traffic will be changed to residential traffic increasing rush hour traffic which is the noisiest time, 3). by amending the general plan to change zoning, hours of operation at the proposed site will go from regulated hours to 24 hours a day, 4). in maximizing density and parking spaces at the site, the proposed development has put the parking lot for the development directly up against the fence lines of the existing houses on 16<sup>th</sup> Street and Huron Drive with absolutely no buffer or sound abatement of any kind, no sound walls, no plantings, no setbacks, I do not even see any bollards to keep them from accidentally driving through the fence and into my pool.

2.5

2.6

2.7

The comments are that the project will only make things "a little bit worse" and so now they do not even want to consider or measure how much worse that might be and what the effect upon the lives of the existing residents. That is not fair.

2.8

My comment about air quality is related to item 4). In the paragraph above. What is the effect on air quality to the residents on 16<sup>th</sup> Street and Huron Drive to having 140 cars park over their back fence with no buffer against the exhaust fumes.

2.9

I would like the city and the developer to respond to these concerns before the city adopts a Neg Dec or if they will not, I would like a CEQA study to be performed so that we know what we are in for.

2.10

**Christopher L. Jacobson**

Horowitz Management, Inc.  
5030 Campus Drive Ste A  
Newport Beach, CA 92660  
949-831-5158 office  
949-831-4288 fax

## Letter 2

**COMMENTER:** Christopher L. Jacobson, City Resident

**DATE:** November 25, 2020

### Response 2.1

The commenter notes they have been a resident of Santa Ana since 1952 and states that the air quality and noise analyses do not do a good job of analyzing the effects of the project on the existing residential neighborhood.

The project's air quality and noise impacts on the existing residential neighborhood are discussed in Section 3, *Air Quality*, and Section 13, *Noise*, of the IS-MND and are also detailed in Appendix H (Noise and Vibration Study) of the IS-MND. This introductory comment does not provide any specific examples of where the air quality or noise analyses are inadequate. The individual responses to each concern are provided based on order of appearance in Responses 2.2 through 2.9.

### Response 2.2

The commenter states that they would like to know the permitted hours of construction for the project and adds that construction is noisy, regardless of the analysis findings.

Construction is permitted between the hours of 7:00 A.M. and 8:00 P.M. Monday through Friday. As stated in Section 13, *Noise* (page 88 of the IS-MND), Section 18-314(e), *Special Provisions*, of the Santa Ana Municipal Code (SAMC) states that noise sources associated with construction, repair, remodeling, or grading of any real property, are exempt from the provisions of the City's Noise Ordinance provided such activities do not take place between the hours of 8:00 PM and 7:00 AM on weekdays, including Saturday, or any time on Sunday or a federal holiday. Construction activity would result in an increase in ambient noise in the project area on an intermittent basis and, as such, would expose surrounding noise-sensitive receivers to increased noise. However, such noise level increases would be temporary and overall construction activities associated with the project would occur within the exempt hours established by the SAMC. Therefore, the project would not result in a significant noise impact under CEQA.

### Response 2.3

The commenter notes that, while the Noise Study prepared for the project discusses traffic noise impacts on the project, it does not discuss the project's traffic noise impacts on the existing residential neighborhood.

The project's impacts on the existing traffic noise are specifically discussed under impact discussion *a.* of Section 13, *Noise*, of the IS-MND and are also detailed in Appendix H (Noise and Vibration Study) of the IS-MND. As discussed in the IS-MND, the project would generate vehicle trips, thereby increasing traffic on area roadways. Off-site project noise (i.e., roadway noise) would result in a significant impact if the project would cause the ambient noise level measured at the property line of affected uses to increase by 3 dBA, which would be a perceptible increase in traffic noise. A doubling of traffic is required for an audible 3 dB increase in traffic noise levels. Vehicular access to the project site and parking lot would be provided via an egress/ingress driveway located along Westminster Avenue, which is characterized as a major arterial roadway. Therefore, roadway noise impacts were assessed on Westminster Avenue because vehicle access to the project site



would be provided by this roadway and it would therefore carry the highest volumes of traffic generated by the project. As discussed in Section 17, *Transportation*, of the IS-MND, the project would result in an increase of 462 daily trips. Adding all 462 daily vehicle trips generated by the proposed project to the existing traffic volume of the nearest segment of Westminster Avenue (i.e., approximately 30,000 daily vehicles) would increase traffic along this roadway by approximately 1.5 percent, which would increase traffic noise by less than 0.5 CNEL.

Furthermore, two residential roadway segments of Huron Drive and 16th Street were analyzed in the Traffic Impact Analysis (TIA) prepared by Fehr & Peers for the project in October 2020, which is included as Appendix E of the IS-MND. According to Table 17 of the TIA, the project would add approximately 83 daily trips to both Huron Drive between Westminster Avenue and 16th Street, and 16th Street west of Fairview Street, which would result in a 13 percent increase above existing traffic on Huron Drive and a seven percent increase above existing traffic on 16th Street. Project traffic would increase traffic noise by less than 0.5 CNEL.

Therefore, the project would not double existing traffic or create a perceptible 3-dBA increase in traffic noise. Noise impacts associated with off-site traffic generated by the proposed project would be less than significant.

## Response 2.4

The commenter states that the existing traffic noise level already exceeds Federal guidelines for proximity to a residential neighborhood, such as it did during the Westminster Widening Project. The commenter adds that the Westminster Widening Project made noise levels worse, which is something they brought up to City council at the time that project was under review.

Refer to Response 2.3. The project's long-term and short-term noise and vibration impacts were analyzed in Section 13, *Noise*, of the IS-MND and are also detailed in Appendix H (Noise and Vibration Study) of the IS-MND pursuant to Appendix G of the CEQA Guidelines. According to model calculations in Appendix A of the Noise and Vibration Study, the existing traffic noise level along North Huron Drive (i.e., the nearest residential roadway segment to the site) is approximately 56 CNEL, which is below the City's exterior noise standard of 65 CNEL for residential uses per the General Plan Noise Element. Furthermore, as vehicular access to the project site and parking lot would be provided via an egress/ingress driveway located along Westminster Avenue, the project would not substantially increase existing traffic volumes on nearby residential roadways. The project's long-term impacts on the existing traffic noise are specifically discussed under impact discussion a. of Section 13, *Noise*, of the IS-MND and are also detailed in Appendix H (Noise and Vibration Study) of the IS-MND. Based on the results of the analysis, the project's individual contribution to traffic noise is minor and not cumulatively considerable (i.e., less than significant) when compared to existing traffic noise. Furthermore, Comments regarding the Westminster Widening Project's traffic noise impacts are not specific to the project or the adequacy of the environmental analysis in the IS-MND.

## Response 2.5

The commenter states that traffic noise levels have worsened and that the project would use the existing residential streets as a way to get to the entrance of the project.

Refer to Responses 2.3 and 2.4. Based on the results of the noise analysis in Section 13, *Noise*, of the IS-MND and Appendix H (Noise and Vibration Study), the project's individual contribution to traffic noise increases is minor and not cumulatively considerable (i.e., less than significant) when

compared to existing traffic noise. Furthermore, vehicular access to the project site and parking lot would be provided via an egress/ingress driveway located along Westminster Avenue, which is characterized as a major arterial roadway. Therefore, Westminster Avenue would carry the highest volumes of traffic generated by the project. Nonetheless, two residential roadway segments of Huron Drive and 16<sup>th</sup> Street were analyzed in Appendix E (TIA) of the IS-MND. According to Table 17 of the TIA, the project would add approximately 83 daily trips to both Huron Drive between Westminster Avenue and 16<sup>th</sup> Street, and 16<sup>th</sup> Street west of Fairview Street, which would result in a 13 percent increase above existing traffic on Huron Drive and a seven percent increase above existing traffic on 16<sup>th</sup> Street. Therefore, the TIA determined that the project's impacts to the nearby residential streets would be less than significant.

## Response 2.6

The commenter states that, by amending the general plan and zoning, retail traffic would be changed to residential traffic and increase rush hour traffic volumes and noise. The commenter adds that hours of operation at the site would also change from regulated hours to 24 hours.

Compared to existing, vacant on-site conditions, the project would generate an increase in traffic volumes and operational noise associated with a multi-family residential development. However, according to the Level of Service (LOS) analysis results included in Section 17, *Transportation*, and Appendix E (TIA) of the IS-MND, the project is not forecast to contribute a significant change in traffic operations at the study intersections when compare to baseline Existing, Opening Year (2023), and Cumulative Year (2045) traffic conditions. Furthermore, the addition of project traffic is not estimated to result in a substantial increase for any turning movements or vehicle queues at surrounding roads. Therefore, the project would not result in a significant impact associated with an increase in traffic volumes.

As a residential development, project operation would generate noise different than any currently permitted retail use, which typically have regulated hours of operation. As discussed in Section 13, *Noise*, of the IS-MND, long-term operation of the project would generate noise from rooftop heating, ventilation, and air conditioning (HVAC) equipment, delivery- and trash-hauling trucks, and on-site vehicle circulation and parking, and light outdoor recreation such as that from the public playground area, balconies, and decks. However, as determined in the IS-MND, operational noise generated by the project would not exceed the City's noise standards and impacts would be less than significant with implementation of Mitigation Measure N-3 (Outdoor Noise Attenuation) for playground area noise. Therefore, the project would not result in a significant impact associated with any change in hours of operation.

## Response 2.7

The commenter states that the project's parking lot would be located directly against the fence lines of existing residences on Huron Drive and 16<sup>th</sup> Street with no buffer or sound abatement (e.g., sound walls). The commenter adds that they are concerned about drivers accidentally driving through the fence and into their backyard pool.

The project's surface parking lot would be located adjacent to existing single-family residences south and west of the site. An approximately six-foot concrete masonry unit (CMU) wall currently exists between the project site and neighboring residences. As discussed in Section 13, *Noise*, any large structure blocking the line-of-sight would provide at least a five-dBA reduction in source noise levels at the receiver. Therefore, the existing CMU wall would potentially serve to reduce project noise and provide safety to residences from parking activities. Furthermore, vehicles would be

operating at slower speeds throughout all parking areas and would not create a significant risk of vehicles driving through the existing wall.

### **Response 2.8**

The commenter states that project analyzers do not want to consider how much worse the project will make existing conditions or its effects upon existing residents.

The IS-MND was prepared pursuant to the CEQA Guidelines and analyzes the project's environmental impacts on sensitive receivers (i.e., adjacent residences) when compared to existing conditions. The analysis identifies where there may be impacts to the environment or sensitive receptors, but none of the impacts would result in significant and unavoidable adverse effects under the CEQA thresholds.

### **Response 2.9**

The commenter questions the project's air quality impacts on adjacent residences from having 140 vehicles parking in the adjacent surface lot with no buffer against exhaust fumes.

The project site is surrounded by an existing roadway network that carries everyday vehicle traffic that emit exhaust fumes. Based on peak hour and daily traffic volume data collected as part of the TIA (Appendix E), the segment of Westminster Avenue abutting the site carries approximately 30,000 daily trips, the segment of North Fairview Street to the east of the site carries approximately 24,000 daily trips, and the segment of North Huron Drive abutting the site carries approximately 640 daily trips. Therefore, when compared to emissions associated with existing traffic volumes traveling at roadway speeds along the surrounding roadway network, 140 (or 136) vehicles traveling at slower parking lot speeds would not contribute a significant, cumulatively considerable, amount of exhaust fumes.

### **Response 2.10**

The commenter requests that the City and developer team respond to their concerns before adopting the IS-MND or complete a CEQA study so that residents are aware of project impacts.

Individual responses to each concern raised by the commenter are provided based on order of appearance throughout Responses 2.2 through 2.9. The IS-MND itself analyzes and summarizes the project's environmental impacts and was prepared pursuant to CEQA. Therefore, additional analysis of the project's impacts is not necessary.

### 3 Mitigation Monitoring and Reporting Program

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The California Environmental Quality Act (CEQA) requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code [PRC] 21081.6). PRC Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the Final Initial Study-Mitigated Negative Declaration (IS-MND).

This Mitigation Monitoring and Reporting Program (MMRP) is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Final IS-MND, specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

The table below, lists mitigation measures that reduce the potentially significant effects of the proposed project. These measures correspond to those discussed in in the IS-MND. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised that identifies the timing and entity/agency responsible for monitoring each measure. The City of Santa Ana will have the responsibility for implementing the measures, and various public agencies will have the primary responsibility for enforcing, monitoring, and reporting the implementation of the mitigation measures.

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<b>Biological Resources</b>							
<b>BIO-1 Nesting Bird Avoidance</b>							
<p>To avoid disturbance of nesting birds, including raptorial species protected by the MBTA and CFGC, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird nesting season (February 1 through August 31, but variable based on seasonal and annual climatic conditions). If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than seven days prior to initiation of construction activities. The nesting bird pre-construction survey shall be conducted on foot inside the project site, including a 100-foot buffer, and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in southern California.</p> <p>If nests are found, an avoidance buffer shall be demarcated by a qualified biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall only occur at the discretion of the qualified biologist.</p> <p>A survey report by the qualified biologist documenting and verifying compliance with this measure and with applicable state and federal regulations protecting nesting birds shall be submitted to the City. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nests to ensure that no inadvertent impacts on the nests occur.</p>	<p>Verify completion of pre-construction nesting bird survey (if construction begins during the breeding season) prior to initiation of construction activities</p> <p>Verify implementation of avoidance buffer, if nest are found</p> <p>Verify completion of survey report documenting compliance</p>	<p>Survey verification prior to issuance of grading permits</p> <p>Field verification as needed during construction activities</p> <p>Survey report verification following compliance with measure</p>	<p>Once for bird survey</p> <p>Field verification periodically throughout construction</p> <p>Once for survey report</p>	<p>City of Santa Ana Planning and Building Agency</p>			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
<b>Cultural Resources</b>							
<b>CR-1 Archeological Resource Construction Monitoring</b>							
<p>Prior to the issuance of a grading permit, the property owner/developer shall retain a qualified archeologist meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology (National Park Service 1983) to be present during all initial subsurface ground-disturbing construction activities. At the commencement of construction activities, an orientation meeting shall be conducted by the qualified archeologist, construction manager, general contractor, subcontractor, and construction workers associated with ground-disturbing activities. The orientation meeting shall describe the potential of exposing archeological resources, the types of resources that may be encountered, and directions on the steps that shall be taken if such a find is encountered.</p>	<p>Verify project has retained qualified archeologist to be present during all initial subsurface ground-disturbing construction activities</p> <p>Verify completion of orientation meeting at commencement of construction activities and review documentation demonstrating worker attendance</p>	<p>Prior to issuance of any grading permits</p> <p>At the commencement of ground-disturbing activities, thereafter, every eight weeks unless there are no new construction personnel</p>	<p>Once for archaeologist retention</p> <p>Continuous throughout grading and ground disturbing activities</p>	<p>City of Santa Ana Planning and Building Agency</p>			
<b>CR-2 Unanticipated Discovery of Archeological Resources</b>							
<p>If archeological resources are encountered during ground-disturbing activities, the construction manager shall immediately halt all work activities within 100 feet of the discovery and a qualified archeologist meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology (National Park Service 1983) shall immediately evaluate the find. After cessation of ground-disturbing activities, the construction manager shall immediately contact the City’s Planning and Building Agency. Work shall not resume until authorized by the Director/Manager (or his/her designee), and the qualified archeologist.</p> <p>If the qualified archeologist determines that the discovery constitutes a significant resource under CEQA, preservation in place is the preferred manner of mitigation. In the event preservation in place is</p>	<p>Field verify ground-disturbing construction activities have ceased, if archaeological resources are found</p> <p>Consult with qualified archeologist for appropriate treatment of find</p> <p>Consult with Native American representatives for appropriate treatment of find, as needed</p>	<p>On an as-needed basis if archaeological resources are found</p>	<p>Once for ceased construction activities</p> <p>As needed for consultation efforts</p>	<p>City of Santa Ana Planning and Building Agency</p>			

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demonstrated infeasible, and data recovery is determined to be the only feasible mitigation option, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archeologist in consultation with the City. The City shall consult with appropriate Native American representatives in determining appropriate treatment for unearthened cultural resources if the resources are prehistoric or Native American in origin. Archeological materials recovered during any investigation shall be put into curation at an accredited facility.							
<b>Geology and Soils</b>							
<b>GEO-1 Paleontological Resources Management Program</b>							
<p>The following mitigation measures shall only be implemented during ground construction activities (i.e., grading, trenching, foundation work, excavations) where ground disturbance exceeds nine feet below ground surface within project areas underlain by Quaternary young alluvial fan deposits.</p> <p>1. <b>Mitigation and Monitoring Program.</b> The Paleontological Mitigation and Monitoring Program shall be supervised by a qualified paleontologist. A qualified paleontologist is an individual who meets the education and professional experience standards as set forth by the SVP (2010), which recommends the paleontologist shall have at least a Master’s Degree or equivalent work experience in paleontology, shall have knowledge of California geology and local paleontology, shall be familiar with paleontological procedures and techniques, and who has worked as a paleontological mitigation project supervisor for at least one year. Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources.</p>	<p>If ground disturbance exceeds nine feet below ground surface within project areas underlain by Quaternary young alluvial fan deposits:</p> <p>Verify retention of qualified paleontological monitor</p> <p>Verify completion of training at commencement of construction activities</p> <p>Field verify ground-disturbing construction activities have ceased, if paleontological resources are found</p>	<p>On an as-needed basis if described ground-disturbing activities occur</p> <p>Training verification prior to the start of construction</p> <p>Mitigation and monitoring report verification following compliance with measure</p>	<p>Once each for paleontologist retention, training, ceased construction activities, and monitoring report</p>	<p>City of Santa Ana Planning and Building Agency</p>			

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<p>2. <b>Paleontological Worker Environmental Awareness Program (WEAP).</b> Prior to the start of construction, the Qualified Paleontologist or his or her designee, shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be fulfilled at the time of a preconstruction meeting. In the event a fossil is discovered by construction personnel anywhere in the project area, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the mitigation outlined below to mitigate impacts to significant fossil resources.</p>	<p>Consult with qualified archaeologist and verify completion of final mitigation and monitoring report</p>						
<p>3. <b>Resource Recovery and Management Plan.</b> Ground-disturbing activity that does not exceed nine feet in depth in areas of low paleontological sensitivity shall not require paleontological monitoring. Any excavations within undisturbed bedrock in areas of high paleontological sensitivity (i.e., Pleistocene-aged deposits), and excavations that exceed nine feet in depth in those areas potentially underlain by Pleistocene-aged deposits (i.e., Holocene-aged alluvial sediments) shall be monitored on a full-time basis by a qualified paleontological monitor. If no fossils are observed during the first 50 percent of excavations in Holocene-aged sediments exceeding nine feet in depth, or if the qualified paleontologists can determine that excavations below nine feet are not disturbing Pleistocene-aged (or other potentially fossil-containing) sediments, then paleontological monitoring can be discontinued or reduced to spot-checking under the discretion of the qualified</p>							



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	<p>paleontologist, subject to approval from Orange County.</p> <p>If fossils are discovered, the qualified paleontologist (or paleontological monitor) shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. Should larger fossils be discovered, the qualified paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.</p> <p>Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology or other institution determined by the City of Santa Ana or Orange County), along with all pertinent field notes, photos, data, and maps.</p> <p>Upon completion of ground-disturbing activities (and curation of fossils if necessary), the qualified paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.</p>						

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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<b>Noise</b>							
<b>N-1 Interior Noise Reduction</b>							
<p>To comply with Title 24, Part 2, Section 1206.4 (Allowable Interior Noise Levels) of the California Code of Regulations, the applicant shall install exterior building materials with sufficient Sound Transmission Class (STC) ratings to reduce interior noise levels in habitable rooms to below 45 CNEL. To reduce potential noise impacts to future project residents, residential units with line-of-sight to Westminster Avenue shall incorporate design measures for windows, walls, and doors that achieve a composite STC rating of at least 30 and all exterior doors and windows shall be installed such that there are no air gaps or perforations. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Santa Ana for review and approval prior to the issuance of building permits. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels in the interior livable spaces do not exceed the interior noise standard of 45 CNEL in any habitable room as set forth by the City of California Code of Regulations, Title 24, Section 1206.4</p>	<p>Review and verify final construction plans for implementation of interior noise reduction measures</p> <p>Review and verify completion of acoustical analysis</p>	<p>Plan verification prior to the issuance of building permits</p> <p>Acoustical analysis verification prior to issuance of occupancy permit</p>	<p>Once each for construction plans and acoustical analysis</p>	<p>City of Santa Ana Planning and Building Agency</p>			
<b>N-2 Exterior Noise Reduction</b>							
<p>The applicant shall implement sound attenuation features to reduce noise levels at all private outdoor livable spaces (i.e., balconies) on residential units and patios fronting Westminster Avenue and North Fairview Street. Such features may include the use of solid material for balcony or parapet construction such as double-paned or laminated glass, Plexiglass, or wood. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Santa Ana for review and approval prior to the issuance of building permits. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that</p>	<p>Review and verify final construction plans for implementation of exterior noise reduction measures</p> <p>Review and verify completion of acoustical analysis</p>	<p>Plan verification prior to the issuance of building permits</p> <p>Acoustical analysis verification prior to issuance of occupancy permit</p>	<p>Once each for construction plans and acoustical analysis</p>	<p>City of Santa Ana Planning and Building Agency</p>			

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noise levels at the exterior livable spaces do not exceed the City's exterior noise standard of 65 CNEL.							
<b>N-3 Outdoor Noise Attenuation</b>							
The applicant shall implement sound attenuation features to reduce recreation noise from the playground area on the adjacent single-family residence south of the playground. Such features may include a CMU wall, or other wall constructed of solid material, at least eight feet in height along the southern boundary of the playground area. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Santa Ana for review and approval prior to the issuance of building permits.	Review and verify final construction plans for implementation of sound attenuation features	Plan verification prior to the issuance of building permits	Once for construction plans	City of Santa Ana Planning and Building Agency			
<b>Tribal Cultural Resources</b>							
<b>TCR-1 Tribal Cultural Resource Construction Monitoring</b>							
Prior to the issuance of any permits for initial site clearing (such as pavement removal, grubbing, tree removals) or issuance of permits allowing ground-disturbing activities that cause excavation to depths greater than artificial fill (including boring, grading, excavation, drilling, potholing or auguring, and trenching), the City of Santa Ana shall ensure that the project applicant/developer retain a qualified Native American Monitor(s) with ancestral ties to the project area and approved by the tribe(s) that consulted on this project pursuant to AB 52 (the "Tribe(s)" or "Consulting Tribe(s)"). A copy of the executed contract shall be submitted to the City of Santa Ana Planning and Building Department. The Monitor(s) will only be present on-site during initial site clearing and construction that involves ground disturbing activities. Ground-disturbing activities are defined as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Monitor(s) will complete daily	Verify project has retained qualified Native American Monitor(s)  Review and verify executed contract	Prior to the issuance of initial site clearing permits or ground-disturbing activity permits	Once each for monitor retention and contract review	City of Santa Ana Planning and Building Agency			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
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<p>monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground disturbing activities on the project site are completed, or when the archeologist and Native American Monitor(s) have indicated that all upcoming ground-disturbing activities at the project site have little to no potential for impacting tribal cultural resources.</p>							
<p><b>TCR-2 Unanticipated Discovery of Tribal Cultural Resources</b></p>							
<p>In the event that tribal cultural resources are inadvertently discovered during ground-disturbing activities, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding feet) until the find can be assessed by the qualified archeologist and Native American Monitor(s) approved by the Consulting Tribe(s). If the resources are Native American in origin, the Consulting Tribe(s) will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes.</p> <p>If human remains and/or grave goods are discovered or reorganized at the project site and are determined to be Native American in origin, the NAHC shall be notified and a MLD shall be designated. The MLD shall work with the developer and the City to determine the treatment of the human remains and any grave/burial goods. Human remains and grave/burial goods shall be treated alike per PRC Section 5097.98(d)(1) and (2). Work may continue on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]).</p>	<p>Field verify ground-disturbing construction activities have ceased, if cultural resources are found</p> <p>Consult with Native American representatives for appropriate treatment of find, as needed</p>	<p>On an as-needed basis if cultural resources are found</p>	<p>Once for ceased construction activities</p> <p>As needed for consultation efforts</p>	<p>City of Santa Ana Planning and Building Agency</p>			

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