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# CHAPTER 8 Introduction to the Final EIR

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## 8.1 CEQA REQUIREMENTS

Before approving a project, the *California Environmental Quality Act* (CEQA) requires the Lead Agency to prepare and certify a Final Environmental Impact Report (Final EIR). The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, which states that:

The Final EIR shall consist of:

- (a) The Draft EIR or a revision of the Draft EIR.
- (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.

The Lead Agency (the City of Santa Ana) must also provide each public agency that commented on the Draft EIR with a copy of the City's response to those comments at least ten days before certifying the Final EIR. In addition, the City may also provide an opportunity for members of the public to review the Final EIR prior to certification, though this is not a requirement of CEQA.

## 8.2 PUBLIC REVIEW PROCESS

The Draft EIR for the Transit Zoning Code was circulated for review and comment by the public, agencies, and organizations for a 45-day public review period that began on February 2, 2010, and concluded on March 19, 2010. However, during the public review period, the City decided to add additional alternatives to Chapter 5 of the Draft EIR. This section was put out for a 45-day public review period on February 24, 2010, and the original Draft EIR review period was extended to match with the re-circulated Chapter 5 and ended April 12, 2010. Two public information meetings were held on regularly scheduled Planning Commission meetings on February 22, 2010, and March 22, 2010. In addition to the verbal comments that were received at the public meeting, numerous written letters were also received during the review period.

## 8.3 CONTENTS AND ORGANIZATION OF THE FINAL EIR

This Final EIR is composed of two volumes. They are as follows:

**Volume I**      **Draft EIR**—This volume describes the existing environmental conditions in the project area and in the vicinity of the project, and analyzes potential impacts on those conditions due to the proposed project; identifies mitigation measures that could avoid or reduce the magnitude of significant impacts; evaluates cumulative impacts that would be caused by the project in combination with other future projects or growth that could occur in the region; analyzes growth-inducing impacts;

and provides a full evaluation of the alternatives to the proposed project that could eliminate, reduce, or avoid project-related impacts.

**Volume Ia Final EIR**—This volume contains an explanation of the format and content of the Final EIR (Chapter 8); all text changes to the Draft EIR resulting from corrections of minor errors and/or clarification of items, which have been incorporated into the EIR (Chapter 9); a complete list of all persons, organizations, and public agencies that commented on the Draft EIR, copies of the comment letters received by the City of Santa Ana on the proposed project, and the Lead Agency’s responses to these comments (Chapter 10); and the Mitigation Monitoring and Reporting Program (Chapter 11).

**Volume II EIR Appendices**—This volume includes supporting technical data used in the preparation of the Draft EIR. The Traffic Impact Study was revised after the Draft EIR was circulated for public review and is included herein.

## 8.4 USE OF THE FINAL EIR

Pursuant to Sections 15088(a) and 15088(b) of the CEQA Guidelines, the lead agency must evaluate comments on environmental issues received from persons who reviewed the Draft EIR and must prepare written responses. The Final EIR allows the public and the City of Santa Ana an opportunity to review the response to comments, revisions to the Draft EIR, and other components of the EIR, such as the Mitigation Monitoring and Reporting Program (MMRP), prior to the City’s decision on the project. The Final EIR serves as the environmental document to support approval of the proposed project, either in whole or in part.

After completing the Final EIR, and before approving the project, the Lead Agency must make the following three certifications as required by Section 15090 of the CEQA Guidelines:

- That the Final EIR has been completed in compliance with CEQA
- That the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the project
- That the Final EIR reflects the Lead Agency’s independent judgment and analysis

Pursuant to Section 15091(a) of the CEQA Guidelines, if an EIR that has been certified for a project identifies one or more significant environmental effects, the lead agency must adopt “Findings of Fact.” For each significant impact, the lead agency must make one of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, pursuant to Section 15091(d) of the CEQA Guidelines, the agency must adopt, in conjunction with the findings, a program for reporting on or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures. This program is referred to as the Mitigation Monitoring and Reporting Program.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a Lead Agency approves a project that would result in significant, unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing its reasons for supporting the approved action. This Statement of Overriding Considerations is supported by substantial information in the record, which includes this Final EIR. Since the project could result in fifteen significant and unavoidable impacts (ten project-specific and five cumulative) in the issue areas of transportation/traffic, noise, cultural resources, and air quality, aesthetics, and global climate change. The City of Santa Ana would be required to adopt a Statement of Overriding Considerations if it approves the proposed project.

The certifications, Findings of Fact, and the Statement of Overriding Considerations are included in the staff report and resolutions that accompany this document. The Final EIR will be considered, and, in conjunction with making Findings, the City of Santa Ana may decide whether or how to approve the proposed project.

