

---

---

# CHAPTER 10 Responses to Comments

---

---

## 10.1 ORGANIZATION OF THE RESPONSES TO COMMENTS

The letters in this section of the EIR include public comments on the Draft EIR for the proposed Transit Zoning Code. The Draft EIR was circulated for public review from February 2, 2010, to April 12, 2010. A master response that precedes the responses to comments was prepared to address many common comments on the Draft EIR and to refine some minor revisions to the project.

The comment letters included herein were submitted by public agencies, citizen groups, and private citizens. Each written comment that the City received is included in this section. Responses to these comments have been prepared to address the environmental concerns raised by the commenter and to indicate where and how the EIR addresses pertinent environmental issues.

The comment letters have been numbered in an ordinal fashion. Each issue within a comment letter, if more than one, has a letter assigned to it. Responses to the comment letter immediately follow each letter. References to the responses to comments identify first the letter number, and second, the comment letter (6A, for example). Where comments have been duplicated within a single letter, the reader is referred to the appropriate responses number rather than having a comment repeated and providing a duplicate answer.

The commenters, along with the page number on which their comment letters appear, are listed below.

<b>Letter Code</b>	<b>Commenter/Organization</b>	<b>Letter Date</b>	<b>Page No.</b>
DTSC	Department of Toxic Substances Control (DTSC), Brownfields and Environmental Restoration Program—Cypress	4/08/10	10-6
DOT	California Department of Transportation (Caltrans), District 12	4/12/10	10-14
PUC	State of California Public Utilities Commission (PUC), Rail Crossings Engineering Section (RCES)	3/12/10	10-20
GG	City of Garden Grove	3/23/10	10-22
IRV	City of Irvine, Community Development Department	3/15/10	10-24
TUS	City of Tustin, Community Development Department	3/19/10	10-27
SAUSD	Santa Ana Unified School District	3/19/10	10-34
LULAC	League of United Latin American Citizens (LULAC)	4/12/10	10-37
PLC	Public Law Center	4/12/10	10-54
KC	Kennedy Commission	4/11/10	10-58
CU	Chican@s Unidos	Unknown	10-63
JD	Jeff Dickman	Unknown	10-75
KB	Kirk Buttermore	2/10/10	10-106
ZH	Zeke Hernandez	4/12/10	10-108

<b>Table 10-1 Comment Letters Received during the Draft EIR Comment Period</b>			
<b>Letter Code</b>	<b>Commenter/Organization</b>	<b>Letter Date</b>	<b>Page No.</b>
AW	Andree Weger	4/13/10	10-111
BG	Benjamin Grabiell	4/12/10	10-115
PC1	Planning Commission Meeting, February	2/22/10	10-117
PC2	Planning Commission Meeting, March	3/22/10	10-125

## 10.2 MASTER RESPONSE: PROJECT CLARIFICATION

### 10.2.1 Project Description Clarification

The purpose of this master response is to clarify the scope and description of the proposed project. The proposed project includes (1) the Transit Zoning Code, which would affect over 100 blocks (450 acres) in the central urban core of Santa Ana, and (2) a redevelopment project on parcels owned by the City of Santa Ana’s Redevelopment Agency within the boundary of the Transit Zoning Code.

#### ■ Transit Zoning Code

As described in Chapter 3 (Project Description) of the Draft EIR, the Transit Zoning Code provides new zoning for all of the properties contained within its boundary with the exception of those properties zoned M1—Light Industrial or M2—Heavy Industrial. These M1 and M2 properties would retain their existing zoning, but would be covered by an overlay zone that allows for the option of future mixed-use development to be exercised at the discretion of the property owner.

The Transit Zoning Code was initially drafted as a component of the larger Santa Ana Renaissance Specific Plan (SARSP). The City has since decided not to go forward with its plans for the SARSP and is now proposing a refined version of the zoning component of that plan – the Transit Zoning Code – to provide the zoning necessary to support the long-term development of a successful transit program.

To this end, the EIR provides a programmatic analysis of the environmental impacts that would occur with implementation of the Transit Zoning Code, including potential future development of transit programs such as the proposed Santa Ana Fixed Guideway Corridor Study and a Santa Ana Regional Transportation Center (SARTC) Master Plan. Currently, very little is known about details of these potential projects. To the extent any details are available, they are described in Section 4.11 (Transportation/Traffic) of the Draft EIR on page 4.11-7. The specific details of the proposed Fixed Guideway Corridor Study and its potential alignments will be analyzed in a separate EIR as part of the Santa Ana Fixed Guideway Corridor Study. Similarly, the City is in the very preliminary stages of planning for the SARTC Master Plan, and there is insufficient detail available to provide meaningful analysis in this EIR. However, both of these potential future projects would be developed in a manner consistent with the Transit Zoning Code, if approved. Therefore, their development has been analyzed at the programmatic level to the extent possible in this EIR and, for clarification, they have been added to the list of related projects in Table 3-3 of the EIR.

As stated in Draft EIR Chapter 3 (Project Description), the City would need to amend the current General Plan to permit the new land uses proposed under the Transit Zoning Code and amend the Zoning Code to establish development standards that implement the proposed project. The analysis of Impact 4.7.-3 in Section 4.7 (Land Use) of the Draft EIR explains that the provisions of the existing General Plan that would be superseded by the proposed Transit Zoning Code would be revised simultaneously with the adoption of the Transit Zoning Code, and the changes to these provisions are evaluated in this EIR.

Additionally, the draft Transit Zoning Code that was released on February 2, 2010 has undergone a number of minor revisions and clarifications and changes to format. Chapter 7, for example, will be adopted as guidelines rather than standards. Also, extensive renumbering of the sections has been done. None of these changes affect the analysis of the Transit Zoning Code in the EIR.

### ■ **Redevelopment of Agency-Owned Properties**

The Redevelopment Agency (the “Agency”) and The Related Companies of California, LLC and Griffin Realty Corporation (the “Developer”) propose to redevelop certain Agency-owned properties within the Station District, the boundaries of which are entirely within the Transit Zoning Code project area. The Station District is shown in Figure 3-4 of the Draft EIR, and the Development Proposal is shown in Figure 3-7.

The Development Proposal would redevelop forty-nine parcels currently owned by the Agency. The forty-nine parcels are identified in Figure 3-5. In addition to these forty-nine parcels, the City/Agency is considering the acquisition of twenty additional properties within and amongst the parcels it currently owns. The Draft EIR identified nineteen of these potential acquisition properties in Figure 3-6. The Recirculated Chapter 5 (Alternatives) identified one additional potential acquisition property at 610 E. Sixth Street in Figure 5-2. The Agency and the Developer propose to redevelop these properties with a maximum of 155 rental units (including a potential senior housing project) and a maximum of 65 for-sale units – a total of 220 new residential units. That portion of the Development Proposal that would occur on the parcels currently owned by the Agency is shown in Figure 3-7 in the Draft EIR, which identifies 169 proposed units. The balance of the 220 units would be built on the parcels identified for acquisition, if and when they are acquired. A component of this residential development would be affordable pursuant to the County of Orange’s criteria for low-to-moderate income housing. The City/Agency is also pursuing the addition of new public open space, contingent on funding, that could include a public park, a public tot lot, and a 10,000 square foot community building.

Redevelopment of certain Agency-owned parcels would require demolition of a number of existing structures. The Draft EIR identified thirteen of these structures, located on parcels “1” through “10” in Figure 3-8. The Recirculated Chapter 5 (Alternatives) identified additional structures, on parcels “12,” “13,” and “14,” that would be demolished under the Development Proposal in Figure 5-1. Therefore, redevelopment of the Agency-owned properties would result in demolition of approximately 30,243 square feet of building area, on thirteen Agency-owned parcels. In addition, two other structures would be demolished on parcel “11” (as shown in Figures 3-8 and 5-1) to accommodate the proposed Mercy House project, discussed further below.

The Development Proposal is the first step in a strategic transportation and land use planning process, which may eventually result in a master plan for the 94-acre Station District. As noted on page 1-8 of the Executive Summary of the Draft EIR, the Redevelopment Agency has entered into a Predevelopment Agreement with the Developer to assist the Agency in strategic planning with respect to the Station District, identified in Figure 3-4 of the Draft EIR. Under that agreement, the Developer will develop a strategy for the Station District that would enhance the neighborhood by creating a sense of place and providing a connection between the downtown and the growing transit corridor; create a sustainable, walkable neighborhood with internal transit and a mix of uses and incomes, where market rate and affordable housing are physically indistinguishable, identify neighborhood retail/service opportunities; identify needed infrastructure; link neighborhoods and businesses with public transit; enhance public spaces and streets; and contain a viable implementation strategy. As these strategic goals indicate, there is currently no meaningful detail available regarding the potential future plan for the Station District. However, the City anticipates that the majority of development within the Station District would be proposed by private developers, and any development proposal that might occur within the Station District would have to comply with the proposed Transit Zoning Code, if adopted. Therefore, this EIR has analyzed potential future development within the Station District at the programmatic level to the extent possible.

### ■ **Mercy House**

As mentioned above, the Draft EIR analyzed the demolition of two structures located at 801 E. Santa Ana Blvd. and 707 N. Garfield St. on parcel “11” (refer to Figure 3-8 and Figure 5-1). This parcel is currently owned by the Agency for development of special needs housing by Mercy House. The Draft EIR provided a project-level analysis of the demolition of these structures.

### ■ **Other Related Projects**

Under CEQA, a cumulative impact is an impact that results from the combination of the project evaluated in the EIR together with other projects causing related impacts (CEQA Guidelines §15130). As explained in Section 3.8 of the Draft EIR, the potential cumulative effects of the proposed project are based upon a list of projects, provided in Table 3-3, identified by the City and neighboring jurisdictions, as well as build-out of the General Plan or other criteria depending upon the specific impact being analyzed that would produce related or cumulative impacts.

As mentioned above, Table 3-3 has been amended in the Final EIR to clarify that the list of related projects includes the Santa Ana Fixed Guideway Corridor Study and the SARTC Master Plan. Additionally, Table 3-3 has been amended to include three funded or planned roadway improvements within the study area: Grand Avenue widening, Santiago Street widening, and Metrolink extension. These improvements were identified and analyzed in Draft EIR Section 4.11 (Transportation/Traffic).

Finally, the project identified in Table 3-3 as “Future Specific Plan Area” (Project ID # 38) has been deleted. The land use description attributed to this project in Table 3-3 is actually a component of the proposed Transit Zoning Code.

## 10.2.2 Project Objectives Clarification

Consistent with the two major project components described above, the Recirculated Chapter 5 (Alternatives) clarified that there is one set of project objectives for each component. Specifically, the project objectives of the Transit Zoning Code are to:

- Provide zoning for the integration of new infill development into existing neighborhoods
- Provide for a range of housing options, including affordable housing
- Allow for the reuse of existing structures
- Allow the development of the Agency properties
- Provide a transit-supportive, pedestrian-oriented development framework to support the addition of new transit infrastructure
- Preserve and reinforce the existing character and pedestrian nature of the City by strengthening urban form through improved development and design standards
- Encourage alternative modes of transportation, including the rail system that connects San Diego to Los Angeles

The objectives of the Developer Proposal for the Agency-owned properties are to:

- Redevelop all of the Agency-owned properties
- Provide new affordable housing for families in furtherance of the City's affordable housing goals established in the Housing Element, the Implementation Plan for the Santa Ana Merged Redevelopment Project Area, and the City of Santa Ana Consolidated Plan
- Enhance the streetscape and urban form of the area, particularly along Santa Ana Boulevard, with the construction of new buildings that meet the standards contained in the Transit Zoning Code and that support future transit planning
- Eliminate blight
- Provide additional public open space and facilitate joint use arrangement with SAUSD for a new community center
- Provide an economically viable redevelopment scenario for the Agency-owned properties

These are the objectives the City used in identifying the various alternatives to the proposed project analyzed in Re-circulated EIR Chapter 5 (Alternatives).

## 10.3 RESPONSES TO COMMENTS ON THE DRAFT EIR

This section contains the original comment letters, which have been bracketed to isolate the individual comments, with each letter followed by a section with the responses to the comments within the letter. As noted above, and stated in Sections 15088(a) and 15088(b) of the CEQA Guidelines, comments that raise significant environmental issues are provided with responses. Comments that are outside of the scope of CEQA review will be forwarded for consideration to the decision-makers as part of the project approval process. In some cases, a response may refer the reader to a previous response, if that previous response substantively addressed the same issues.



Linda S. Adams  
Secretary for  
Environmental Protection



**Department of Toxic Substances Control**

Maziar Movassaghi, Acting Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

April 8, 2010

Ms. Lucy Linnaus  
City of Santa Ana Planning Department  
20 Civic Center Plaza M-20  
P.O. Box 1988  
Santa Ana, California 92702

**NOTICE OF COMPLETION AND A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR TRANSIT ZONE CODE (SD 84A and SD 84B) (SCH # 2006071100)**

Dear Ms. Linnaus:

The Department of Toxic Substances Control (DTSC) has received your submitted EIR document for the above-mentioned project. As stated in your document: "The primary objective of the proposed project is to provide zoning for the integration of the new infill development into existing neighborhoods, to allow for the reuse of existing structures, and to provide a transit supportive, pedestrian oriented development framework to support the addition of new transit infrastructure. The Transit Zoning Code would preserve and reinforce the historic character and pedestrian nature of the City while encouraging alternative modes of transportation, including the rail system that connects San Diego to Los Angeles. The Transit Zoning Code is broken down into nine district sub zones".

DTSC-1

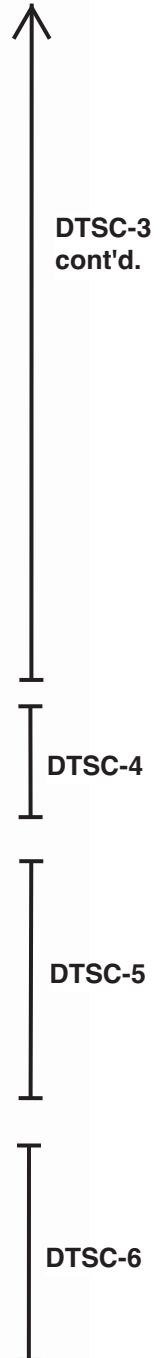
DTSC sent you comments on the Notice of Preparation (NOP) document on 8/17/2006. Based on the review of the submitted EIR document DTSC has comments as follows:

1. The draft EIR needs to identify and determine whether current or historic uses in the Project area have resulted in any release of hazardous wastes/substances.
2. The draft EIR should evaluate whether conditions in the area pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
  - National Priorities List (NPL): A list is maintained by the United States Environmental Protection Agency (U.S.EPA).

DTSC-2

DTSC-3

- CalSites: A Database primarily used by the California Department of Toxic Substances Control.
  - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
  - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
  - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
  - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
  - Local County and City maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- 3) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- 4) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.
- 5) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.



- 6) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. DTSC-7
  
- 7) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. DTSC-8
  
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. DTSC-9
  
- 9) If the project area was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency in the project area prior to construction of the project. DTSC-10
  
- 10) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see [www.dtsc.ca.gov/SiteCleanup/Brownfields](http://www.dtsc.ca.gov/SiteCleanup/Brownfields), or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489. DTSC-11



Ms. Lucy Linnaus  
April 8, 2010  
Page 4 of 4

If you have any questions regarding this letter, please contact me at (714) 484-5472 or at "ashami@DTSC.ca.gov".

DTSC-12

Sincerely,



Al Shami  
Project Manager  
Brownfields and Environmental Restoration Program - Cypress

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

CEQA Tracking Center  
Department of Toxic Substances Control  
Office of Environmental Planning and Analysis  
1001 I Street, 22nd Floor, M.S. 22-2  
Sacramento, California 95814  
[Adelacr1@dtsc.ca.gov](mailto:Adelacr1@dtsc.ca.gov)

CEQA #2839

## ■ Response to Letter DTSC: Department of Toxic Substances Control (DTSC), Brownfields and Environmental Restoration Program—Cypress

### ***Response to Comment DTSC-1***

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

### ***Response to Comment DTSC-2***

A review of federal and state regulatory databases was conducted by Environmental Data Resources, Inc. (EDR, Inc.), which was included as Appendix E of the Draft EIR. The EDR Report, provides a list of all existing hazardous materials sites located within the Transit Zoning Code (SD 84A and SD 84B) area. A summary of these facilities with their violation and/or cleanup status has also been provided in Appendix E. As discussed in the Environmental Setting of Section 4.5 (Hazards and Hazardous Materials) of the Draft EIR, there are 209 existing locations within the Transit Zoning Code (SD 84A and SD 84B) area that are associated with hazardous materials, and therefore, listed on government databases. Since publication of the Draft EIR, Phase I Environmental Site Assessments (ESAs) have been conducted for all Developer Project parcels in accordance with ASTM E-1527-05 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.” These Phase I reports found that those parcels contain no evidence of recognized environmental conditions (RECs) and that most require no further evaluation (refer to the new Appendix K attached to the Final EIR). A few parcels did have recommendations for soil vapor studies which will be required under MM4.5-1. However, specific details about sites within the Transit Zoning Code project that are not a part of the Developer Project are unknown, and the potential for contamination exists in multiple locations throughout the Transit Zoning Code (SD 84A and SD 84B) area. It is possible that remediation or cleanup efforts have already taken place for at least some of these sites. Further, mitigation measures MM4.5-1, MM4.5-2, and MM4.5-3, set forth in Draft EIR Section 4.5, would minimize the potential risk of contamination by implementing investigation and remediation efforts at future development sites. As such, the potential impacts associated with unknown contamination would be reduced to a less-than-significant level.

DTSC’s August 17, 2006 comment letter on the Notice of Preparation (NOP) listed seven “sites or potential sites which may be in the project area.” Only one of the sites listed in DTSC’s NOP comment letter is within the Transit Zoning Code project area and therefore listed in the EDR Report. This site, known as Freeway Auto Wreckers located at 1041 E. 6<sup>th</sup> Street, does not have any reported violations regarding release of hazardous materials. A Superfund preliminary assessment (PA) was completed for the site in 2005. The PA determined the site was low priority, and it has not been listed on the National Priorities List. (Appendix E, EDR Report.)

### ***Response to Comment DTSC-3***

As stated in Response to Comment DTSC-2, the EDR Report conducted a review of federal and state regulatory databases, including all those listed in the comment, the results of which was included as Appendix E of the Draft EIR. Furthermore, Impact 4.5-2 of Draft EIR Section 4.5 (Hazards and Hazardous Materials) evaluated whether existing conditions in the area pose a threat to human health or

the environment. In particular, it was noted that “Another potential hazard to construction workers and the public could involve construction activities on existing sites that may potentially be contaminated. Existing sites that may potentially contain hazardous materials in the Transit Zoning Code (SD 84A and SD 84B) area include the 209 sites that are identified in Appendix E, which includes a range of sites with a variety of potential sources of contamination, including empty containers, waste oil tanks, other forms of chemical waste, and gas stations.” In order to address the potential for encountering contamination within the Transit Zoning Code (SD 84A and SD 84B), mitigation measures MM4.5-1, MM4.5-2, MM4.5-3 would implement investigation and remediation efforts at future development sites, including those contemplated within the Developer Project. Compliance with existing regulations and implementation of mitigation measures MM4.5-1 and MM4.5-2 would reduce this impact to a less-than-significant level.

#### ***Response to Comment DTSC-4***

Mitigation measures MM4.5-1 through MM4.5-3 in Draft EIR Section 4.5 (Hazards and Hazardous Materials) identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated. Depending on the nature of contamination, appropriate government agencies would be notified as required, to provide appropriate regulatory oversight.

#### ***Response to Comment DTSC-5***

A series of thirteen Phase I Environmental Site Assessments were prepared for the proposed Developer Project (each report representing a discrete geographic subcomponent of the Project). Future development under the proposed Transit Zoning Code (outside of the Developer Project) may require the preparation of additional Phase I ESAs per MM4.5-1, to address areas identified with previous contamination. Per Draft EIR page 4.5-5, DTSC has primary regulatory responsibility for hazardous waste management and cleanup. As discussed in Impact 4.5-2 of Draft EIR Section 4.5 (Hazards and Hazardous Materials), mitigation measures MM4.5-1 and MM4.5-2 would minimize the potential risk of contamination by implementing investigation and remediation efforts at future development sites and would require appropriate regulatory oversight. Further, all demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards, and adhere to existing federal and state regulations pertaining to appropriate testing and abatement actions for hazardous materials (refer to MM4.5-3).

#### ***Response to Comment DTSC-6***

Refer to Responses to Comments DTSC-4 and DTSC-5 for responses to appropriate investigations and remedial actions to be taken within the Santa Ana Transit Zoning Code (SD 84A and SD 84B) area. Specifically, all demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards, and adhere to existing federal and state regulations pertaining to appropriate testing and abatement actions for hazardous materials (refer to MM4.5-3).

#### ***Response to Comment DTSC-7***

As discussed in Impact 4.5-2 of Section 4.5 (Hazards and Hazardous Materials) of the EIR, grading and excavation of sites for future development resulting from implementation of the proposed project may

expose construction workers and the public to potentially unknown hazardous substances present in the soil. This risk would be mitigated to a less-than-significant level through the implementation of mitigation measures MM4.5-1, MM4.5-2, and MM4.5-3. Soil sampling will be done at future development sites, pursuant to MM4.5-1, if the results of a Phase I ESA indicate the presence of contamination. All applicable regulations will be complied with when performing Phase I and II environmental site assessments, remediation, and soil sampling and disposal, including any applicable Land Disposal Restrictions.

***Response to Comment DTSC-8***

Impact 4.5-2 of Draft EIR Section 4.5 (Hazards and Hazardous Materials), analyzes potential risk associated with the demolition of existing structures as well as future construction. Although hazardous materials and waste generated from future development may pose a health risk to sensitive receptors such as schools, businesses are required to comply with health and safety and environmental protection laws and regulations. In addition, mitigation measure MM4.5-1 through MM4.5-3 will ensure that any impacts will be reduced to less than significant levels. MM4.5-2 specifically sets the framework for the preparation of a risk management plan as well as the criteria which would trigger such a plan. In addition, the Developer Project and future projects within the Transit Zoning Code (SD 84A and SD 84B) area will be required to conform with environmental regulations related to new construction and hazardous materials storage, use, and transport. Compliance with existing regulations would minimize the risks associated with the exposure of sensitive receptors, including schools, to hazardous materials. Also worth noting, one of the primary objectives of the Transit Zoning Code (SD 84A and SD 84B) is the elimination or reduction of incompatible uses that expose sensitive receptors to hazardous materials.

***Response to Comment DTSC-9***

The precise increase in the amount of hazardous materials utilized as a result of implementation of the Transit Zoning Code (SD 84A and SD 84B) cannot be definitively predicted for future projects since detailed descriptions of potential development projects are not yet available. The Developer proposal would not include any uses anticipated to be a source of substantial hazardous materials generation. Similarly, the operation of future development under the proposed zoning, including residential and retail uses, would not require the handling of hazardous or other materials that would result in the production of large amounts of hazardous waste. However, certain industrial and commercial uses allowed within the Transit Zoning Code area would use, store or handle hazardous materials, including auto or motor vehicle services, industrial uses and laboratory testing. These uses would be required to comply with all applicable regulatory guidelines for the use, storage, transport, and/or disposal of potentially hazardous materials. Federal, state, and local regulations govern the disposal of wastes identified as hazardous which could be produced in the course of demolition and construction. Asbestos, lead, or other hazardous materials encountered during demolition or construction activities would be disposed of in compliance with all applicable regulations for the handling of such waste. The California Hazardous Waste Control Law and appropriate hazardous waste control regulations referred to in this comment are referenced in Draft EIR Section 4.5.2 (Regulatory Framework [Hazards and Hazardous Materials]).

***Response to Comment DTSC-10***

The project area is fully developed with urban uses and is not used for agricultural, livestock or related activities. However, in the event that previously unknown or unidentified soil and/or groundwater contamination is encountered during construction in the Transit Zoning Code (SD 84A and SD 84B) area, a Risk Management Plan would be prepared and implemented per mitigation measure MM4.5-2. Protective measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof.

***Response to Comment DSTC-11***

Comment noted. The comment states that DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement for private parties. No further response is required.

***Response to Comment DTSC-12***

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592



Flex your power!
Be energy efficient!

Post-It Fax Note 7671
Table with fields: To (Lucy Linnaus), From (Damon DAVIS), Co/Dept (Planning), Co (CALTRANS), Phone # (7) 667-2745, Phone # (9) 440-3487, Fax # (7) 973-1461, Fax # (9) 724-2592

April 12, 2010

Ms. Lucy Linnaus
City of Santa Ana
Planning Division (M-20)
P. O. Box 1988, Santa Ana, CA 92702

File: IGR/CEQA
SCH#: 2006071100
Log #: 1756B
I-5

Subject: Transit Zoning Code (SD84A and SD 84B)

Dear Ms. Linnaus,

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Transit Zoning Code (SD84A and SD 84B) project. The primary objective of the proposed project is to provide zoning for the integration of new infill development into existing neighborhoods, to allow for the reuse of existing structures, and to provide a transit supportive, pedestrian orientated development framework to support the addition of new transit infrastructure. The transit zoning code is broken down into nine distinct subzones. The nearest State routes to the project site are I-5.

DOT-1

The California Department of Transportation (Department), District 12 is a commenting agency on this project and has the following comments:

DOT-2

1. Peak hour traffic volumes that were used in the DEIR were two hours long. The Department's standard peak hours are from 6 to 9 am and from 3 to 6 pm, and should be used for all traffic analysis on the State Highway System.

2. The DEIR did not mention mitigation measure for the 17th Street on/off ramp intersections, nor for the 17th Street segment to the west of the northbound off-ramps. According to the report, the 2030/2035 LOS at these locations are anticipated to reach E and F levels.

DOT-3

3. The General Plan Amendment should include language requiring the City to develop policies stressing coordination between the City and the Department early in the land use and transportation planning process.

DOT-4

4. Although this particular project does not propose any new development the Department would like to emphasize that it supports General Plans (or Specific Plans) that foster a more efficient land use pattern that (a) supports improved mobility and reduced dependency on single-occupant vehicle trips, (b) accommodates an adequate supply of housing for all incomes, (c) reduces impacts on valuable habitat, productive farmland, and air quality, (d) increases resource use efficiency, and (e) results in safe and vibrant neighborhoods. The Department recognizes that non-motorized travel is a vital element of the transportation system and therefore,

DOT-5

encourages communities make pedestrian and bicycle activity possible, thus expanding transportation options, and creating a streetscape that better serves a range of users – pedestrians, bicyclists, transit riders, and automobiles.

↑ DOT-5 cont'd.

5. The General Plan Amendment should acknowledge the Departments' standard of maintaining a target Level of Service (LOS) at the transition between LOS C and LOS D on State highway facilities. Any degradation of the LOS past this threshold should be mitigated to bring the facility back to the baseline/existing condition. For future projects that may impact State facilities, we recommend that early coordination be done between the Department and the City to fully address level of significance thresholds (transition between LOS C and D) and appropriate methods for analyzing impacts (LOS vs. Hours of Delay).

DOT-6

6. The Department has interest in working cooperatively to establish a Traffic Impact Fee (TIF) program to mitigate impacts to State Transportation Facilities on a "fair share" basis. Local development project applicants would pay their "fair share" to an established fund for future transportation improvements on the state highway system. If there is an existing TIF program, it can be amended to include mitigation for the State Highway System or a new TIF program may be considered. The Department requests the opportunity to participate in the TIF for State Highway improvements development process.

DOT-7

7. Future projects have the potential to significantly impact I-5 mainline and interchanges, ramps and intersections. Impacts of development causing operating conditions to deteriorate to deficient levels of service, or impacts adding to an existing deficient level of service condition require mitigation.

DOT-8

8. The Department requests to participate in the establishment and implementation of "fair share" mitigation for the project impacts. The Department has an established methodology standard used to properly calculate equitable project share contribution. This can be found in Appendix B of the Department's Guide for the Preparation of Traffic Impact Studies which is available at: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>.

DOT-9

9. For CEQA purposes, the Department does not consider the Congestion Management Plan (CMP) significance threshold of an increase in V/C more than 1% ramps or 3% for mainline appropriate. For analysis of intersections connecting to State facilities, ramps and freeway mainline, we recommend early coordination occur to discuss level of significance thresholds related to traffic and circulation.

DOT-10

10. The City should develop a funding mechanism for the I-5 off-ramp improvements proposed in mitigation measures 4.11-15 and 4.11-16 on page I-37.

DOT-11

Please continue to keep us informed of this project and any future developments, which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Damon Davis at (949) 440-3487.

DOT-12

Sincerely,



Christopher Herre, Branch Chief  
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

*"Caltrans improves mobility across California"*

## ■ Response to Letter DOT: California Department of Transportation (Caltrans), District 12

### *Response to Comment DOT-1*

This comment contains introductory and general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

### *Response to Comment DOT-2*

Comment noted. The traffic counts include 2-hours counts instead of 3-hours counts for both AM and PM per the City's requirement. Refer to the Caltrans document "Guide for the Preparation of Traffic Impact Studies." This document provides guidelines for the peak hours to study. The example it provides is for a 2-hour time period. It advises consultation with the lead agency and Caltrans to determine what the peak hours are. Consultation with the City of Santa Ana and subsequent traffic counts determined the appropriate peak hours to study. The survey hours (7-9 am and 4-6 pm) have captured the peak condition of the study area. The daily volume plot shows AM and PM peak distributions within 7-9 am and 4-6 pm time range. According to the Orange County Congestion Management Plan, "The highest count total during any four consecutive 15-minute count intervals within a peak period represents the peak hour count set." The 2-hour count interval is therefore adequate as long as it contains the highest count total of four consecutive 15-minute intervals, which it does.

### *Response to Comment DOT-3*

The DIER shows that the I-5 NB/17<sup>th</sup> Street intersection operates at Level of Service (LOS) E for both the 2035 Without Project (Table 4.11-13) and 2035 With Project Conditions (Table 4.11-23). The LOS is therefore maintained at LOS E and the project would not cause any change in existing conditions (no degradation). The change in  $v/c$  (0.002) is too low (less than 0.01) to be considered a significant impact.

As for the segment located to the west of the northbound off ramps, the commenter is correct in stating that the segment operates at LOS F (refer to Table 4.11-24). However, as stated on page 4.11-98 of the Draft EIR, segment LOS only helps to understand deficiencies and in and of itself should not be the basis for significance determination:

The daily volume-to-capacity ratios provide a screening level analysis of daily traffic flows and potential operational problems within the study area. The peak hour analysis for intersections, presented in the previous section, provides a more definitive analysis of the operation of the arterial roadways in the project area. Although a few roadway segments indicate deficiencies, the proposed mitigation should be based on the intersection analysis recommendations. All roadway segments should operate at acceptable level of services under City's General Plan circulation element designations with spot improvements at intersections proposed based on the intersection analysis.

The Traffic Study and Draft EIR based LOS significance on intersection delay. As indicated in the paragraph above, despite the fact that there appears to be some deficiencies when examining segment LOS, these deficiencies are related to inadequacies at roadway intersections. Therefore, no significant effects were caused by segment deficiencies.



### **Response to Comment DOT-4**

The existing Circulation Element of the City of Santa Ana General Plan contains language that addresses the comment regarding the need to coordinate land use and transportation planning processes. Goal 8 of the Circulation Element states that the City should “strengthen the coordination of transportation and land use planning activities with adjacent jurisdictions and regional agencies.” The following policies contained within the Circulation Element also support the further coordination of land use and transportation and planning with other government agencies.

Policy 1.2 – Coordinate with the State to provide a freeway system that promotes efficient, and convenient access to City streets in a manner consistent with local land use policy.

Policy 8.1 – Participate in interjurisdictional planning forums and other inter-agency opportunities to coordinate transportation and land use projects.

Policy 8.2 – Maintain compliance with regional, state, and federal programs which provide funding for transportation improvements.

The comment will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

### **Response to Comment DOT-5**

The City appreciates the Department of Transportation’s preferences for General Plans. Consistent with these preferences, the proposed Transit Zoning Code is designed to set forth a land use pattern that promotes the use of transit that reduces the vehicle miles traveled in the City and the region. To clarify the Department’s statement that the project does not propose any new development, as stated on page 3-11 of the Draft EIR, the City’s Redevelopment Agency and The Related Companies of California, LLC and Griffin Realty Corporation (the “Developer”) propose to redevelop certain Agency-owned properties within the Station District, the boundaries of which are entirely within the Transit Zoning Code project area. The Station District is shown in Figure 3-4 of the Draft EIR, and the Development Proposal is shown in Figure 3-7.

The Traffic Impact Study and the Draft EIR evaluated potential impacts associated with the Developer project.

### **Response to Comment DOT-6**

Note that the Final EIR includes a revised Traffic Study which includes minor revision based on changes to the land use projections received from the City in December, 2009. Section 2.7 of the revised Traffic Study (Appendix [G]) includes the following text:

Improvements are required for locations that operate at acceptable level of service without the project, but which operate at an unacceptable level of service with the project. For locations that are forecast to operate worse than the acceptable level even without the project, the traffic study must include improvements to achieve acceptable levels of service per the City of Santa Ana’s criteria. Those mitigation measures/ improvements will be described as well as graphically illustrated as per the City of Santa Ana General Guidelines for the preparation of traffic studies.

Caltrans endeavors to maintain a target Level of Service (LOS) at the transition between LOS C and LOS D on State highway facilities. Any degradation of the level of service past this threshold should be mitigated to bring the facility back to the baseline/existing condition based on standard measures of effectiveness (MOE's), such as delay, v/c, and LOS.

For the purposes of this study, the Orange County CMP guidelines which define changes in operating conditions based on a change in volume/capacity ratio (v/c) have been applied to the freeway system to define the freeway ramp impacts when level of service falls below the minimum LOS D standard. Changes in v/c have been used as the measure of effectiveness in evaluating potential mitigation measures in these cases.

No further action required.

### ***Response to Comment DOT-7***

A TIF program was not included in the scope of the study, nor is it a comment related to the EIR. This comment will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

### ***Response to Comment DOT-8***

Freeway ramp conditions were evaluated and mitigation was recommended where required in Draft EIR, Section 4.11.3. Future conditions at freeway on- and off-ramps would operate at LOS C or better under a full build-out scenario, with the exception of the northbound off-ramp at the I-5 Santa Ana Boulevard interchange. The northbound off-ramp is currently restricted to one lane of traffic. With implementation of mitigation measure MM4.11-16, the LOS under future conditions would be improved from LOS F to LOS C. Mitigation measure MM4.11-16 requires the City of Santa Ana Department of Public Works to “coordinate with Caltrans for the installation of a second ramp lane for the I-5 northbound off ramp.” Because the City has no jurisdiction over I-5 and its ramps, it cannot guarantee that the improvements would be made, and the EIR concludes that the impact would be significant and unavoidable. However, as required by MM4.11-16, the City would work with Caltrans to mitigate the impact.

### ***Response to Comment DOT-9***

Refer to Response DOT-7.

### ***Response to Comment DOT-10***

The comment states that CMP significance thresholds are not appropriate for freeway ramps and mainline analysis. Peak hour freeway ramp traffic operations analysis is conducted by calculating a peak hour volume to capacity (V/C) ratio. Freeway ramp performance criteria have been derived from the Caltrans Highway Design Manual (July, 1995) and the Caltrans Ramp Meter Design Manual (January, 2000). These criteria have been used previously in studies by other local jurisdictions. The Caltrans publication Guide for the Preparation of Traffic Impact Studies (State of California Department of Transportation, January, 2001) cites both of these resources as appropriate analysis methodology sources for ramp and ramp junction analysis. Potential impacts identified in this planning level analysis may yield different results from more detailed analysis procedures, such as those contained in the 2000 HCM.

Caltrans endeavors to maintain a target Level of Service (LOS) at the transition between LOS C and LOS D on State highway facilities. Any degradation of the level of service past this threshold should be mitigated to bring the facility back to the baseline/existing condition based on standard measures of effectiveness (MOEs), such as delay, v/c, and LOS.

Since Caltrans does not have standards to indicate a significant impact, the Orange County CMP is used to define changes in operating conditions based on a change in volume/capacity ratio (v/c). The change in v/c has been applied to the freeway system, with an increase of 0.03 V/C ratio or greater defining freeway ramp impacts when level of service falls below the minimum LOS D standard. Changes in v/c have been used as the measure of effectiveness in evaluating potential mitigation measures in these cases.

### ***Response to Comment DOT-11***

Draft EIR Mitigation measure MM4.11-4 requires the City of Santa Ana to “institute a program for systematic mitigation of impacts as development proceeds within the Transit Zoning Code to ensure mitigation of the individual improvements.” The program is required to include, among other things, “a funding and improvement program ... to identify financial resources adequate to construct all identified mitigation measures in a timely basis” (Draft EIR Section 4.11.3, MM4.11-4).

### ***Response to Comment DOT-12***

This comment contains closing and general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

PUBLIC UTILITIES COMMISSION

320 WEST 4<sup>TH</sup> STREET, SUITE 500  
LOS ANGELES, CA 90013



RECEIVED

MAR 15 2010

DATA AND PLANNING DEPT

March 12, 2010

Lucy Linnaus  
City of Santa Ana  
20 Civic Center Plaza  
Santa Ana, CA 92702

Dear Ms. Linnaus:

Re: SCH# 2006071100; Transit Zoning Code (SD 84A and SD 84B)

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

PUC-1

The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Completion & Environmental Document Transmittal- Draft EIR* from the State Clearinghouse for the Transit Zoning Code project. As the state agency responsible for rail safety within California, RCES recommends that the City add language to the proposed project zoning language element so that any future planned development adjacent to or near the railroad right-of-way be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

PUC-2

Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad right-of-way.

Language should be in place so that any traffic impact studies undertaken should also address traffic increase impacts over affected crossings and associated proposed mitigation measures.

PUC-3

If you have any questions in this matter, please contact Laurence Michael, Utilities Engineer at 213-576-7076, [ldi@cpuc.ca.gov](mailto:ldi@cpuc.ca.gov), or me at (213) 576-7078 or at [rxm@cpuc.ca.gov](mailto:rxm@cpuc.ca.gov).

PUC-4

Sincerely,

Rosa Muñoz, PE  
Utilities Engineer  
Rail Crossings Engineering Section  
Consumer Protection & Safety Division

---

---

## ■ Response to Letter PUC: State of California Public Utilities Commission (PUC), Rail Crossings Engineering Section (RCES)

### ***Response PUC-1***

This comment contains introductory and general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

### ***Response PUC-2***

The traffic study prepared for the project did not identify any significant impacts from potential auto/train conflicts. Therefore, no mitigation measures that would require grade separations on project area roadways to reduce potential auto/train conflicts are required. The commenter recommends that the City add language to the zoning code that includes measures for planned safety near railroad crossings. The Transit Zoning Code will be amended to include policy language in the Street and Network Concepts section that states that, "Any future or planned development adjacent or near the railroad right-of-way be planned with the safety of the rail corridor in mind. This includes considering pedestrian circulation/destinations with respect to railroad right-of-way." Additionally, OCTA is providing crossing safety enhancements at 10 railroad projects in the City of Santa Ana. These planned upgrades will include flashing lights, pedestrian signals/gates, quad gates, and raised medians. Implementation of the Transit Zoning Code (SD 84A and SD 84B) project will enhance safety for motorists and pedestrians. Current technology will also be used to upgrade traffic and signal controllers with implementation of the proposed project. This comment does not address the EIR specifically and will be forwarded to decision-makers.

### ***Response PUC-3***

Figures and analysis are provided in the traffic study which document the project traffic increases near the project site and near railroad grade crossings (refer to Appendix G, Figures 6-3b through 6-3j). Traffic volume increases were analyzed in the level of service analyses for 2030 and 2035 conditions. Mitigation measures were recommended for locations with significant impacts based on the level of service analyses. The major rail grade crossing in the project vicinity, Santa Ana Blvd, may be proposed to be grade separated. There is no accepted methodology for analyzing level of service or traffic impacts at rail/highway grade crossings. This is due principally to the unpredictable delay time associated with rail/highway grade crossings. The EIR traffic study includes analyses of levels of service at several intersections near rail grade crossings, including Santa Ana Boulevard/Santiago Street, Santa Ana Boulevard/U2-4, Fourth Street/Standard Avenue, and First Street/Standard Avenue. These analyses can be found in the "Anticipated Project Buildout (2030) With Project Conditions" and the "General Plan (2035) Traffic Conditions With Project" sections of the EIR traffic study. Existing rail crossings are currently protected by barrier gates and flashing lights. Refer to Response PUC-3

### ***Response PUC-4***

This comment contains closing and general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.



RECEIVED  
MAR 23 2010  
SANTA ANA PLANNING DEPT

CITY OF GARDEN GROVE

William J. Dalton  
Mayor

Steven R. Jones  
Mayor Pro Tem

Dina Nguyen  
Council Member

Bruce A. Broadwater  
Council Member

Andrew Do  
Council Member

March 18, 2010

Ms. Lucy Linnaus  
City of Santa Ana Planning and Building Agency  
20 Civic Center Plaza, M20  
Santa Ana, CA 92702

**SUBJECT: COMMENTS TO DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR TRANSIT ZONING CODE (SD 84A AND SD 84B) FOR THE CITY OF SANTA ANA.**

Dear Ms. Linnaus,

This letter is in response to the public notice regarding the Notice of Availability of Draft Environmental Impact Report for the City of Santa Ana Transit Zoning Code (SD84A and SD84B). The City of Garden Grove would like to thank you for promptly sending the notice and have reviewed the provided Draft EIR and Draft Transit Zoning Code. At this time, the City of Garden Grove does not have any comments.

GG-1

Should you have any further questions regarding this matter, please feel free to contact me at (714) 741-5314.

Sincerely,

Chris Chung  
Assistant Planner

## ■ Response to Letter GG: City of Garden Grove

### *Response to Comment GG-1*

This comment contains introductory, closing, or general background information and indicates that the City of Garden Grove does not have any comments on environmental issues or the content or adequacy of the Draft EIR. No further response is required.



Community Development

www.ci.irvine.ca.us

City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623 9575

(949) 724-6000

RECEIVED

MAR 15 2010

CITY OF IRVINE COMMUNITY DEVELOPMENT

March 10, 2010

Ms. Lucy Linnaus  
City of Santa Ana Planning and Building Agency  
20 Civic Center Plaza, M20  
Santa Ana, CA 92702

**Subject: Santa Ana Transit Code Draft Environmental Impact Report**

Dear Ms. Linnaus

Thank you for the opportunity to comment on the Santa Ana Transit Code Draft Environmental Impact Report. The City has reviewed the document and offers the following comment:

Explain why the Project Trip Generation table reduces the project ADT from 29,661 to 22,246 by assuming a 5 percent deduction for mode choice and a 20 percent reduction for internal trip capture (Page 4.11-68 Table 4.11-17).

Sincerely,

SHERMAN JONES, AICP  
Associate Planner

IRV-1



## ■ Response to Letter IRV: City of Irvine, Community Development Department

### Response to Comment IRV-1

Comment noted. Note that the Final EIR includes a revised Traffic Study, which includes minor revision based on changes to the land use projections received from the City in December, 2009. Section 4.11 (Transportation/Traffic) has been revised in the Final EIR to reflect these updates. Additionally, Section 6 of the revised Traffic Study has been revised to better explain the 5 percent deduction for mode choice and 20 percent reduction for internal capture, as shown below. These revisions represent minor modifications and clarifications and do not change the conclusions of the Draft EIR.

As indicated in Table 6-2, the project is proposed to generate approximately 25,255 additional trip-ends per day with a net increase of 640 vehicles per hour during the AM peak hour and 1,986 vehicles per hour during the PM peak hour. The table also shows that during AM peak hour, there are a decrease of 505 vehicles traveling in and an increase of 1,144 vehicles traveling out of the Transit Zoning Code (SD 84A and SD 84B) area. During the PM peak hour, there is an increase of 1,640 vehicles entering and 347 vehicles leaving the area. The in and out travel characteristic is related to the fact that more residential units will replace the existing industrial and commercial uses for the proposed project. Residential trips tend to have the characteristic of traveling out in the AM peak hour and returning during the PM peak hour.

The Transit Zoning Code trip generation calculations account for Transit-Oriented Developments (TOD's) and internal trip capture. Transit-Oriented Developments have been shown to have lower vehicle trip-generation rates than non-transit-oriented developments. Typically such developments can be expected to have vehicle trip rates up to 20-25% less than other developments. Research conducted by KOA Corporation and based on information available from the Transportation Cooperative Research Program (TCRP, sponsored by the Federal Transit Administration), the Institute of Transportation Engineers (ITE), Caltrans, the Association of Bay Area Governments (ABAG) and other sources showed that TOD reductions for Southern California can be up to 20% - 25% depending on available transit options<sup>7</sup>.

The Transit Zoning Code traffic study accounts for the lower trip generating characteristics of these developments by applying reduction factors to the trip generation for each respective land use category. The net trip generation includes an allowance for these trip-reduction factors. Net trip generation for the Transit Zoning Code traffic study is only reduced by 5% to account for transit-oriented development, which is conservative by TCRP and ITE standards. The 5% TOD reduction is also consistent with the Regional Transportation Center Metrolink Extension Study<sup>8</sup>.

As indicated in Table 6-2, the 5% mode choice reduction has been applied for the final trips. This is based on the previous discussion of the circulation changes in the City of Santa Ana and the review of the Regional Transportation Center Metrolink Extension Study. The project team agreed that the Transit Zoning Code (SD84 A and SD 84B) will benefit from the transit improvement

<sup>7</sup> "Vehicle Trip Reduction Impacts of Transit-Oriented Housing", *Journal of Public Transportation*, Vol. 11, No. 3, 2008; "Transit Cooperative Research Program, TCRP Report 102, Transit-Oriented Development in the United States: Experiences, Challenges, and Prospects", Transit Research Board, 2004; "Transit-Oriented Development and Joint Development in the United States: A Literature Review". *Research Results Digest*, October 2002 - Number 52,, *Memorandum: Review of Literature on TOD Trip Generation Relevant to Hacienda Business Park*, Fehr & Peers Transportation Consultants August 6, 2004; *Trip Generation Handbook*, ITE March 2001; "Trip Generation Rates for Urban Infill Land Uses in California, Phase 1: Data Collection Methodology And Pilot Application, Final Report", ABAG, Kimley-Horn and Associates, Inc., *Economic & Planning Systems*, April 24, 2008.

<sup>8</sup> "Santa Ana Regional Transportation Center Metrolink Extension Study, Transit Master Plan", (City of Santa Ana/Parsons Brinckerhoff, October 2006).

plans for the long range conditions. The 5% reduction considers both local and regional transit modal split credit.

In addition, due to the mixed-use nature of the project, internal capture credit has been applied to the project trip generation. Internal trip capture are trips generated by a multi-use development that are attracted to other uses in the same development. For the purposes of computing internal trip capture, all of the Transit Zoning Code project zones are considered part of one multi-use development. Daily internal trip capture reductions of 20% were applied to the residential trip generation component of the project. Peak hour internal capture rates vary somewhat from daily rates. These rates are derived from ITE guidelines published in the ITE Trip Generation Handbook, 8th Edition. KOA considers 20% as a reasonable internal capture rate for residential trips based on our past experience with other studies and the size of this study area.<sup>9</sup> The rates used for this project were applied by KOA Corporation in consultation with the City of Santa Ana. Table 6-2 includes the 20% internal capture reduction for the residential trips.

No further analysis is required.

---

<sup>9</sup> *Trip Generation Handbook*, ITE. Table 7.1 and Table 7.2.

Community Development Department



RECEIVED

MAR 19 2010

SANTA ANA PLANNING DEPT

March 17, 2010

Ms. Lucy Linnaus  
 Senior Planner  
 City of Santa Ana  
 Planning and Building Agency  
 20 Civic Center Plaza, M20  
 Santa Ana, CA 92702

**SUBJECT: DRAFT EIR FOR CITY OF SANTA ANA TRANSIT ZONING CODE**

Dear Ms. Linnaus:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the City-initiated Transit Zoning Code Project, which is the zoning component of the proposed Santa Ana Renaissance Specific Plan. According to the DEIR, the Transit Zoning Code would provide for the integration of new infill development, reuse, mixed use and transit supportive development that would support the addition of new transit infrastructure. The Transit Zoning Code would allow up to 4,075 additional dwelling units in buildings of up to 25 stories and 387,000 square feet of retail development within an area of 450 acres located west of Grand Avenue and north of First Street in Santa Ana.

TUS-1

The following comments are noted for your use in revising the DEIR:

1. According to the DEIR, 1.5 acres of new public parkland is proposed within the project area and the proposed project is required to provide approximately 19.88 acres of new parkland based on the City of Santa Ana parkland dedication requirements. However, the DEIR does not identify any exaction of parkland in-lieu fees for not providing what would be the normally required new parkland for the project. Therefore, the DEIR should include a mitigation measure that also requires the application of parkland in-lieu fees in conjunction with development of the project as when building permits are issued or development thresholds are reached so the adequate parklands can be constructed elsewhere in Santa Ana to meet the needs of future residents of the project. Otherwise, residents of the project area may be unable to find adequate parks in Santa Ana and may negatively impact park and overburden parkland facilities in adjacent jurisdictions.
2. The DEIR acknowledges on Page 4.7-24 that the proposed Transit Zoning Code would conflict with the existing Santa Ana General Plan and that the General Plan would need to be amended to incorporate the proposed land uses and development standards. However, the associated general plan amendment is not proposed at this time. Pursuant to the California Environmental Quality Act (CEQA), a project is defined, in part, as "the whole of an action" that may result in either a direct or a reasonably foreseeable indirect physical change in the environment. In conducting its analysis, a lead agency may not piecemeal or segment a project by splitting it into

TUS-2

TUS-3

two or more segments. Therefore, the DEIR should analyze the required proposed general plan amendments and a copy of the proposed amendments should be made available to the public for review in conjunction with the proposed Transit Zoning Code Project.

↑  
TUS-3  
cont'd.

3. Currently, the DEIR does not analyze any intersections or roadways within the City of Tustin. However, based upon the proximity of the Project to Tustin, it appears this Project could have adverse impacts to Tustin's traffic and circulation system. It appears the Project study area ends at the Santa Ana-Tustin boundary. It would be helpful if a description of the study area was provided along with criteria for the selection of the study area boundaries. Tustin is concerned that all Project impacts need to be identified and adequately addressed in the DEIR.

↑  
TUS-4

4. The Project DEIR needs to identify improvements and/or funding mechanisms to mitigate both the Project impacts as well as any cumulative traffic impacts.

↑  
TUS-5

5. In addition to the standard ADT and ICU traffic analyses there may be operational concerns that arise as a result of this Project. The DEIR should provide an operational analysis, as a supplement to the standard analysis, and identify any issues along with mitigation to alleviate these concerns.

↑  
TUS-6

6. Provide a discussion of the traffic model used for the DEIR analysis including the assumptions, such as ramp metering assumptions, TDM credits, and freeway congestion. Provide the methodology used to determine the mode choice deduction of trips as well as the determination of internal capture of residential trips. Also, provide the select zone model run used to identify the locations of Project traffic on surrounding roadways including those within the City of Tustin. This is critical information needed for the City of Tustin to evaluate the potential project related traffic impacts within our City.

↑  
TUS-7

7. Given the proposed changes in land uses, each development that results from the Project will be expected to provide its "fair share" contribution toward the ultimate infrastructure needs and mitigation improvements.

↑  
TUS-8

8. There is a significant amount of new development approved in the cities of Irvine and Orange that will likely use arterial roadways, including Irvine Boulevard, First Street, Bryan Avenue, Main Street and El Camino Real. Traffic volumes from these projects must be considered in the DEIR.

↑  
TUS-9

9. From a traffic perspective, the identification of existing conditions is vital for establishment of a Project "baseline". The analysis needs to consider existing land uses, roadway systems, and other existing conditions to accurately establish a "baseline" in order to identify Project related impacts.

↑  
TUS-10

10. As a reminder, any analysis performed for locations within the City of Tustin must be consistent with City of Tustin's criteria and methodologies.

↑  
TUS-11

Ms. Lucy Linnaus  
DEIR for Transit Zoning Code  
March 17, 2010  
Page 3

Thank you again for the opportunity to provide comments on the Draft EIR for the City of Santa Ana Transit Zoning Code. The City of Tustin requests that the City of Santa Ana revise the DEIR and recirculate the document for public review and comment rather than proceeding directly with the preparation of the Final EIR. In any event, the City of Tustin would appreciate receiving all additional environmental documents with the responses to our comments when they become available and all future public hearing notices with respect to this project.

If you have any questions regarding the City's comments, please call me at (714) 573-3016 or Terry Lutz, Principal Engineer, at (714) 573-3263

Sincerely,



Scott Reekstin  
Senior Planner

cc: Elizabeth A. Binsack, Community Development Director  
Douglas S. Stack, Acting Public Works Director  
Doug Anderson, Transportation and Development Services Manager  
Dana Kasdan, Engineering Services Manager  
Terry Lutz, Principal Engineer  
Douglas Holland, City Attorney

## ■ Response to Letter TUS: City of Tustin, Community Development Department

### ***Response to Comment TUS-1***

This comment contains introductory and general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

### ***Response to Comment TUS-2***

The commenter states that the proposed project, which is herein interpreted as referring to the programmatic analysis of the long-term implementation of the Transit Zoning Code, would be required to provide 19.88 acres of new parkland based on the City of Santa Ana parkland dedication requirements. The City of Santa Ana's parkland dedication requirements are contained within Santa Ana Municipal Code (SAMC) Chapter 34, Article VIII. Section 34-201 of this Article states that "As a condition of approval of a final subdivision map for any subdivision containing more than fifty (50) parcels proposed for residential use, the subdivider may be required to dedicate land for park and recreational purposes ...". The adoption of the Transit Zoning Code will not result in the subdivision of land and, as such, is not subject to the provisions of SAMC Chapter 34, Article VIII.

The Developer project also is not subject to the provisions of SAMC Chapter 34, Article VIII as it would not result in the creation of 50 new parcels. However, all projects, including the Developer project, would be required to comply with mitigation measure MM4.10-5, which requires compliance with the Santa Ana Municipal Code Chapter 35, Article IV, which requires payment into the Park Acquisition and Development Fund. Over and above the requirement for new development to pay into the Park Acquisition and Development Fund, the Redevelopment Agency is pursuing the acquisition and construction of a range of potential open space amenities within the Transit Zoning Code area, which could include a public park, new community center and a tot lot. Finally, the standards for private open space contained within the Transit Zoning Code are designed to ensure that new development provide open space and outdoor amenities on-site as part of the project design. Consequently, the provision of private open space within individual developments coupled with the payment of fees for the acquisition and development of public parks the impact is less than significant.

### ***Response to Comment TUS-3***

As stated in Draft EIR Chapter 3 (Project Description), the City would need to amend the current General Plan to permit the new land uses proposed under the Transit Zoning Code and amend the Zoning Code to establish development standards that implement the proposed project. The analysis of Impact 4.7.-3 in Section 4.7 (Land Use) of the Draft EIR explains that the provisions of the existing General Plan that would be superseded by the proposed Transit Zoning Code would be revised simultaneously with the adoption of the Transit Zoning Code, and the changes to these provisions are evaluated in this EIR. Therefore, the proposed General Plan amendments have been evaluated as part of the proposed project. The specific proposed revisions to the Land Use Element of the General Plan are available on the City's website at [http://www.ci.santa-ana.ca.us/pba/planning/Transit\\_Zoning\\_Code.asp](http://www.ci.santa-ana.ca.us/pba/planning/Transit_Zoning_Code.asp).

No further response is required.

#### ***Response to Comment TUS-4***

The study area is bounded by Grand Avenue on the East, 1st Street on the South, Flower Street on the West and Civic Center Drive on the North. Refer to Draft EIR Figure 4.11-1. As shown on Figure 4.11-1, the study area ends at the I-5 Freeway. The I-5 Freeway was selected as an appropriate boundary of the study area due to its acting as a “barrier to travel” in the east-west direction, with only limited corridors (e.g. 1<sup>st</sup> Street and 4<sup>th</sup> Street) passing over the “barrier,” e.g. the freeway. Project traffic volumes and existing turning movement patterns at the 1<sup>st</sup> Street and 4<sup>th</sup> Street ramps to the I-5 and SR-55 Freeways indicate that only up to 30 peak hour trips will travel into and out of Tustin on 1<sup>st</sup> Street, and up to 35 peak hour trips on 4<sup>th</sup> Street. Impacts of a v/c increase of .01 or more at these project volume levels on a 4-6 lane street would not be expected based on Orange County Congestion Management Plan (CMP) guidelines that indicate 51 or more project trips are needed at an intersection before an impact is likely to occur.

#### ***Response to Comment TUS-5***

The Draft EIR identifies mitigation measures needed as a result of expected project-generated traffic in Section 4.11.3. Specific improvements are identified in mitigation measures MM4.11-1 through MM4.11-16. Further, mitigation measure MM4.11-4 requires the City of Santa Ana to “institute a program for systematic mitigation of impacts as development proceeds within the Transit Zoning Code to ensure mitigation of the individual improvements.” The program is required to include, among other things, “a funding and improvement program ... to identify financial resources adequate to construct all identified mitigation measures in a timely basis” (Draft EIR Section 4.11.3, MM4.11-4). As explained in Section 4.11.4, the traffic analysis in Section 4.11 considers trips generated by cumulative projects in its development of baseline conditions. Therefore, the cumulative impact analysis is incorporated into the Year 2030 and the Year 2035 analyses presented in Section 4.11.3, and the mitigation measures identified in that section are applicable to cumulative impacts.

#### ***Response to Comment TUS-6***

The comment does not identify what “operational concerns” it believes might arise from the proposed project that have not already been analyzed in the EIR. The traffic study completed as part of the EIR follows the guidelines for traffic impact analysis spelled out in the Orange County Congestion Management Plan (CMP) Chapter 2 (Highway Level of Service). The CMP policies and guidelines for traffic studies are mandated by California Government Code Section 65089(b). The EIR traffic study follows these guidelines and is therefore adequate based on CMP standards. In addition, for intersections and roadway segments within the City of Santa Ana, the EIR traffic study follows guidelines specific to the City of Santa Ana, which are more stringent than CMP guidelines for some performance measures. No further action required.

#### ***Response to Comment TUS-7***

The Traffic Study prepared for the Draft EIR uses the Orange County Transportation Analysis Model (OCTAM) to develop future traffic forecasts. KOA Corporation worked closely with Orange County

Transportation Agency (OCTA) staff to refine the OCTAM highway network for the Santa Ana Transit Zoning Code (SD 84A and SD 84B) project. The modified traffic model was then used to produce link volume traffic forecasts in the study area at the AM, PM, and average daily traffic (ADT) levels for a base year model (2000) and a future year model (2030). The AM and PM link volume forecasts from the base and future year models, along with the existing turning movement traffic counts, were used as the basis for producing 2030 future traffic volumes. An annual growth factor (0.5%) was applied to the model data to generate the 2035 conditions. Refer to EIR Appendix G (Revised Traffic Report) for a more detailed explanation of the modeling assumptions employed in the study.

Ramp metering is a factor controlled by Caltrans, and can be adjusted to address freeway and roadway conditions. The following is Caltrans' policy regarding minimizing the impact of ramp metering on local City streets: "To minimize the impact on local street operation, every effort should be made to meet the recommended storage length. Wherever feasible, ramp metering storage should be contained on the ramp by either widening or lengthening it" (refer to Caltrans "Ramp Meter Design Manual," page 7). Freeway ramp conditions are addressed in sections 3.5, 4.4, and 5.3, 7.3, and 8.3 of the EIR traffic report. TDM credits are considered part of the TOD (transit-oriented development) trip reductions, which account for vehicle trip reductions due to increased transit and bicycle use for this type of development.

OCTAM was also used to evaluate the distribution and likely travel routes of the project traffic. A series of select link (trip distribution) analyses were performed using the OCTAM model 2030 horizon year scenario. The distribution figures included in the Revised Traffic Report (Figures 6-2a through 6-2m and Figures 6-3a through 6-3j) are generated based on the select link analysis. Select link analysis using the OCTAM 3 model was used to determine appropriate project trip distribution. The trip distribution for project trips entering and leaving the City of Tustin can be seen on the trip distribution figures referenced above. As described in Response TUS-4, no other Tustin intersections need to be analyzed based on the CMP study guidelines.

For the mode choice and internal capture trip reduction methodology, refer to Response IRV-1.

### ***Response to Comment TUS-8***

The comment states that future developments allowed under the Transit Zoning Code will be required to pay "fair share" fees toward infrastructure needs and required improvements. The Transportation/Traffic section of the Draft EIR (Section 4.11) provides mitigation measure MM4.11-4 which requires a series of measures to be implemented forming a funding mechanism for future required roadway improvements in terms of each future development project's "fair share."

### ***Response to Comment TUS-9***

The OCTAM traffic models were used to develop traffic forecasts for this project. The OCTAM models consider cumulative trips by including future land use forecasts in the model trip generation. The OCTAM traffic model uses the latest adopted demographic forecasts (OCP-2006). The OCTAM traffic model considers cumulative trips by including future land use forecasts for all Orange County cities, including Irvine, Tustin, and Orange. OCTAM traffic forecasts incorporate growth in housing, population, and employment based on the OCP-2006 demographic projections. OCP-2006 is consistent with the anticipated growth that is expected in conjunction with buildout of all Orange County cities,



including Irvine, Tustin, and Orange. The OCP-2006 projections were reviewed and approved by all Orange County cities.

The growth in housing, population, and employment included in the OCP-2006 demographic projections is consistent with the anticipated growth that is expected in conjunction with buildout of the City of Santa Ana General Plan land uses and circulation element. The OCP-2006 projections were reviewed and approved by other Orange County cities. No further action required.

### ***Response to Comment TUS-10***

Section 4.11.1 (Environmental Setting) documents existing conditions in the study area (Year 2010), including the area roadway network conditions, study area intersections, roadway segments, freeway ramp conditions, and existing transit conditions. The Traffic Study prepared for the Draft EIR (refer to Appendix G) also includes an “Existing Conditions” section which includes descriptions of area roadways including lane configuration, intersection geometry, turning movement traffic volumes, operating conditions (level of service), and transit routes. Therefore, the “baseline” has been established based on the accurate traffic counts.

### ***Response to Comment TUS-11***

Comment noted. As described in Response TUS-7, the trip distribution for project trips entering and leaving the City of Tustin can be seen on trip distribution Figures 6-2a through 6-2m and Figures 6-3a through 6-3j. As described in Response TUS-4, no other Tustin intersections need to be analyzed based on the CMP study guidelines.

### ***Response to Comment TUS-12***

This comment contains closing and general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. The comments requests that the Draft EIR be recirculated. Note that Draft Chapter 5 (Alternatives) was recirculated. All changes and modifications made to the Final EIR in response to comments are merely clarifications to the EIR and do not trigger the need for additional public review (CEQA Guidelines §15088.5). The responses to the City of Tustin’s comments, along with all other public comments on the Draft EIR, are included in this Final EIR which is available to the public. The City of Tustin will receive all notices regarding the proposed project. No further response is required.



# Santa Ana Unified School District

*Facilities and Governmental Relations*

March 19, 2010

Ms. Lucy Linnaus, Senior Planner  
City of Santa Ana Planning and Building Agency  
20 Civic Center Plaza, M20  
Santa Ana, CA 92702

Dear Ms. Linnaus:

Enclosed please find copy of the District's student generation factors  
Identified in the August 2009 School Facilities Needs Analysis (SFNA).

**Via U.S. Mail**

Thank you,

A handwritten signature in cursive script that reads "Joe R. Lopez".

Joe R. Lopez  
Facilities & Governmental Relations Technician  
714. 480-5349 D  
714.480.5364 Fax

RECEIVED  
MAR 22 2010  
SANTA ANA PLANNING DEPT



# Santa Ana Unified School District

Facilities & Governmental Relations  
Joe Dixon, Assistant Superintendent

Jane A. Russo, Superintendent

Lucy Linnaus, Senior Planner  
City of Santa Planning and Building Agency  
20 Civic Center Plaza, M20  
Santa Ana, CA 92702

Re: **Draft Environmental Impact Report**  
**Transit Zoning Code (SD 84A and SD 84B)**

Dear Ms. Linnaus:

The Santa Ana Unified School District ("District") appreciates the opportunity to provide comments with respect to the Draft Environmental Impact Report ("DEIR") for the Transit Zoning Code. The project described in the DEIR is in the central urban core of Santa Ana, west of Interstate 5, north of First Street, and between Grand Avenue and Flower Street and south of Civic Center Drive. Schools serving the project are listed in Table 4.10-1 of the DEIR and include Garfield, Remington and Davis Elementary, Sierra Intermediate and Century High School. The project would allow up to 4,075 new residential units. The DEIR estimates a housing type breakdown of 326 single-family and 3,749 multi-family dwelling units (KOA Corporation 2007).

SAUSD-1

The District has an obligation to serve students generated in the project area. The District's student generation factors identified in the August 2009 School Facilities Needs Analysis (SFNA) are as follows:

Single-family Rate			Average Attached Rate			Total
Grade Level	Rate	Students	Grade Level	Rate	Students	Students
Grades K-5	0.2405	78	Grades K-5	0.0957	359	437
Grades 6-8	0.0823	27	Grades 6-8	0.0532	199	226
Grades 9-12	0.2089	68	Grades 9-12	0.0366	137	205
	0.5317	173		0.1855	695	869

SAUSD-2

According to these student generation rates, 869 students will be generated by the project. The District looks forward to continued collaboration with the City as the Transit Zoning Code and subsequent projects with the Transit Zoning Code district move forward.

Sincerely,

Joe Dixon  
Assistant Superintendent, Facilities and Governmental Relations

Z:\Darryl Taylor\CITY\Transit Zoning Code\CEQA comment letter for DEIR Transit Zoning

1601 East Chestnut Avenue, Santa Ana, CA 92701-6322, (714) 480-5357

## BOARD OF EDUCATION

Audrey Yamagata-Noji, Ph.D., President • Rob Richardson, Vice President  
José Alfredo Hernández, J.D., Clerk • John Palacio, Member • Roman Reyna, Member

## ■ Response to Letter SAUSD: Santa Ana Unified School District

### Response to Comment SAUSD-1

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

### Response to Comment SAUSD-2

The discussion under Impact 4.10-3 on pages 4.10-16 and 4.10-17 has been revised to reflect the SAUSD’s student generation factors (SGRs) identified in the August 2009 School Facilities Needs Analysis and include this comment letter:

To determine impacts SAUSD uses ~~the~~ student generation rates (SGRs) included in the August 2009 School Facilities Needs Analysis. ~~These rates are based on units built over the past five years, which should be comparable to units to be constructed in the future.~~ Table 4.10-2 (Student Generation Rates by Housing Type) shows the SGRs used for SAUSD based on housing types and grade levels. Implementation of the Transit Zoning Code (SD 84A and SD 84B) could lead to the development of 326 single-family and 3,749 multi-family dwelling units, an increase of 4,075 residential units in the SAUSD service area. Assuming a potential occupancy level of 3.0 persons per unit (refer to Chapter 2 for further clarification), it is estimated that, were all properties identified as having new development potential to be built out pursuant to the provisions of the Transit Zoning Code (SD 84A and SD 84B), there could be an increase of approximately 12,225 persons within the Transit Zoning Code (SD 84A and SD 84B) area.

Housing Type	School Level		
	Elementary School (Grades K-5)	Middle School (Grades 6-8)	High School (Grades 9-12)
Single-Family <del>Detached</del> Units	<del>0.4863</del> <u>0.2405</u>	<del>0.1922</del> <u>0.0823</u>	<del>0.3255</del> <u>0.2089</u>
Single-Family Attached (Condo And Town Homes)	0.0124	0.0034	0.0045
<u>Multifamily Average Attached</u>	<u>0.0055</u> <u>0.0957</u>	<u>0.0010</u> <u>0.0532</u>	<u>0.0020</u> <u>0.0366</u>
Multifamily Attached	0.0076	0.0017	0.0028

SOURCE: Santa Ana Unified School District. 2009. School Facilities Needs Assessment.

~~Assuming that the majority of units within the Transit Zoning Code (SD 84A and SD 84B) area would be multi-family, average SGRs for the Transit Zoning Code (SD 84A and SD 84B) were chosen (0.01 for elementary schools, 0.0025 for middle schools, and 0.004 for high schools).~~ Based on ~~these~~ the proposed number of dwelling units and the SAUSD’s SGRs, approximately 445 ~~437~~ elementary school, ~~30~~ 226 middle school, and 45 ~~205~~ high school students would be generated by the proposed project. As shown in Table 4.10-1, some SAUSD schools are operating with modest capacity surpluses while others are at an enrollment that exceeds their capacity. However, these schools remain overcrowded from a school site size standard. The addition of new students to these schools as a result of population growth generated by new development would further contribute to the existing overcrowding. This would be considered a potentially significant impact. However, with incorporation of mitigation measure MM4.10-4, this impact would be reduced to **less than significant**.

These revisions clarify the analysis in the Draft EIR but do not change the conclusions regarding the significance of the impact.

**MongoFAX®**  
A free service for paying  
SoCal MLS Members Only



**FAX TO ANY EMAIL ADDRESS**

1. Enter email address(es) below
2. When hand printing, copy characters EXACTLY as below
3. Fax ONLY to your dedicated MongoFAX number below

V13



Underline all boxes that contain numbers

0 1 2 3 4 5 6 7 8 9 . - \_ [ ] ^ ` ~ ! " # \$ % & ' ( ) \* + , ; : < = > ? @ [ \ ] ^ \_ ` { | } ~ ¡ ¢ £ ¤ ¥ ¦ § ¨ © ª « ¬ ® ¯ ° ± ² ³ ´ µ ¶ · ¸ ¹ º » ¼ ½ ¾ ¿ À Á Â Ã Ä Å Æ Ç È É Ê Ë Ì Í Î Ï Ñ Ò Ó Ô Õ Ö × Ø Ù Ú Û Ü Ý Þ ß à á â ã

To:

L L I N N A U S

@ S A N T A - A N A . O R G

Cc:

J T R E V I N O

@ S A N T A - A N A . O R G

From: (Identifies Sender, Enables Replies, Provides Confirmation, Tracking Number & Exact Replica Archive Copy to Email)

R O S S \_ P U E N T E

@ Y A H O O . C O M

Subject:

LULAC Nue tro Pueblo respun e to EIR



**Notes:**

Lucy, here is our response in email version. Bethzabe Martinez informed me that she did provide you with the proper address to respond to on the cover page of her fax. Nevertheless, here is the proper address. Please send any written responses to L U.L.A.C. Nuestro Pueblo, 1850 E. 17th St #109, Santa Ana, Ca 92705

Thanks for your assistance

MongoNet is not responsible for any losses or liabilities arising from the use of this product. By using this product, you acknowledge and agree to the Terms of Service posted at www.MongoNet.net. Protected by U.S. Patents Nos. 6,424,426; 7,079,275; 7,164,488; U.S. and international patents pending. © 2000-2007 MongoNet, Inc. All rights reserved.

MongoNet Customer Service: support@mongonet.net -or- 1 (866) 482-2229

**Fax Only to:Your MongoFAX Number**



**LEAGUE OF UNITED LATIN AMERICAN CITIZENS (L.U.L.A.C.)  
CHAPTER 3097 RESPONSE TO CITY OF SANTA ANA TRANSIT  
ZONE DISTRICT CODE ENVIRONMENTAL IMPACT REPORT**

This is a response by the League of United Latin America Citizens (L.U.L.A.C) Chapter 3097 to the City of Santa Ana's Environmental Impact Report (EIR) for the Transit Zone District Code (TZDC.) After review of the EIR we have found many points of contention and failure to address required issues, concerns and impacts on the part of the City in the drafting of this report. We wish to present the following issues that we have identified:

LULAC-1

**POPULATION GROWTH**

The EIR states that the population growth for the proposed project will in fact "exceed the current Southern California Air Quality Management District's (SCAQMD'S) projections, which are used in the SCAQMD'S Air Quality Management Plan (AQMP) (Section 1.9)" for population growth. As a result of this excessive growth of population the TZDC will consequently be "inconsistent with the 2007 AQMP population growth projections." As shall be stated later, another outcome of this excessive "population growth" will be the impact that this population growth will have on the local schools enrollment.

LULAC-2

The EIR states that the population growth will exceed the SCAQMD'S Air Quality Management Plan's population projections for this area but it fails to consider the impacts that this projected increase will have on the Southern California Air Quality Management District's "Air Quality Management Plan" in regards to Green House gas emissions and Global warming. In fact in item 4.2-6 (Table ES-2) the EIR states that the operation of the proposed project would exceed certain SCAQMD standards and "would result in projected Air quality violation." However, there is no discussion on how the City of Santa Ana will contend with this "violation" of SCAQMD or any other regulatory bodies or legislation (e.g. Clean Air Act, AB32)

**PIECEMEALING**

For many years prior to this, the City of Santa Ana worked to create another larger project of redevelopment that included this area and was called the "Santa Ana Renaissance Specific Plan (SARP)." In Section 1.4 of the EIR it

LULAC-3

**PIECEMEALING continued**

States that "Due to major changes within the SARSP study area, and in response to community concerns regarding the scope of the SARSP itself, the Specific Plan was tabled." Although most of the Transit Zone District Code was part of the SARSP the SA Renaissance Specific Plan did contain a larger geographic area than is contained in the TZDC. The EIR does in fact state that "the Transit Zone District Code was initially drafted as a component of the larger Santa Ana Renaissance specific plan." (Section 1.4)

Thus, the current Transit Zone District Code EIR should be interpreted as a "Piecemeal" of the Santa Ana Renaissance Specific Plan. This piecemealing is of great significance when one considers that the data that was offered in the EIR's Appendix 1 "Greenhouse Gas Emissions Worksheets" is entitled "Renaissance Potential Net Development Input data for Green House Gas Emissions." Thus, this data should not be applicable nor fulfill the requirements of proper identification and measurements needed for the TZDC Environmental Impact Report.



**LULAC-3  
cont'd.**

**ENVIRONMENTAL SETTING**

The EIR does not properly discuss the "Environmental setting" of the Transit Zone District Code as is required by the California Air Quality Act (CEQA.) The major flaw, as mentioned above, is the use of data from the SARSP to measure and identify "Green House Gas Emissions." And thus the EIR fails to have a proper "identification" of all the impacts of the project, and is not able to properly "quantify" the anticipated Green House Gas (GHG) emissions from the proposed project as is required by CEQA.



**LULAC-4**

Additionally, by using GHG data that is not specific to this project and data that is lacking in other areas, the EIR does not provide the proper measures of "mitigation" that would be needed to reduce the identified impacts to a "less than significant" level.



**LULAC-5**

**TOXIC AND HAZARDOUS WASTE**

The current TZDC area is a mixture of Residential, Commercial and Industrial uses. Many of the Industrial sites have uses that could present issues and/or potential impacts of toxic and hazardous waste. The EIR fails to identify these sites that may have an issue of "toxic or hazardous waste." And thus the EIR fails to discuss what steps will be taken to mitigate the hazards and impacts that these sites will create. Some of the issues which are not addressed include: accidental release, groundwater contamination, accidental emissions and/or odors, and accidental release that could result in a fire or explosion of hazardous materials.

LULAC-6

**EDUCATION AND SCHOOLS**

As mentioned earlier, the great size of the TZSC project and the consequential population growth and increase in activities such as traffic will have a substantial impact upon the local schools in the area. There are a number of issues and impacts that this population increase and development will create, but that are not discussed in the EIR.

LULAC-7

Some of the impacts upon the schools that the EIR fails to address include but are not limited to are: 1. The substantial increase of population will cause a substantial increase of student population and potentially lead to a problem of "overcrowding." 2. The "Noise levels" for the schools could potentially exceed the "threshold of significance" that apply to areas surrounding schools. Moreover, the EIR does not contain a "Noise Impact assessment" for the schools within it's area. 3. The EIR acknowledges that there will be a substantial impact of "Traffic" in the project area, yet the EIR fails to provide a "Pedestrian" safety study for the areas around the schools.

LULAC-8  
LULAC-9

**SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The EIR has identified many impacts that even after mitigation will continue to be "Significant and Unavoidable" and yet, as is required by CEQA, they have failed to provide any "Overriding Considerations." that should be considered to allow these impacts to remain "Significant and Unavoidable." Some of these Significant and Unavoidable impacts discussed are as follows:

LULAC-10



**SIGNIFICANT AND UNAVOIDABLE IMPACTS continued**

- 4.15 A substantial increase in shade/shadows over sensitive areas.
- 4.2-5 Construction activities, could contribute substantially to an existing or Projected Air Quality violation for criteria Air pollutants.
- 4.2-6 Operation of the proposed project would exceed SCAQMD standards For VOC, NOC, CO and PM10 and would result in a projected Air Quality violation.
- 4.2-7 Construction and operation of the proposed project could result in a cumulatively considerable net increase of criteria pollutants for which the proposed project region is in nonattainment under an applicable Federal or State ambient Air quality standard.
- 4.4-3 The project could result in substantial adverse change in the Significance of a Historical resource defined in CEQA Sec.15064.5
- 4.8-8 The proposed rail line would potentially have noise levels that exceed the standards established in the City of Santa Ana General Plan.
- 4.13-1 The TZDC at full build-out would result in significant localized air Quality impacts for operational level emissions
- 4.13-2 Long-term cumulative development pursuant to the Transit Zoning District Code at full build-out has the potential to conflict with AB32



**LULAC-10  
cont'd.**

**AIR QUALITY AND GLOBAL CLIMATE CHANGE**

The project will have impacts on the Air Quality and Green House Gasses that even after all measures of mitigation are taken, they will still be classified as "Significant" and "Unavoidable." These significant and unavoidable impacts are present not only in the proposed project plan, but also in every "Alternative" plan that is discussed in the TZDC EIR.

Thus, this project and plan should not be allowed to go forward at all based upon the City's acknowledged inability to properly mitigate these impacts to "less than significant" with any of it's plans or alternatives associated with this project. Moreover, the City of Santa Ana's inability to reduce these impacts would potentially be violative of Regional, State, Federal and even International guidelines and plans that regulate Green House Gas Emissions and their impact on Global Climate Change



**LULAC-11**

SUMMARY

We are in objection to the Transit Zone District Plan EIR as it presently stands, and we request that the City of Santa Ana take the steps necessary to properly address the issues and concerns that we have identified in our response. We wish to express that we submit our response solely on behalf of L.U.L.A.C. Nuestro Pueblo Chapter 3097, and that any questions and/or responses are to be directed to the leadership of L.U.L.A.C. Chapter 3097 which include Bethzabe Martinez, Larry Luera or Ross Romero. We thank you for your consideration of this matter and anxiously await your response.

LULAC-12

Sincerely,

*Beth Martinez* 4-12-10

Bethzabe Martinez  
President,  
L.U.L.A.C. Nuestro Pueblo  
Chapter 3097

Beth Martinez  
(714) 558-8181  
[Nuestropueblo@yahoo.com](mailto:Nuestropueblo@yahoo.com)

Larry Luera  
(714) 667-2745  
[LuckyLarry77@earthlink.net](mailto:LuckyLarry77@earthlink.net)

Ross Romero  
(714) 917-2045  
[ross\\_puentes@yahoo.com](mailto:ross_puentes@yahoo.com)

## ■ Response to Letter LULAC: League of United Latin American Citizens (LULAC)

### Response to Comment LULAC -1

This comment contains introductory or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

### Response to Comment LULAC -2

The text that the commenter refers to in Section 1.9 of the Executive Summary was incorrectly included in the Draft EIR. In response to this comment the following text revision has been made to page 1-11 of the Executive Summary:

- ~~With adoption of the Transit Zoning Code (SD 84A and SD 84B, and under a long-term build-out scenario, population growth projections in the City would exceed current Southern California Association of Governments (SCAG) projections, which are used in the South Coast Air Quality Management District's (SCAQMD's) Air Quality Management Plan. Since the AQMP is based on SCAG growth projections, the proposed project would be inconsistent with the 2007 AQMP population growth projections.~~

Population growth under the Transit Zoning Code would not exceed Southern California Association of Governments (SCAG) growth projections and would not conflict with the Air Quality Management Plan (AQMP) or jeopardize the attainment of the air quality levels identified in the AQMP. As stated in Section 4.2 (Air Quality) of the Draft EIR under Impact 4.2-4:

The anticipated population increase of 12,225 new residents as a result of the long-term cumulative development pursuant to the Transit Zoning Code is consistent with the SCAG growth projections for Santa Ana and, therefore, would not conflict with or obstruct implementation of the Air Quality Management Plan. This impact would be considered *less than significant*.

Population projections for the City of Santa Ana assumed a population increase of 15,930 residents (without the project) between the years 2010 and 2035 (refer to Table 4.9-2 [SCAG Population Growth Projections, 2005–2035] in Section 4.9 [Population, Housing, and Employment]). This population growth estimate was used to formulate the 2007 AQMP. The direct population growth estimated to be associated with the full build-out of properties with development potential within the Transit Zoning Code (SD 84A and SD 84B) area, which is also projected to occur over the next 20 to 25 years, is approximately 12,225 people, or approximately 76 percent of the projected growth. Therefore, the proposed project would not exceed the population forecast utilized in preparation of the 2007 AQMP.

The commenter also states that the Draft EIR fails to consider the impacts that the proposed project would have on the SCAQMD's AQMP with regards to SCAQMD's standards for criteria pollutants and greenhouse gas emissions. The Draft EIR addresses criteria pollutant emissions in Section 4.2.3, Impact 4.2-5 and Impact 4.2-6. Draft EIR mitigation measures MM4.2-7 through MM4.2-20 would reduce construction related emissions of criteria pollutants and mitigation measures MM4.2-21 through MM4.2-36 would reduce operational level emissions of criteria pollutants. However, the Transit Zoning Code project would still have a significant and unavoidable air quality impact as a result of criteria pollutant emissions from both construction and operation of the project. In regards to construction emissions, the impact is significant and unavoidable because construction emissions from future

individual projects are too speculative to address at this time. While implementation of mitigation measures MM4.2-2 through MM4.2-20 would reduce construction related emissions from future projects, they may not reduce these emissions to levels below the SCAQMD thresholds as the amount of emissions generated for each project would vary depending on its size, the land area that would need to be disturbed during construction, and the length of the construction schedule, as well as the number of developments being constructed concurrently as part of the Transit Zoning Code. Under these conditions, no further feasible mitigation measures are available, and this impact is considered significant and unavoidable. The City will make site-specific determinations of significance during the review of individual development projects to determine the projects for which construction emissions may exceed significance thresholds. In regards to operational emissions, the impact is significant and unavoidable primarily because the increase in motor vehicles traveling to and from the project site would generate emissions in excess of the SCAQMD thresholds. Draft EIR Section 4.13 (Global Climate Change) evaluates the project's potential impacts resulting from an increase in greenhouse gas emissions. The Draft EIR concludes that operation of the Transit Zoning Code project would have a cumulatively considerable impact on global climate change, which would be significant and unavoidable. The Draft EIR identifies a number of mitigation measures to reduce the project's cumulative impact on global climate change (refer to Draft EIR Section 4.13.4, mitigation measures MM4.13-1 through MM4.13-24). The Transit Zoning Code provides for the integration of new infill development into existing neighborhoods, allows for the reuse of existing buildings, supports mixed-use development, provides a transit-supportive, pedestrian-oriented development framework to reduce vehicle trips, reduce greenhouse gas emissions, and support the addition of new transit infrastructure. As such the Draft EIR does identify measures to reduce construction and operational impacts of greenhouse gas and criteria emissions as required by CEQA.

### ***Response to Comment LULAC -3***

The Transit Zoning Code project is properly analyzed under CEQA, and has not been “piecemealed.” As explained in the Draft EIR, the Santa Ana Renaissance Specific Plan (SARSP) is no longer planned for development. The Transit Zoning Code has replaced the SARSP as the development framework to support the long-term development of a successful transit program and the Agency properties (Draft EIR Section 3.3). An Errata Sheet has been prepared to clarify that the Greenhouse Gas Emissions Worksheets in Appendix I were prepared for the Transit Zoning Code, not the SARSP. Other, similar labeling errors have also been clarified in the Errata Sheet. Refer to Section 10.2 (Master Response: Project Clarification) for clarification and chronology of the City's actions with regard to the Transit Zoning Code and the Renaissance Specific Plan.

The geographic boundary for the Transit Zoning Code (SD 84A and SD 84B0), which is larger than the area envisioned under the SARSP, is clearly identified in Figure 3-2 (Existing Land Use) on page 3-3 of the Draft EIR.

The comment states that because the Draft EIR's Appendix I (Greenhouse Gas Emissions Worksheets) is entitled “Renaissance Potential Net Development Input data for Greenhouse Emissions,” the data presented is not applicable to the project and cannot fulfill the requirements for proper identification of the potential impacts of the Transit Zoning Code (SD 84A and SD 84B0). As explained above, Appendix I was labeled as applying to the Renaissance Plan in error. In fact, the data used to evaluate potential

greenhouse gas emissions is applicable to the proposed project defined in Chapter 3 (Project Description) of the Draft EIR. The project components of the Transit Zoning Code that were analyzed in SARSP studies accurately reflect the components of the proposed Transit Zoning Code proposed and quantify the potential greenhouse gas emissions that would result from the Transit Zoning Code Project. Greenhouse gas emissions associated with the project's construction and operation were quantified as detailed in Tables 4.13-6 through Table 4.13-9. The development assumptions, land uses and vehicle trip generation data presented in Appendix I are identical to those used and presented in Appendix B (Air Quality) and Appendix G (Traffic), as well as their respective sections in the Draft EIR. As such, the data used to evaluate potential greenhouse gas emissions was applicable to the project defined in Chapter 3 (Project Description) of the Draft EIR.

#### **Response to Comment LULAC -4**

Refer to Response to Comment L.U.L.A.C-3. As stated above, the data used to evaluate potential greenhouse gas emissions was applicable to the project defined in Chapter 3 (Project Description) of the Draft EIR. Greenhouse gas emissions associated with the project's construction and operation were quantified as detailed in Tables 4.13-6 through Table 4.13-9.

#### **Response to Comment LULAC -5**

Refer to Response to Comment L.U.L.A.C-3. The data used in the Draft EIR's greenhouse gas analysis is specific to the Transit Zoning Code project. Section 4.13 (Global Climate Change) evaluates the project's potential impacts resulting from an increase in greenhouse gas emissions. In accordance with CEQA Guidelines section 15126.4, all feasible mitigation measures (MM4.13-1 through MM4.13-24) were identified to *minimize* significant adverse impacts associated with the project's potential greenhouse gas emissions. It should be noted that the project is an in-fill project in a heavily urbanized section of the City. It includes planning components to encourage Transit-Oriented Development around an existing regional transit center. The comment does not propose any additional mitigation for the City's consideration, and no further response is required.

#### **Response to Comment LULAC -6**

The Draft EIR identifies all the sites in the project area that may contain contamination. A full list of all the sites is contained in Draft EIR Appendix E. Further, Phase I Environmental Site Assessments (ESAs) have been prepared for all parcels that are part of the Developer Project. The Phase I ESAs found that no further evaluation was required (these reports are included in the new Appendix K attached to the Final EIR). Refer to Response to Comment DTSC-2 for additional information about these ESAs. The Draft EIR also addressed the potential for impacts related to the presence and use of hazardous materials within the Santa Ana Transit Zoning Code (SD 84A and SD 84B) area in Section 4.5 (Hazards and Hazardous Materials). As stated on page 4.5-2 of the Draft EIR:

The EDR Report prepared for the proposed project (included in Appendix E) provides a list of all existing hazardous materials sites located within the Transit Zoning Code (SD 84A and SD 84B) area. A summary of these facilities with their violation and/or cleanup status has also been provided in Appendix E. According to the EDR Report, there are 209 existing locations within the Transit Zoning Code (SD 84A and SD 84B) area that are associated with hazardous materials, and therefore, listed on government databases.

The potential effects related to the presence and use of hazardous materials within the Santa Ana Transit Zoning Code (SD 84A and SD 84B) are evaluated under Impacts 4.5-1 through 4.5-4. Impact 4.5-2 analyzed the project's impact related to accidental release of hazardous materials and upset conditions. With implementation of mitigation measures MM4.5-1 through MM4.5-4, potential impacts related to the presence and use of hazardous materials was found to be less than significant. Impacts relating to potential discharge of pollutants into groundwater were similarly evaluated under Impact 4.6-1 in Section 4.6 (Hydrology and Water Quality). Implementation of the Transit Zoning Code (SD 84A and SD 84B0) would not result in a degradation of water quality, and compliance with mitigation measure MM4.6-1 would ensure that this impact remains less than significant.

### ***Response to Comment LULAC -7***

Impact 4.10-3 on pages 4.10-16 and 4.10-17 of Section 4.10 (Public Services) evaluated the potential for overcrowding of the Santa Ana Unified School District's (SAUSD) schools as a result of implementation of the proposed project. With implementation of mitigation measure MM4.10-4, impacts relating to overcrowding of the SAUSD's schools would be reduced to less than significant. Refer also to Response to Comment SAUSD-2 regarding projected student population associated with implementation of the proposed project.

### ***Response to Comment LULAC -8***

The comment suggests that schools are subject to a different "threshold of significance" than those used in the noise analysis in the Draft EIR. The comment may be referring to the "General Plan Guidelines" issued by the Governor's Office of Planning and Research, discussed on page 4.8-11 of the Draft EIR. Under these guidelines, exterior noise environments are "normally acceptable" for schools and residences if they are below 60 dBA  $L_{dn}$  (or CNEL) and "conditionally acceptable" below 70 dBA  $L_{dn}$  (or CNEL). Noise measurements were taken adjacent to Garfield School, as shown in Figure Table 4.8-1 (Noise Monitoring Locations), and described in Table 4.8-3 (Existing Noise Levels around the Proposed Transit Zoning Code [SD 84A and SD 84B] Area). Location 6 (Lacy Street and 5<sup>th</sup> Street) had an average noise level of 56.2 dBA  $L_{eq}$ , which shows that daytime noise levels are below the 60 dBA  $L_{dn}$  (or CNEL) noise levels for land use compatibility as set forth in the General Plan Guidelines utilized by the City of Santa Ana to ensure that future development is compatible with existing uses. In response to this comment, additional roadway noise modeling was performed, which demonstrates that future project related roadway noise levels along Brown Street and Lacy Street would not exceed the 60 dBA  $L_{dn}$  (or CNEL) noise levels in the vicinity of Garfield School.

The relevant data in the revised Table 4.8-11 (Traffic Noise Impacts for Year 2030) and Table 4.8-12 (Traffic Noise Impacts for Year 2035), shown below, demonstrates that neither Brown Street, nor Lacy Street would experience an increase in roadway noise levels that would exceed the 60 dBA  $L_{dn}$  (or CNEL) threshold of "normally acceptable" for development conditions adjacent to schools. As discussed under Section 4.8.3 (Thresholds of Significance), the Draft EIR assumes that the Proposed Project's contribution to an increase in noise levels of less than 3.0 dBA would not be significant; an increase of 3.0 dBA or greater over ambient noise levels is substantial and significant if the projects contribution to the increased noise levels would meet or exceed the City's 65 dBA CNEL noise level standard at sensitive land uses. If the Proposed Project's contribution to an increase in noise levels is less

than 5 dBA, the increase would be noticeable but not significant if the noise levels remain within the City's 65 dBA CNEL limit, while any increase in noise level above 5.0 dBA is considered perceptible and significant.

<b>Table 4.8-11 Traffic Noise Impacts for Year 2030</b>							
<b>Roadway Segment</b>	<b>Noise Levels in dBA CNEL at 50 feet</b>						
	<b>Existing Conditions</b>	<b>Year 2030 Without Project Traffic Volumes</b>	<b>Year 2030 With Project Traffic Volumes</b>	<b>Increase with Project over Existing Conditions</b>	<b>Project Contribution</b>	<b>Significance Threshold<sup>a</sup></b>	<b>Exceeds Significance Threshold?</b>
...							
Grand Ave—South of I-5 NB Ramps	73.0	73.5	73.8	0.8	0.3	3.0	No
Grand Ave—North of I-5 NB Ramps	72.7	73.2	73.3	0.6	0.1	3.0	No
<u>Lacy St – South of 6<sup>th</sup> St</u>	<u>55.3</u>	<u>55.8</u>	<u>57.3</u>	<u>2.0</u>	<u>1.5</u>	<u>3.0</u>	<u>No</u>
<u>Brown St – East of Lacy St.</u>	<u>52.3</u>	<u>52.8</u>	<u>52.8</u>	<u>0.5</u>	<u>0.0</u>	<u>3.0</u>	<u>No</u>

SOURCE: PBS&J, 2010 (calculation data and results are provided in Appendix F).

a. Significance Thresholds are set as follows:

5.0 dBA CNEL if the noise increase is below the City of Santa Ana standard of 65 dBA CNEL

3.0 dBA CNEL if the noise increase meets or exceeds the City of Santa Ana standard of 65 dBA CNEL

As shown in the revised Table 4.8-11 and Table 4.8-12, the future roadway noise levels would remain below 60 dBA CNEL along both Lacy Street and Brown Street in the vicinity of Garfield School, and therefore below the City's 60 dBA CNEL "normally acceptable" standard. Also, as shown in the revised Table 4.8-12, the project's contribution to roadway noise levels is under 3 dBA and therefore less than significant based upon the significance criteria established by the City of Santa Ana as the Lead Agency. As future roadway noise levels in the vicinity of Garfield School would be below 60 dBA CNEL, the Developer Project would not be required to incorporate additional mitigation measures beyond those identified in the Draft EIR.

<b>Table 4.8-12 Traffic Noise Impacts for Year 2035</b>							
<b>Roadway Segment</b>	<b>Noise Levels in dBA CNEL at 50 feet</b>						
	<b>Existing Conditions</b>	<b>Year 2035 Without Project Traffic Volumes</b>	<b>Year 2035 With Project Traffic Volumes</b>	<b>Increase with Project over Existing Conditions</b>	<b>Project Contribution</b>	<b>Significance Threshold<sup>a</sup></b>	<b>Exceeds Significance Threshold?</b>
...							
Grand Ave—North of I-5 NB Ramps	72.7	74.1	74.2	1.5	0.1	3.0	No
<u>Lacy St – South of 6<sup>th</sup> St</u>	<u>55.3</u>	<u>56.4</u>	<u>57.8</u>	<u>2.5</u>	<u>1.4</u>	<u>3.0</u>	<u>No</u>
<u>Brown St – East of Lacy St.</u>	<u>52.3</u>	<u>53.4</u>	<u>55.8</u>	<u>3.5</u>	<u>2.4</u>	<u>3.0</u>	<u>No</u>

SOURCE: PBS&J, 2010 (calculation data and results are provided in Appendix F).

a. Significance Thresholds are set as follows:

5.0 dBA CNEL if the noise increase is below the City of Santa Ana standard of 65 dBA CNEL

3.0 dBA CNEL if the noise increase meets or exceeds the City of Santa Ana standard of 65 dBA CNEL

To reduce the potential impacts associated with construction activities, the Draft EIR analyzed whether construction related noise would either exceed the limits established in Section 18-312 of the SAMC (Impact 4.8-1, Draft EIR pages 4.8-20 through 4.8-23) or if the construction related noise would result in a temporary increase in ambient noise levels (Impact 4.8-5, Draft EIR pages 4.8-25 and 4.8-26). As identified under both Impact 4.8-1 and Impact 4.8-5, mitigation measures MM4.8-1 through 4.8-4 would require that the construction contractor implement measures to reduce potential impacts related to construction noise. Mitigation measure MM4.8-1 would require that all construction activity be conducted in accordance with Section 18-314(e) of the City of Santa Ana Municipal Code. Mitigation measure MM4.8-2 would require that the construction contractor incorporate Best Management Practices (BMPs) that would reduce noise levels at sensitive receptor sites, including Garfield School. Mitigation measure MM4.8-2 would require the use of noise attenuation measures, including the erection of temporary sound barriers, the use of electric generators and compressors, and the staging of construction equipment away from sensitive uses. The use of temporary sound barriers would reduce construction related noise by approximately 10 dBA. The use of such sound barriers as well as the distance of the classrooms from the proposed Developer Project (approximately 200 feet) would result construction related noise levels at Garfield School of approximately 62 dBA  $L_{eq}$  (construction noise dissipates by 6 dBA per doubling of distance). Noise levels would be further reduced inside the classrooms due to the attenuation provided by the classrooms (typically 10-15 dBA reduction). Therefore, with the implementation of the identified mitigation measures, construction related noise levels would be reduced to below 55 dBA for the interior of classrooms, and impacts to students would be less than significant.

### **Response to Comment LULAC -9**

The Draft EIR analyzed the potential for neighborhood traffic intrusion impacts under Impact 4.11-1. Neighborhood traffic intrusion has the potential to cause impacts to pedestrian safety. This impact would include potential increases in cut-through or inappropriate traffic on residential streets, which could include streets adjacent to schools. The Draft EIR includes mitigation measure MM4.11-1 specifically to address the need to provide for roadway improvements to mitigate any potential impacts to pedestrian safety. Mitigation measure MM4.11-1 requires the City of Santa Ana to evaluate, consider, and implement traffic calming measures as appropriate. These traffic calming measures would serve to decrease the travel speed of vehicles traveling on neighborhood streets, thereby protecting pedestrian safety. With the implementation of this mitigation measure, the impact is Less Than Significant.

The Transit Zoning Code includes design guidelines for streets and sidewalks in order to provide clear policies regarding street design and pedestrian safety. These guidelines will be used by the City and developers when designing future roadway improvements.

The City of Santa Ana General Plan also contains numerous policies regarding pedestrian accessibility and walkability. Any projects developed pursuant to the Transit Zoning Code would have to comply with these General Plan policies. The need to ensure for pedestrian accessibility and community walkability is a prominent feature of the policy framework for both the City's General Plan and the Citywide Design Guidelines. The following table provides a detailed listing of the specific policy language included in these documents. The range of policies and requirements is wide-ranging and comprehensive.



<b>Table 10-2 General Plan Policies</b>	
<i>Policy No.</i>	<i>Policy Text</i>
<b>Circulation Element – Adopted 1998</b>	
Policy 1.11	Minimize travel impediments on bicycle and pedestrian paths.
Policy 3.5	Enhance sidewalks and pedestrian systems to promote the use as a means of travel.
Policy 3.6	Maximize the use of public rights-of-way for pedestrian and bicycle paths.
<b>Land Use Element – Adopted 1998</b>	
Policy 2.4	Support pedestrian access between commercial uses and residential neighborhoods which are in close proximity.
Policy 5.10	Support a circulation system which is responsive to the needs of pedestrians and vehicular travel.
<b>Urban Design Element – Adopted 1998</b>	
Policy 1.6	Plazas, open spaces, and courtyards connecting to public right-of-way so as to encourage public interaction, will be promoted.
Policy 1.7	On and off-site improvements must be pedestrian friendly.
Policy 3.3	Enhanced streetscapes, architectural themes, and landscaping are to be provided to visually strengthen the path and enhance adjacent development.
Policy 3.4	Streetscape improvements are to be redesigned to provide a pleasant and safe environment and to improve pedestrian circulation.
Policy 3.5	Streetscape design must be responsive to the nature of adjacent uses, path characteristics, street classification, pedestrian scale, and view corridors.
Policy 3.6	Streetscape design should be used to link major destination points, landmarks, and local activity nodes.
Policy 3.10	Safe and pleasant bicycle and pedestrian routes are to be provided and they should link activity nodes and places of interest.
Policy 3.11	Maximize the use of street trees and parkway landscaping to create a pleasant travel experience and positive city image.
Policy 3.16	Crosswalks are encouraged at locations with high pedestrian activity.
Policy 4.4	Development within nodes must promote pedestrian activities, spaces, amenities, and pedestrian pockets that allow discovery, excitement, and activity.
Policy 4.6	Distinctive, innovative, or unique public art should be provided in plazas, open spaces, and courtyards to promote pedestrian activity.
Policy 5.3	Projects at focal intersections should incorporate vertical design features or multi-story development as a means to provide visual presence and encourage pedestrian activity in these areas.
Policy 5.5	Promote development at a focus intersection in a manner to define the intersection as a safe pedestrian area.
Policy 5.6	Focal and reference points should be created by the unobstructed view of public art from pedestrian and vehicle paths.
<b>Conservation Element – Adopted 1982</b>	
Policy 1	Support local and regional land use and transportation plans that increase mass transit usage and reduce vehicle trips.
<b>CITYWIDE DESIGN GUIDELINES POLICIES</b>	
<b>Downtown Public Urban Design Guidelines – Chapter 5</b>	
General Design Objectives 5.3	Maintain and enhance the downtown pedestrian environment. Facilitate alternative modes of travel, including, pedestrian, bicycle, bus light rail, and automobile.

<b>Table 10-2 General Plan Policies</b>	
<b>Policy No.</b>	<b>Policy Text</b>
Public Parking Structures 5.4.1	a. Adequate lighting is necessary for the safe movement of vehicles and pedestrians and for the security of patrons and parked vehicles.
Plazas 5.4.2	b. Plaza edges that open to pedestrian through-traffic should be defined without impeding traffic flow, with a planter or low seating wall, pergola with vines, water feature, or sculpture.
	c. Pedestrian amenities should be provided, such as seating, lighting, planters, drinking fountains, distinctive paving, art work, and bicycle racks. They should also incorporate focal points, such as sculptures or water features.
	j. Lighting height should be at a pedestrian scale.
Intersection Enhancements 5.7	Intersections in Downtown Santa Ana are where the paths of people and vehicles come together. They can be the most challenging part of negotiating a pedestrian network. If pedestrians cannot cross streets easily and safely, then mobility is severely limited, access is denied, and walking as a mode of travel is discouraged. Intersections in Downtown should aim to achieve the following primary functions:
	<ul style="list-style-type: none"> <li>■ Make pedestrians as visible as possible</li> <li>■ Make pedestrian and motorist actions as predictable as possible</li> <li>■ Minimize the width of roadway that pedestrians must cross</li> <li>■ Slow vehicular traffic</li> </ul>
	a. Where traffic signals are provided at enhanced intersection pedestrian crossings, audible signals should be incorporated for the visually impaired.
	b. Curb-cut ramps for wheelchair access should be provided at each intersection crossing. Texture or finishes should be applied to the ramp to provide a visual or auditory indication of impending vehicle traffic.
	e. Adequate high mast (35'-50') street lighting should be installed at each intersection crosswalk to provide for clear nighttime visibility for both pedestrians and drivers.
	f. Adequate sight lines should be maintained to give both pedestrians and drivers an unobstructed view at intersection crosswalks.
	g. <i>Creative Intersections</i> should visually communicate connectivity and should be indicative of special areas or districts.
	h. <i>Creative Intersections</i> will require special consideration and creative design treatment ( <i>Refer to Figure 5-13</i> ) in order to encourage pedestrian traffic within the Downtown core and special districts such as the Civic Island or Artists Village.
Medians and Pedestrian Refuge Islands 5.8	Medians and pedestrian refuge islands provide a visual separation between driving lanes and help direct traffic. Their primary function is safety. <i>[This section goes on to provide detailed design details for pedestrian refuge islands.]</i>
Street Furniture 5.10	c. Street furniture should be placed to conserve existing sidewalk width and ensure free pedestrian flow.
	e. Where possible, furnishings should be grouped together. A greater number and type of furnishings should be provided in higher-use pedestrian traffic areas.
	f. Provisions to accommodate the physically challenged should be incorporated into the design and siting of furnishings. This includes a provision for space adjacent to walkways for wheelchair and/or stroller parking.
Lighting 5.11	a. Pedestrian streetlights should be compatible in style with the other street furniture. It is recommended that the pedestrian streetlights used should be those suggested by the Santa Ana Main Street Enhancements Study.
	b. Streetlight poles are one of the most important elements that establish the look and character of the street ( <i>Refer to Figure 5-21</i> ). Proper spacing of pole lamps provides an adequate level of nighttime lighting and increases safety. Pedestrian-scaled sidewalk poles are recommended for the Downtown.
	j. Pedestrian-scaled lighting should be required along all streets and in all public plazas and courts.

<b>Table 10-2 General Plan Policies</b>	
<b>Policy No.</b>	<b>Policy Text</b>
	k. Pedestrian-scaled lighting, fixtures should average between 16' and 22' in height and should have a character which complements local historic architecture.
Benches 5.12	b. Benches should be located in areas on the sidewalk and within public areas where they do not interrupt pedestrian flow. c. Benches should be located in areas of high pedestrian activity, such as plazas, fountains, transit stops, monuments, and public art displays.
Bollards 5.13	a. Bollards should be used in areas where there may not be a clear distinction between the street and the sidewalk, such as open plazas adjacent to streets.
Bus Shelters 5.14	a. New bus shelters should be installed at Downtown transit stops where no benches are currently provided. Older bus benches or shelters should be replaced with models of a uniform design and color.
<b>Downtown Development Guidelines – Chapter 8</b>	
<i>Open Space and Site Amenities 8.10</i>	
B. Setback and Street Orientation	B.b. Primary building entrances should be oriented to the major street frontage and public sidewalk. B.c Create continuous pedestrian activity on uninterrupted sequence by minimizing gaps between buildings. B.d. Utilize building indentations and inconsistent setbacks to create small outdoor dining areas, plazas, and similar public open space areas along the street wall. B.e. When possible, create mid-block pedestrian paseos and linkages to parking lots or activity areas.
C. Pedestrian Amenities and Landscape	<i>[This entire section addresses design features to make the pedestrian experience more pleasant involving the use of enhanced landscaping and design.]</i>
<i>Parking and Miscellaneous Guidelines 8.11</i>	
A. Parking	b. Parking lot entries should be located on side streets or alleys to minimize pedestrian/vehicular conflicts. e. Design parking areas so that pedestrians walk parallel to moving cars in parking aisles. Minimize the need for pedestrians to cross parking aisles and landscape islands to reach building entries.
<b>Commercial Design Guidelines – Chapter 9</b>	
Building Siting 9.3.2	b. Building siting and design should encourage pedestrian activity. c. Buildings should face the primary street frontage and provide direct linkages to the public sidewalk.
Pedestrian Activity Areas 9.3.4	a. Development should provide site amenities and other design features that encourage pedestrian utilization. b. When possible, buildings should be clustered to create courtyards, plazas, and outdoor dining areas. c. The creation of pedestrian activity areas at mid-blocks locations is strongly encouraged. d. Pedestrian activity areas should provide site amenities that encourage pedestrian use. Benches, seating areas, bike racks, public art, water features, and other appropriate amenities are strongly encouraged. e. Pedestrian activity areas should provide a sufficient level of shade for pedestrians. Landscaping, canopies, trees, or other methods of providing shaded areas are strongly encouraged. f. The finished floor of ground-level uses should not be significantly above or below the sidewalk.
Parking and Circulation Guidelines 9.5.1	c. Site access and internal circulation should promote safety, efficiency, convenience, and minimize conflict between vehicles and pedestrians.

<b>Table 10-2 General Plan Policies</b>	
<b>Policy No.</b>	<b>Policy Text</b>
	e. Unobstructed visibility and clear delineations between pedestrian paths and vehicular travel aisles should be provided.
Pedestrian Circulation 9.5.5	a. Pedestrian circulation should be clearly delineated and separate from automobile circulation. The use of landscaping, walkways, and decorative hardscape to delineate pedestrian circulation should be used to the greatest extent feasible. Minimum width of walkways should be 4 feet with no obstructions.
	b. Pedestrian crossings at driveways and major circulation aisles should be accentuated by extending pedestrian sidewalks into the parking aisle/lane.
	c. Design parking areas so pedestrians walk parallel to moving cars. Parking lot design should minimize the need for pedestrians crossing parking aisles and/or landscape islands to reach building entries.
	d. The design and placement of building entrances in relation to parking and the internal and external circulation system should consider access to persons with disabilities.
	e. Clearly defined access between primary building entries and the public sidewalk should be provided in all commercial developments.
Lighting 9.7	g. Vehicle entrances, driveways, parking and service areas, pedestrian entrances, walkways, and activity areas should have a sufficient level of lighting to provide security and safety. A minimum of 1 foot-candle should be provided.
	i. Pedestrian-scaled lighting for sidewalk and street illumination is encouraged.
Site Furniture 9.8.1	a. Street furnishings (i.e. benches, bollards, trash receptacles, bicycle racks, and newspaper racks) should be compatible with the design of adjacent development.
	b. The siting of street furnishings should not create pedestrian/vehicular conflicts.
	c. Legible and appropriately scaled kiosks/directories should be sited near vehicular and pedestrian entrances.
<b>Industrial Design Guidelines – Chapter 11</b>	
Parking and Circulation Guidelines 11.5.1	c. Unobstructed sight lines at corners and mid-block are important to improve visibility for vehicles exiting and entering the site and to reduce potential conflicts with other vehicles, bicycles, and pedestrians.
Pedestrian Circulation 11.5.3	a. Safe and convenient pedestrian walkways should be provided between buildings, at building entrances and within parking areas.
	b. Pedestrian walkways should be accessible, safe, visually attractive, and well defined by decorative pavement, landscaping, low walls, and low-level lighting.
	c. Pedestrian access should be provided between building entrances and parking. Where appropriate, transit shelters should be provided.
Lighting 11.7	i. Illumination to a minimum maintained one-foot candle should be provided at steps, ramps and other potentially hazardous grade differentials. Grade changes, steps, or other potential hazardous features along pedestrian circulation routes should be illuminated for safety.

In addition, the City of Santa Ana will comply with the provisions of Assembly Bill 1358—the *Complete Streets Act*. This law states that cities undertaking substantive revisions to their Circulation Elements after January 1, 2011, show “how the jurisdiction will provide for the routine accommodation of all users of the roadway including, motorists, pedestrians, bicyclists, individuals with disabilities, and users of public transportation.” The City of Santa Ana will comply with this legislation at such time as a comprehensive update to the Circulation Element is performed.

### **Response to Comment LULAC -10**

A statement of overriding considerations is not required in an EIR; it is only required when and if the Lead Agency (i.e., the City) approves a project that will result in significant effects that are not avoided or substantially lessened (Public Resources Code [PRC] §21081; CEQA Guidelines §15093). In that event, the City would prepare written findings and a statement of overriding considerations in accordance with CEQA (Id; CEQA Guidelines §§15091, 15092). As stated on page 2-3 of the Draft EIR:

... If the City Council approves a project that has significant and unavoidable impacts, the City shall also state in writing the specific reasons for approving the project, based on the Final EIR and any other information in the public record. This is called a “Statement of Overriding Considerations” and is used to explain the specific reasons that the benefits of a proposed project make its unavoidable environmental effects acceptable. The Statement of Overriding Considerations is adopted at the time the Final EIR is certified, and before action to approve the project has been taken.

As such, the Statement of Overriding Considerations has not been prepared yet; however, in accordance with CEQA Guidelines 15093, it would be prepared if the City approves a project that will result in significant effects that are not avoided or substantially lessened.

As to the list of significant and unavoidable impacts presented in this comment, the Draft EIR identified each of these impacts as significant, examined all feasible measures to reduce the impact to a level of less-than-significant, and determined that with implementation of all feasible mitigation measures, the effect of these impacts would still exceed the thresholds established in the Draft EIR. Therefore, these impacts are correctly identified as significant and unavoidable if the proposed project is implemented. No further action required.

### **Response to Comment LULAC -11**

Refer to Response to Comment L.U.L.A.C-2 for details regarding the identified significant air quality and greenhouse gas related impacts, as well as the mitigation measures that would reduce such impacts. The Draft EIR identifies six project alternatives, including the “no project” alternative in Chapter 5. Significant and unavoidable air quality and global climate change impacts would occur under each alternative. However air quality impacts would be reduced as compared to the proposed project under Alternatives 1 and 3 and global climate change impacts would be reduced as compared to the proposed project in Alternatives 1, 2, and 3. Also note that the presence of a significant and unavoidable impact does not preclude project approval under CEQA; however, a statement of overriding considerations would be required for project approval (CEQA Guidelines §15093 (b)). No further action required.

### **Response to Comment LULAC -12**

This comment contains closing or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. The comment will be forwarded to decision-makers for their consideration prior to a final decision on the proposed project. No further response is required.

Via Email and Facsimile (714-973-1461)

April 12, 2010

Ms. Lucy Linnaus, Associate Planner  
Planning Division  
**CITY OF SANTA ANA**  
20 Civic Center Plaza, Ross Annex M-20  
Santa Ana, CA 92702

**Re: City of Santa Ana - Draft Environmental Impact Report – Transit Zoning Code – Comments**

Dear Ms. Linnaus:

The Public Law Center (PLC) is a not-for-profit organization that provides legal services to low-income individuals and community-based organizations in Orange County. Some of its clients are low-income residents who either live and/or work in the City of Santa Ana (City), and service organizations that serve said community.

PLC-1

PLC submits these comments to you, pursuant to public notice, on behalf of PLC individual and organizational clients with an interest in and who could be adversely impacted as a result of the Draft Environmental Impact Report (DEIR), and the underlying proposed Transit Zoning Code (TZC).

**Planning Irregularities**

It is the position of PLC that the DEIR and TZC should not go forward at this time. The TZC is an implementation program but it is being considered prematurely in advance of any appropriate and adopted General Plan or Specific Plan (though proposed earlier, the Renaissance Specific Plan (RSP) was not adopted). As a result, the TZC does not have the proper legal base to go forward, and the DEIR cannot overcome this planning procedural irregularity. The TZC also suffers from substantive planning irregularities for the City which cannot be overcome by the DEIR. In absence of a specific plan for the area, substantive amendments to the General Plan for the City are needed. Indeed, the TZC was an integrated part of the proposed RSP and it is now presented out of context with resulting deficiencies. It cannot now stand alone in the guise of a planning document beyond its limited implementation role. As such, it is a zoning code without grounding in a plan which it would implement. Further, there is no relevant redevelopment plan or project area within which it could operate and seek implementation. The TZC does not contain a needs assessment or set out planning goals and objectives much less a resolution of competing if not conflicting planning interests and viewpoints. The DEIR must rest on a proper sequencing of planning and implementation and base evaluation on a proper documentary base. With the exception of the recently certified housing element (October 2010), other relevant elements of the General Plan were amended or adopted in 1998 (circulation, land use and urban design), according to the General Plan available on CD and acquired this year.

PLC-2

One of the primary concerns with the TZC is the lack of proper and safe traffic circulation plan. The increased density presented in the TZC is well beyond the carrying capacity of the affected areas. Additionally, the TZC dangerously creates a mix of transportation modes without a governing comprehensive plan in the same geographically restricted area which could lead to great danger and potential tragedy. A separate right of way is contemplated and preferred for fixed guideway systems. Please note that the proposed towers along Santa Ana Boulevard have curb cuts for driveways into a proposed underpass system for the boulevard in the location of the rail station. New roadways are also seen in the TZC crossing the recessed roadway. The TZC is also in advance of a finished engineering scheme. The towers also pose great shading intrusion into Logan of no small concern to that neighborhood. A Logan street is shown that will also stop at or pass over the recessed roadway.

PLC-3  
PLC-4  
PLC-5

**Planning Status**

Several planning efforts are underway in the City some of which admirably involve community residents and their representatives. However, those efforts have yet to be completed yet this implementation program is presented in advance of the culmination of those efforts by all involved. The Station District Plan has yet to be completed or adopted. A contract was just let for further planning of the station environs. Where the TZC shows an option through an overlay zone for urban uses at the southern end of Santiago, negotiations are underway for its possible location for a neighborhood park. Other disjointed planning is presented. For these and other reasons stated by the community directly, the TZC and DEIR should not go forward at this time.

PLC-6

**Notice Requested**

Request is hereby made by PLC that the City provide it with notice and that it send copies of all further proceedings and revisions to its DEIR and TZC.

If you have questions or wish to discuss any of the points raised in this letter, the undersigned can be reached directly at (714) 619-9270.

PLC-7

Thank you.

Very truly yours,

**PUBLIC LAW CENTER**

BY: /s/

\_\_\_\_\_  
Ezequiel Gutierrez, Esq.

cc: Mr. Cesar Covarrubias, Executive Director  
**KENNEDY COMMISSION**

## ■ Response to Letter PLC: Public Law Center

### ***Response to Comment PLC-1***

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

### ***Response to Comment PLC-2***

The comment states that the Transit Zoning Code is being considered prematurely and in absence of any amendments to the General Plan or adoption of a Specific Plan. In fact, as stated in Draft EIR Chapter 3 (Project Description) on page 3-16, the City would need to amend the current General Plan to permit the new land uses proposed under the Transit Zoning Code and amend the Zoning Code to establish development standards that implement the proposed project. The analysis of Impact 4.7.-3 in Section 4.7 (Land Use) of the Draft EIR explains that the provisions of the existing General Plan that would be superseded by the proposed Transit Zoning Code would be revised simultaneously with the adoption of the Transit Zoning Code, and the changes to these provisions are evaluated in this EIR. The key General Plan policies that would be implemented by the Transit Zoning Code are found in the Land Use Element of the General Plan. This comment will be forwarded to the decision makers for their consideration prior to a decision on the proposed project.

### ***Response to Comment PLC-3***

The Draft EIR evaluated the potential for the proposed project to increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) under Impact 4.11-4 in Section 4.11 of the Draft EIR which analyzes Transportation and Traffic. As stated under Impact 4.11-4, this impact is considered less than significant as most of the identified improvements include the addition of a turn lane at intersections under 2030 and 2035 conditions, the addition of shared through lanes, and installation of traffic signals, and would not represent an increase in hazards associated with a design feature. Rather, these recommended improvements are designed to reduce potential hazards due to congestion. Additionally, the Transit Zoning Code encourages infill projects that would be suitably designed to use the existing network of regional and local roadways located within the vicinity of the study area. With respect to other potential traffic impacts, the planning area for the Transit Zoning Code is largely restricted by existing development and infrastructure. With the implementation of traffic mitigation measures MM4.11-1 through MM4.11-16, all impacts are reduced to less than significant level except the I-5/Santa Ana Boulevard northbound off-ramp (for which the Draft EIR identified mitigation measure MM4.11-16, but concluded that the impact remains significant because the City does not have jurisdiction over major freeway improvements and cannot ensure that Caltrans will implement the mitigation). The comment does not provide any evidence regarding the content or adequacy of this analysis in the Draft EIR, and no further response is required.

### ***Response to Comment PLC-4***

This comment is aimed at issues related to the potential future Santa Ana Fixed-Guideway project. At the time of this writing, no known alternative alignments are proposed. To the extent any details are available, they are described in Section 4.11 (Transportation/Traffic) of the Draft EIR on page 4.11-7. As



explained in Section 10.2 (Master Response: Project Clarification) of the Final EIR, the proposed Santa Ana Fixed-Guideway project would be developed in a manner consistent with the Transit Zoning Code, if approved, and therefore, it has been analyzed to the extent possible in this EIR. The Santa Ana Fixed Guideway project and its potential alignments will be analyzed in a separate EIR as part of the Santa Ana Fixed Guideway Corridor Study in compliance with CEQA.

The commenter also states that “the proposed towers along Santa Ana Boulevard have curb cuts for driveways into a proposed underpass system for the boulevard in the location of the rail station.” However, while the Transit Village component of the Transit Zoning Code does allow for multi-story buildings there are no known proposals for development of any kind in the Transit Zoning Code area, with the exception of the proposed Developer Project, which does not include any towers or any curb cuts for driveways that would conflict with an underpass system. Any future development would be required to comply with any traffic safety requirements and conform to any roadway improvements present at that time.

### ***Response to Comment PLC-5***

As discussed in the analysis of Impact 4.1-5 in Section 4.1 (Aesthetics/Visual Resources) of the Draft EIR, future development of new multi-story buildings in the Transit Zoning Code area may create new sources of shading that could impact shadow-sensitive uses in the vicinities of the new development sites. Specific project-level design plans (including building heights, positioning, and dimensions) are not available at this time, and a site-specific assessment of shade and shadow impacts of proposed development under the Transit Zoning Code is not possible. However, mitigation measure MM4.1-5 would require that any application to construct a structure taller than four stories must be accompanied by a site-specific shade/shadow report, which must identify any feasible design considerations to reduce the extent of shadows cast by the structure. Despite this measure, the Draft EIR determined that impacts resulting from potential future construction of multi-story buildings would be significant and unavoidable. Note the presence of a significant and unavoidable impact does not preclude project approval under CEQA; however, a statement of overriding considerations would be required (CEQA Guidelines §15093 (b)).

### ***Response to Comment PLC-6***

Refer to Section 10.2 (Master Response: Project Clarification) of the Final EIR for a discussion of the current strategic transportation and land use planning process, which may eventually result in a master plan for the Station District. The commenter asserts that there is an overlay zone at the southern end of Santiago Avenue that would bring urban uses to an area currently under negotiations to become a park. At the time of this writing, there are no proposals or reasonably foreseeable plans for use of the area referenced in the comment. The commenter’s opinion that the Transit Zoning Code should not be approved at this time will be forwarded to the decision makers for their consideration prior to a decision on the proposed project.

### ***Response to Comment PLC-7***

This comment requests notice of all future proceedings and revisions to the Draft EIR and the proposed Transit Zoning Code. Such notice will be provided.



www.kennedycommission.org  
17701 Cowan Ave., Suite 200  
Irvine, CA 92614  
949 250 0909  
fax 949 263 0647

April 11, 2010

Hon. Mayor Miguel Pulido  
City of Santa Ana  
26 Civic Center Plaza, M20  
Santa Ana, CA 92702

**Re: Transit Zoning Code Draft Environmental Impact Report (SD 84B and SD 84B)**

Dear Mayor Pulido:

The Kennedy Commission is a not-for-profit organization that advocates for balance housing development that creates housing opportunities for all income segments in Orange County. The Kennedy Commission specifically advocates for the production of housing opportunities for working families making \$10.00 an hour or less.

KC-1

The Kennedy Commission submits these comments to the City of Santa Ana's EIR for the Transit Zoning Code. These comments are submitted on our behalf and by a coalition of community leaders and advocates that are concerned over the lack of concrete policies that encourage balanced housing development in the proposed housing development of the proposed Transit Zone Code area and Station District.

Our comments on the (EIR) focus on the proposals deficiencies in the Population and Housing analysis. While this section of the EIR analysis population and housing trends it fails to address how this project will mitigate or assist in addressing the City's General Plan and Housing Element policies, goals and needs in planning for the 2006-2014 planning period. The proposed plan fails to contribute to the City's goals and obligations to plan for balanced housing development consistent with its General Plan and Housing Element policies. We strongly urge the City of Santa Ana Planning Department to further revise the Environmental Impact Report (EIR), and further analyze how this proposed development will mitigate impacts and assist the City in meeting housing development in a balance manner and address its shortfall production for low and very low income households.

KC-2

**Regional Housing Needs Assessment**

State law requires that jurisdictions provide fair share of regional housing needs in new housing development. In Orange County, this information is contained in the Southern California Association of Governments (SCAG) Regional Housing Needs Assessment (RHNA) and is also incorporated into the City's General Plan and Housing Element. The EIR, Population and Housing section, inadequately discuss and analyzes affordable housing obligations and current programs within the City of Santa Ana, which should promote

KC-3

balanced housing development (zoning along will not result in a balanced development that includes housing for lower income families). The City's RHNA allocation for the 2000-2005 planning period was 1,339 housing units. During this planning period the City exceeded the housing production for above moderate housing needs, this represented 89% of development. During this same planning period the City needed to plan for the production of 603 housing units for low and very low income-housing units. Only 79 units were developed in these income categories. The strategies to increase affordable housing relied on Specific District zonings and no direct policies or programs to increase affordable housing. The analysis should also analyze the types of jobs that are created and insure housing for all those income categories.

↑  
KC-3  
cont'd.  
|  
KC-4

The City of Santa Ana's fair share of the RHNA for the 2006-2014 planning period 3,393 units, 694 at Very Low, 574 at Low, 665 at Moderate and 1,461 at Above Moderate. The EIR fails to demonstrate consistency between the City's identified 2006-2014 RHNA allocation and the City's Housing Element obligations and policies. The EIR fails to acknowledge or present the policies and goals in the proposal that will help the City reach balance housing development for a variety of income segments. The EIR fails to analyze the impacts of not creating mixed income communities and housing opportunities for all income segments. Furthermore, the EIR does not address how this housing imbalance is being addressed in the City nor recommends policies that would encourage housing opportunities for Low and Very low-income households.

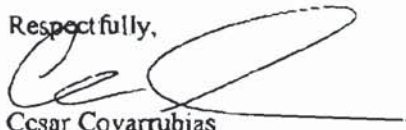
|  
KC-5  
|  
KC-6  
|  
KC-7

**Conclusion**

The City should modify the proposed project in order to implement the Housing Element commitment and requirements to encourage and facilitate housing opportunities for all income segments. Since the City is attempting to rely on new higher density mixed use designations (up zoning), it should capture a value to the community by incorporating affordability provisions to achieve the benefits of an up zone and insure affordable units will be created for lower income families. The Commission would like to work with the City to create an Affordable Housing Strategic Plan to address the creation of housing at all income levels.

|  
KC-8

Respectfully,



Cesar Covarrubias  
Executive Director  
Kennedy Commission

cc: Ms. Cathy Creswell, California Housing and Community Development Department  
Mr. Ezequiel Gutierrez, Esq., Public Law Center

## ■ Response to Letter KC: Kennedy Commission

### ***Response to Comment KC-1***

This comment contains introductory or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

### ***Response to Comment KC-2***

Draft EIR Section 4.9 (Population, Housing, and Employment) provides the goals and policies outlined in the City's most recent Housing Element Update (adopted in 2009 for the implementation period of 2006-2014), as well as corresponding implementation policies relevant to residential development within the proposed Transit Zoning Code, and analyzes the proposed project's consistency with these goals and policies on pages 4.9-12 through -14. The evaluation of the proposed project's consistency with other relevant sections of the City's General Plan was presented in Draft EIR Section 4.7 (Land Use). The proposed project was analyzed for consistency with both the City of Santa Ana General Plan and the Southern California Association of Government's (SCAG) policies relating to the provision of affordable housing. As stated on page 3-13 of the Draft EIR, the proposed Developer project evaluated under the Draft EIR includes the construction of 220 housing units with an affordable housing component pursuant to the County of Orange's criteria for low-to-moderate income housing. As stated in Section 4.7, the proposed Transit Zoning Code (SD 84A and SD 84B) area is partially located within the City's Merged Project Area, which also includes the Santa Ana Redevelopment Agency's 5-Year Implementation Plan, which describes the agency's short-term goals and objectives to develop, preserve and rehabilitate affordable housing. The Draft EIR found that the proposed project would be consistent with the goals and policies of both SCAG and the City of Santa Ana General Plan. The Developer Project proposed for the Transit Zoning Code area includes affordable housing, consistent with the goals and policies of the City's Housing Element to serve a spectrum of buyers and household types. In addition, the Transit Zoning Code contains incentives to affordable housing development by allowing affordable housing developers to deviate from prescribed design standards.

### ***Response to Comment KC-3***

The comment claims that the EIR's analysis of affordable housing obligations and current programs within the City is inadequate. The Draft EIR analyzed the proposed project's impacts on housing in Section 4.9 (Population, Housing, and Employment). As stated on pages 4.9-13 and 4.9-14 of the Draft EIR:

Table 4.9-10 (Santa Ana General Plan Housing Element—New Housing Construction Objectives, 2006–2014) presents the new construction housing objectives established by the General Plan Housing Element for the period 2000–2014. The Housing Element identifies housing opportunity sites with the potential to construct a total of 1,651 new housing units in the City by the year 2014, which exceeds the goal set by the RHNA for the same period.

<b>Table 4.9-10 Santa Ana General Plan Housing Element—New Housing Construction Objectives, 2006–2014</b>					
<i>Unity Type</i>	<i>Very Low</i>	<i>Low</i>	<i>Moderate</i>	<i>Above Moderate</i>	<i>Total</i>
Housing Projects Built or Approved Since 2006	54	201	271	2,048	2,330
New Housing Opportunity Sites	640	373	638	—	1,651
<b>Total</b>	<b>694</b>	<b>574</b>	<b>665</b>	<b>2,686</b>	<b>4,619</b>
Assigned RHNA	694	574	665	1,461	3,393

SOURCE: City of Santa Ana General Plan Housing Element (2009)

The developer project proposed for the Transit Zoning Code (SD 84A and SD 84B) area includes affordable housing, consistent with the goals and policies of the City's Housing Element, in order to serve a spectrum of buyers and household types. In addition, the Transit Zoning Code includes affordable housing development incentives that allow developers of affordable housing to deviate from prescribed design standards.

The remainder of the comment does not address environmental issues or the content or adequacy of the Draft EIR. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project.

#### ***Response to Comment KC-4***

The comment requests an analysis of the types of jobs that would be created with implantation of the proposed project. The Draft EIR analyzed job distribution and employment opportunities in Section 4.9 (Population, Housing, and Employment) under Impact 4.9-1 (implementation of the proposed project would accommodate project population and housing growth). The analysis concludes that “although the proposed project would increase housing opportunities within the Transit Zoning Code (SD 84A and SD 84B) area and incrementally decrease job opportunities, the proposed project would improve the overall ratio of jobs to housing within RSA 42, and would be anticipated to improve the jobs/housing balance through implementation of the Transit Zoning Code (SD 84A and SD 84B).”

#### ***Response to Comment KC-5***

Refer to Response to Comments KC-2 and KC-3 for details regarding consistency with the City's Housing Element and SCAG's RHNA.

#### ***Response to Comment KC-6***

Refer to Response to Comments KC-2 and KC-3 for details regarding consistency with the City's Housing Element and SCAG's RHNA.

#### ***Response to Comment KC-7***

The comment requests an analysis of the existing housing imbalance within the City of Santa Ana. The EIR describes existing housing, employment and other conditions within the City in Section 4.9.1

(Environmental Setting). Refer to Response to Comments KC-2 and KC-3 for information regarding the proposed project's consistency with SCAG's policies and the General Plan's Housing Element.

***Response to Comment KC-8***

This comment does not address environmental issues or the content or adequacy of the Draft EIR. Refer to Response to Comments KC-2, KC-3, and KC-4 for information regarding the proposed project's consistency with SCAG's policies and the General Plan's Housing Element and the EIR's analysis of jobs/housing balance. No additional response is required.

Chican@s Unidos Comments to the Transit District Draft EIR  
e-mail: empowerment@chicanosunidos.com  
P. O. Box 10503, Santa Ana, CA 92711

**Chican@s Unidos Response to the Transit District Draft EIR**

**Part '1**

**PIECEMEALING**

The City of Santa Ana (SD84A and SD84B) EIR (EIR) seeks to “Piecemeal” the larger project of the City of Santa Ana Renaissance Plan (SARP.) Section 1.4 line 1 of the EIR states “The Transit Zone District Code was initially drafted as a component of the larger Santa Ana Renaissance specific plan.” Section 1.4 goes on to later state that “Due to major changes within the SARSP study area, and in response to community concerns regarding the scope of the SARSP itself, the Specific Plan was tabled.”

CU-1

The greatest evidence that the EIR is a piecemeal of the SARP is that the data provided in Appendix 1 “Greenhouse Gas Emissions Worksheets” is in fact entitled “Renaissance Potential Net Development Input data for Green House Gas Emissions.”

**ENVIRONMENTAL SETTING**

In using the Data from the Renaissance Project, as mentioned above, the EIR fails to have a proper “identification” of all the activities of the project, and is not able to properly “quantify” the anticipated Green House Gas (GHG) emissions from this project as is required by the California Air Quality Act (CEQA). As the EIR does not properly quantify GHG Emissions by its use of non-specific data, it also fails to properly quantify the “mitigation” required to reduce the projects climate change impacts to “less than significant.”

CU-2

Another example of the EIR’s failure to properly “identify” and “quantify” project related activities that may effect GHG Emissions can be found in table 4.7-22. The table states that the maximum height for building in the “Rail Station” would be 25 stories. However, the City has stated that the maximum height for the “Transit Zone District Code” would be a lesser amount. Could this discrepancy be attributed to another usage of information that was originally contained in the Santa Ana Renaissance Specific Plan?

CU-3

**POPULATION GROWTH**

In Section 1.9 “Air Quality” the EIR states that the project “would exceed current Southern Air Quality Management Districts (SCAG) projections, which are used in the South Coast Air Quality Management District’s (SCAQMD’S) Air Quality Management Plan (AQMP).” Consequently, the proposed project would be “inconsistent with the

CU-4

2007 AQMP population growth projections.”

The EIR goes on to state that it is reasonably foreseeable that “construction” emissions for individual projects constructed within the Transit Zoning Code area,

**POPULATION GROWTH contd.**

and that “mobile source” (vehicular) emissions associated with the additional development would exceed SCAQMD thresholds of significance. Thus, in conjunction with other development projects in the vicinity of the Transit Zoning Code, “construction and operation of the proposed project would result in cumulatively considerable net increase of criteria pollutants for which the basin is in nonattainment.”

Although the EIR identifies this impact on the Air quality of our regional basin, it merely declares that this impact and consequent violations of applicable Federal or State ambient Air quality standards for the Southern California basin will occur. The EIR does not discuss how it will contend with these violations of these other regulatory bodies plans, and what will be the impact of this projects increasing Air pollutants on a the SCAQMD’s plans.

CU-4  
cont'd.

**SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The EIR acknowledges that there will be many “Significant and Unavoidable” impacts as a result of the project. Table ES-2 specifies some of those impacts as:

- 4.1-5 A substantial increase in shade/shadows over sensitive areas.
- 4.2-5 Construction activities, could contribute substantially to an existing or projected Air quality violation for criteria Air pollutants.
- 4.2-6 Operation of the proposed project would exceed SCAQMD standards for VOC, NOX, CO, AND PM10 and would result in a projected Air quality violation.
- 4.2-7 Construction and operation of the proposed project could result in a Cumulatively considerable net increase of criteria pollutants for which the proposed project region is in nonattainment under an applicable Federal or State ambient Air quality standard.
- 4.4-3 The project could result in substantial adverse change in the significance of a Historical resource as defined in Section 15064.5 of the CEQA Guidelines.
- 4.8-8 The proposed rail line would potentially expose noise-sensitive land uses Located within the Transit Zoning Code and area to noise levels that exceed The standards established by the City of Santa Ana General Plan.
- 4.11-8 The Transit Zoning Code would cause an increase in traffic which is Substantial in relation to the existing traffic load and capacity of the street System.

CU-5



**SIGNIFICANT AND AVOIDABLE IMPACTS CONTINUED**

- 4.11-9 Transit Zoning Code would result in impacts related to freeway ramps in the Vicinity of the Transit Zoning Code area.
- 4.13-1 The Transit Zoning Code at full build-out would result in significant Localized air quality impacts for operational level emissions.
- 4.13-2 Long-term cumulative development pursuant to the Transit Zoning Code at Full build-out has the potential to conflict with AB32

Although the EIR does discuss the Mitigation Measures it would take to mitigate these “Significant and Unavoidable” impacts, the EIR does NOT address the “Overriding considerations” that are present to justify the allowance of the these Significant and Unavoidable impacts. The CEQA Guidelines require that “Overriding considerations” be presented in the EIR as well.

↑  
CU-5  
cont'd.

**TOXIC AND HAZARDOUS WASTE**

There are many sites located in the Transit Zoning Code area that potentially have Toxic or hazardous waste, or a history of toxic or hazardous waste. The EIR does not identify these sites or measure their presence and what specific activities will be taken to mitigate these hazards. The EIR does not address the Health and Safety Issues of these sites (e.g. Accidental release, or fire or explosion involving hazardous Materials) Environmental concerns (e.g. Groundwater contamination, accidental emissions, odors) or the hazards of the Transportation of the hazardous waste.

The EIR does not specify if it has contacted the proper regulatory agencies State and Federal for the identifying and proper removal of these potentially toxic or hazardous materials. This is of great concern because the Transit Zoning Code Does in fact propose that there will be a change of condition and usage for these sites which to date have been utilized for industrial and commercial purposes.

CU-6

**SCHOOLS**

There are 2 schools located in the Transit Zoning Code area. One school is a Public Elementary school and the other is Parochial. There is no discussion in the EIR regarding the specific issues involved when a project area contains schools and when designated projects will have close proximity to a school site. Some of these issues are as follows:

- A. **Overcrowding** - New housing developments frequently cause conditions of overcrowding in existing school facilities which cannot be alleviated in a reasonable period of time. The EIR fails to discuss the impact the project would have on overcrowding, and it fails to offer any “overriding” considerations.

CU-7

**B. Noise levels** - Schools have a different “threshold of significance” that must be taken into account. The EIR does not address the impacts that would be particular to the schools. The EIR lacks a “Noise impact assessment” for the schools within its area.

CU-8

**C. Pedestrian Safety** - The EIR proposes that there will be “an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.” (Impact 4.11-8) A large portion of this increase will take place on Santa Ana Blvd. as it is the main thoroughfare between the Downtown area and the I-5 Santa Ana Fwy. The public elementary school, Garfield elementary, is in close proximity to Santa Ana Blvd. (approximately 100 yards) The EIR does NOT contain a “Pedestrian Safety Study” to address this large increase in traffic and how it will impact pedestrian traffic to the school.

CU-9

### **Chican@s Unidos Response to the Transit District Draft EIR**

#### **Part ‘2**

1. According to EIR (p. 4.4-3) there are nine archaeological, fifty-nine designated historical resources in the Downtown Santa Ana Historical District, and an additional twenty-one historic resources that have been identified within and adjacent to the Transit District boundaries. We believe that the proposed Transit District project would cause substantial adverse change to the significance of these historical and archaeological resources.

CU-10

The EIR states on page 4.4-3 that “Given the documented prehistoric and historic-period use and occupation of the project area and the presence of several recorded historical and archaeological sites in the City, the project area is considered sensitive for undocumented subsurface prehistoric and historic-period resources.” The City of Santa Ana does not address in any substantial way how the significant and unavoidable destruction of these resources will be addressed. The impact of these changes must be explored. Until this is done this project must not move forward and the EIR proposal must not be approved.

2. The demolition or moving of numerous historic homes in the Lacy area is of particular concern. The continued destruction of these non-renewable sites will negate the historic character of the neighborhood. This obliteration or moving of historic homes is clearly in opposition to the following elements of the City’s General Plan as noted in the EIR:

- Land use Element, Goal 3 “The preservation of existing neighborhoods.” (p. 4.4-13)
- Land Use Element, Goal 4 – “The protection of unique community assets and open space that enhance the quality of life.” (Policy 4.1 and 4.2) (p. 4.4-14)

CU-11

- Urban Design Element, Goal 2.0 – “Improve the physical appearance of the City through the development that is proportionally and aesthetically related to its district setting.” (Policy 2.3, Policy 2.5, 2.8, 2.11) (p. 4.4-14)

↑  
CU-11  
cont'd.

3. Under Cumulative Impacts (4.4) the EIR states on page 4.4-27, that qualified professionals are needed to conduct site-specific cultural resource investigation for future development of the project area to assess the significance of the cultural resources. The City states that it is “currently infeasible to determine whether future developments under the proposed Transit Zoning Code would result in demolition or removal of historical resources.” Yet, the EIR states (p. 4.4-27) that the cumulative effects would be significant and unavoidable.

CU-12

Until a qualified professional is able to assess the cumulative effects of the demolition or removal of historical resources on the region this project must not move forward and the EIR must not be approved.

4. The destruction or removal of historic Lacy homes will forever increase the density of a neighborhood. This increased density would:

- Cause an increase in traffic which is already substantial in relation to the existing traffic load and capacity of the street subsystem that already suffers from overcrowding due to previous planning errors (p 4.11-8) as noted in Table ES-2;
- Expose the current and future residents to noise levels that exceed the standards established by the City of Santa Ana General Plan as note in Table ES-2.

CU-13

The EIR states that these and other impacts will be “significant and unavoidable.” Until a qualified professional is able to assess the cumulative effects of the increased traffic and noise level on the region this project must not move forward and the EIR must not be approved.

5. The EIR suggests in Alternatives, Chapter 5, (p. 5.2-5) that the City will continue to buy property in the Transit District. Purchase of additional housing stock will further deplete the stock of historical homes which contribute to the overall historical character of the area.

CU-14

Nowhere in the EIR does the City provide data or references to the possibility of rehabilitating new purchases in order to maintain the integrity of the neighborhood. The rehabilitation of additional housing stock purchased by the City must be an integral element of the EIR. Until the rehabilitation of additional housing stock in the Transit District is investigated this project must not move forward and the EIR should not be approved.

**Chican@s Unidos in the interest of and in the service of the community**  
e-mail: empowerment@chicanosunidos.com

## ■ Response to Letter CU: Chican@s Unidos

### **Response to Comment CU-1**

The Transit Zoning Code project is properly analyzed under CEQA, and has not been “piecemealed.” As explained in the Draft EIR, the Santa Ana Renaissance Specific Plan (SARSP) is no longer planned for development. The Transit Zoning Code has replaced the SARSP as the development framework to support the long-term development of a successful transit program and the Agency properties (Draft EIR Section 3.3). An Errata Sheet has been prepared to clarify that the Greenhouse Gas Emissions Worksheets in Appendix I were prepared for the Transit Zoning Code, not the SARSP. Other, similar labeling errors have clarified in the Errata Sheet. Refer to Response to Comment L.U.L.A.C.-3 for details regarding the area analyzed for the Transit Zoning Code (SD 84A and SD 84B0) and the data utilized for impact evaluation. No further action required.

### **Response to Comment CU-2**

Refer to Response to Comment LULAC-3 for details regarding the quantification of greenhouse gas emissions. The data used to evaluate potential greenhouse gas emissions is applicable to the project defined in Chapter 3 (Project Description) of the Draft EIR. The Transit Zoning Code was initially the zoning component of the Santa Ana Renaissance Specific Plan (SARSP) (Draft EIR Section 3.3). When plans for SARSP ended, the Transit Zoning Code was identified for further development in this EIR at a programmatic level. The project components of the Transit Zoning Code that were analyzed in SARSP studies accurately reflect the components of the proposed Transit Zoning Code and quantify the potential greenhouse gas emissions that would result from the Transit Zoning Code Project. Greenhouse gas emissions associated with the project’s construction and operation were quantified as detailed in Tables 4.13-6 through Table 4.13-9. Mitigation measures MM4.13-1 through MM4.13-24 are proposed to reduce construction and operational impacts of criteria emissions as required by CEQA. No further action required.

### **Response to Comment CU-3**

The commenter refers to Table 4.7-22; however, there is no Table 4.7-22 in the Draft EIR. Table 4.7-1 (Summary of Key Changes in Transit Zoning Code Areas) on page 4.7-22 does identify that the Rail Station District would have a maximum building height of twenty-five stories. This maximum allowable building height within the Rail District is consistent with the maximum building heights that would be allowed with adoption of the Transit Zoning Code.

### **Response to Comment CU-4**

Population growth under the Transit Zoning Code would be consistent with SCAG growth projections for Santa Ana (Draft EIR Section 4.2-4). The text that the commenter refers to in Section 1.9 of the Executive Summary was incorrectly included in the Draft EIR. In response to this comment the following text revision has been made to page 1-11 of the Executive Summary:

- ~~With adoption of the Transit Zoning Code (SD 84A and SD 84B, and under a long-term build-out scenario, population growth projections in the City would exceed current Southern California Association of Governments (SCAG) projections, which are used in the South Coast Air Quality Management District’s (SCAQMD’s) Air Quality Management~~

~~Plan. Since the AQMP is based on SCAG growth projections, the proposed project would be inconsistent with the 2007 AQMP population growth projections.~~

The comment states that construction and mobile source emissions as a result of development of individual projects under the Transit Zoning Code would exceed SCAQMD thresholds of significance. An analysis of construction emissions associated with the construction of individual projects within the Transit Zoning Code area, including the Developer project, is provided in Draft EIR Section 4.2.3, Impact 4.2-5. Construction emissions from the Developer project would be mitigated to a less-than-significant level by mitigation measures MM4.2-2 through MM4.2-10 and would not exceed the SCAQMD significance thresholds. Construction emissions from other future individual projects are too speculative to address at this time. While implementation of mitigation measures MM4.2-2 through MM4.2-20 would reduce construction related emissions, they may not reduce these emissions to levels below the SCAQMD thresholds as the amount of emissions generated for each project would vary depending on its size, the land area that would need to be disturbed during construction, and the length of the construction schedule, as well as the number of developments being constructed concurrently as part of the Transit Zoning Code (SD 84A and SD 84B). Under these conditions, no further feasible mitigation measures are available and this impact is considered significant and unavoidable. The City will make site-specific determinations of significance during the review of these individual development projects to determine which projects for which construction emissions may exceed significance thresholds.

The Draft EIR analyzed mobile source emissions in Section 4.2.3, Impact 4.2-6. As stated on page 4.2-37, implementation of the proposed project would result in emissions that exceed the thresholds of significance recommended by the SCAQMD for CO, NO<sub>x</sub>, ROG, PM<sub>10</sub>, and PM<sub>10</sub>. The exceedance of the SCAQMD thresholds for these four criteria pollutants is primarily due to the increase in motor vehicles traveling to and from the project site. Mitigation measures MM4.2-21 through MM4.2-36 would reduce mobile source emissions; however, even with incorporation of these mitigation measures, mobile source emissions would exceed the SCAQMD thresholds and, because no further feasible mitigation measures are available, this impact is considered significant and unavoidable. The City will make site-specific determinations of significance during the review of future proposed individual development projects to determine which projects for which mobile emissions may exceed significance thresholds.

Refer to Response to Comment CU-4, above, and LULAC-2 for a discussion of the proposed project's impact on the SCAQMD's Air Quality Management Plan and details regarding the identified significant air quality related impacts, as well as the mitigation measures that would reduce such impacts.

### **Response to Comment CU-5**

A statement of overriding considerations is not required in an EIR; it is only required when and if the Lead Agency (i.e., the City) approves a project that will result in significant effects that are not avoided or substantially lessened (PRC §21081; CEQA Guidelines §15093). In that event, the City would prepare written findings and a statement of overriding considerations in accordance with CEQA (Id; CEQA Guidelines §§15091, 15092). Refer to Response to Comment LULAC-10 for details regarding the identified significant and unavoidable impacts and the statement of overriding considerations.

### ***Response to Comment CU-6***

Potentially hazardous sites are listed in Draft EIR Appendix E and discussed in Draft EIR Section 4.5 (Hazards and Hazardous Materials). Refer to Response to Comment LULAC-6 for details regarding potential impacts associated with the presence and use of hazardous materials within the Santa Ana Transit Zoning Code. Consultation with the appropriate state and Federal agencies would occur during environmental review for individual future proposed development projects. Phase I Environmental Site Assessments (ESAs) have been prepared for each of the parcels that are a part of the Developer Project. Refer to Response to Comment DTSC-2 for additional information about these ESAs.

### ***Response to Comment CU-7***

Refer to Response to Comment LULAC-7 and also to Response to Comment SAUSD-2 regarding projected student population associated with implementation of the proposed project.

### ***Response to Comment CU-8***

Refer to Response to Comment LULAC-8 regarding potential noise impacts to SAUSD schools associated with implementation of the proposed project.

### ***Response to Comment CU-9***

The Draft EIR analyzed the potential for neighborhood traffic intrusion impacts under Impact 4.11-1. Neighborhood traffic intrusion has the potential to cause impacts to pedestrian safety. This impact would include potential increases in cut-through or inappropriate traffic on residential streets, which could include streets adjacent to schools. The Draft EIR includes mitigation measure MM4.11-1 specifically to address the need to provide for roadway improvements to mitigate any potential impacts to pedestrian safety. Mitigation measure MM4.11-1 requires the City of Santa Ana to evaluate, consider, and implement traffic calming measures as appropriate. These traffic calming measures would serve to decrease the travel speed of vehicles traveling on neighborhood streets, thereby protecting pedestrian safety. With the implementation of this mitigation measure, the impact is Less Than Significant.

The Transit Zoning Code includes design guidelines for streets and sidewalks in order to provide clear policies regarding street design and pedestrian safety. These guidelines will be used by the City and developers when designing future roadway improvements.

The City of Santa Ana General Plan also contains numerous policies regarding pedestrian accessibility and walkability. Any projects developed pursuant to the Transit Zoning Code would have to comply with these General Plan policies.

### ***Response to Comment CU-10***

The comment accurately describes the listing of archaeological and historic resources that were identified in the Draft EIR. Impacts to archaeological resources were described under Impact 4.4-1 on pages 4.4-19 through 4.4-20 of the Draft EIR, and mitigation measure MM4.4-1 was identified to reduce potential impacts to less than significant as described below. The complete discussion under Impact 4.4-3 (Draft EIR pages 4.4-22 through 26) explains the possible impact to potentially historic structures, as defined in

Section 15064.5 of the CEQA Guidelines, throughout the planning area if the proposed project is constructed. That analysis proposed mitigation measure MM4.4-3, which would require a qualified professional to conduct site specific historical resource investigations for future developments within the project area that would demolish or otherwise physically affect buildings or structures 50 years old or older or affect their historic setting. However, the proposed project's impact to historical resources would remain significant and unavoidable. The EIR is adequate as it identified significant and unavoidable impacts related to historic resources and set forth feasible mitigation. The Recirculated Draft EIR (Chapter 5) also analyzed three alternatives related to the preservation of historic resources (Alternatives 4, 5 and 6). Refer to Response to Comment AW-2 and the analysis in Chapter 5 of the Recirculated Draft EIR regarding the extent to which these Alternatives would increase the preservation and rehabilitation of City-owned structures. Also note that the presence of a significant and unavoidable impact does not preclude project approval under CEQA; however, a statement of overriding considerations would be required for project approval (CEQA Guidelines §15093 (b)).

### ***Response to Comment CU-11***

Refer to the EIR's analysis of the proposed project's consistency with Land Use Element Goals 3 and 4 and Urban Design Element Goal 2.0 in Table 4.7-3 of the Land Use analysis in the Draft EIR (Section 4.7). Refer to Response to Comment JD-47 and 48 for additional discussion of Land Use Element Goal 3; refer to Response to Comments JD-49 through -51 for a discussion of Goal 4; and Refer to Response to Comments JD 52 through -55 for a discussion of Goal 2.

### ***Response to Comment CU-12***

The comment correctly states that cumulative impacts to historical resources would be significant. This conclusion is based partly on the fact that it is would be speculative to determine whether future development under the Transit Zoning Code project would result in the demolition or removal of historical resources. Given this uncertainty, cumulative projects were deemed to result in the loss of historic resources and the impact was conservatively determined to be a significant cumulative impact. Impacts to historic resources from future individual projects under the Transit Zoning Code will be given separate project-level review if and when such projects are proposed.

### ***Response to Comment CU-13***

The Draft EIR adequately evaluates the cumulative noise and traffic impacts resulting from the project, including development within the Lacy Neighborhood, in Sections 4.1 through 4.13 of the Draft EIR. Refer to Response to Comment CU-9 regarding the project's impacts relating to increases in traffic due to implementation of the proposed project. As stated on Draft EIR page 4.11-125, implementation of mitigation measures MM4.11-3 through MM4.11-15 would ensure that study area intersections would operate at acceptable levels of service and impacts would be less than significant. The significant and unavoidable (SU) designation under Impact 4.11-8 in Table ES-2 on Draft EIR page 1-35 was in error, and in response to this comment, the following text change has been made to clarify significance determination under Impact 4.11-8:

<b>Table ES-2 Summary of Environmental Effects and Mitigation Measures</b>			
<i>Impact(s)</i>	<i>Level of Significance Prior to Mitigation</i>	<i>Transit Zoning Code Mitigation Measures</i>	<i>Level of Significance After Mitigation</i>
...			
<p><b>Impact 4.11-8</b> Long-term cumulative development under implementation of the Transit Zoning Code would cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.</p>	<p>PS</p>	<p><b>MM4.11-3</b> The City of Santa Ana Public Works Agency shall monitor the traffic signals within the Transit Zoning Code study area once every five years to ensure that traffic signal timing is optimized.</p> <p><b>MM4.11-4</b> The City of Santa Ana shall institute a program for systematic mitigation of impacts as development proceeds within the Transit Zoning Code to ensure mitigation of the individual improvements. The program shall prescribe the method of participation in the mitigation program by individual projects and guide the timely implementation of the mitigation measures. The program shall include the following elements:</p> <ul style="list-style-type: none"> <li>■ A funding and improvement program should be established to identify financial resources adequate to construct all identified mitigation measures in a timely basis.</li> <li>■ All properties that redevelop within the Transit Zoning Code should participate in the program on a fair share per new development trip basis. The fair share should be based upon the total cost of all identified mitigation measures, divided by the peak hour trip generation increase forecast. This rate per peak hour trip should be imposed upon the incremental traffic growth for any new development within the Transit Zoning Code.</li> <li>■ The program should raise funds from full development of the Transit Zoning Code to fund all identified mitigation measures.</li> <li>■ The program should monitor phasing development of the Transit Zoning Code and defer or eliminate improvements if the densities permitted in the Transit Zoning Code are not occurring.</li> <li>■ Program phasing should be monitored through preparation of specific project traffic impact studies for any project that is expected to include more than 100 dwelling units or 100,000 sf of non-residential development. Traffic impact studies should use traffic generation rates that are deemed to be most appropriate for the actual development proposed.</li> <li>■ Properties within Santa Ana and within one-half mile of the Transit Zoning Code that redevelop to result in higher traffic generation should also participate in the program to insure equity.</li> <li>■ The City may elect to implement appropriate mitigation measures as a condition of approval of the proposed developments, where appropriate. All or part of the costs of these improvements may be considered to be a negotiated credit toward the program, however the program must be administered in a manner that assures that it can fund necessary improvements to maintain adequate level of service at all intersections within this study. If funding of priority improvements cannot be assured, credit for construction of lower priority improvements may not be assured or may be postponed until more program funds are available.</li> </ul> <p>The following mitigation measure would be implemented in conformance with mitigation measure <b>MM4.11-4</b>,</p>	<p><u>SULTS</u></p>



**Table ES-2 Summary of Environmental Effects and Mitigation Measures**

<i>Impact(s)</i>	<i>Level of Significance Prior to Mitigation</i>	<i>Transit Zoning Code Mitigation Measures</i>	<i>Level of Significance After Mitigation</i>
		<p>above.</p> <p><b>MM4.11-5</b> <i>Main Street at First Street</i>—Install a second northbound and southbound left-turn lanes and a dedicated northbound right-turn lane for 2030 and 2035 conditions.</p> <p><b>MM4.11-6</b> <i>Lacy Street at Santa Ana Boulevard</i>—Install a traffic signal and provide exclusive left-turn lane for both northbound and southbound directions for both 2030 and 2035 conditions.</p> <p><b>MM4.11-7</b> <i>Lacy Street at First Street</i>—Install a traffic signal for both 2030 and 2035 conditions, a traffic signal, and provide exclusive left-turn lane for both northbound and southbound directions for both 2030 and 2035 conditions.</p> <p><b>MM4.11-8</b> <i>Santiago Street at Washington Avenue</i>—Install a traffic signal and provide one exclusive left-turn lane for both eastbound and westbound traffic for 2035 conditions only.</p> <p><b>MM4.11-9</b> <i>Santiago Street at Civic Center Drive</i>—Install a traffic signal and provide: one exclusive left-turn lane, one through lane, and one shared through and right-turn lane on northbound and southbound approaches; and one exclusive left-turn lane and one shared through and right lane on eastbound and westbound approaches. The improvement is only needed for 2035 conditions.</p> <p><b>MM4.11-10</b> <i>Santiago Street at Santa Ana Drive</i>—Construct a second southbound left-turn lane for 2035 conditions. The improvement is only needed for 2035 conditions.</p> <p><b>MM4.11-11</b> <i>Santiago Street a Fourth Street</i>—Install a traffic signal. The lane configuration for the signal is recommended as 1 Left, 1 Through, 1 Through+ Right for all approaches.</p> <p><b>MM4.11-12</b> <i>Standard Street at First Street</i>—Construct third eastbound and westbound shared through-right lanes for 2035 conditions. The improvement is only needed for 2035 conditions.</p> <p><b>MM4.11-13</b> <i>Grand Avenue at Santa Ana Boulevard</i>—Construct a third southbound through lane and eastbound right-turn overlap signal phasing.</p> <p><b>MM4.11-14</b> <i>Grand Avenue at First Street</i>—Construct a third eastbound shared through/right-turn lane, a third westbound shared through/right-turn lane, and a third northbound through lane with dedicated northbound right-turn lane for 2035 conditions. The improvement is only needed for 2035 conditions.</p> <p><b>MM4.11-15</b> <i>Grand Avenue at I-5 Northbound Ramps</i>—Construct a second westbound right-turn lane and for the I-5 northbound off ramp under both 2030 and 2035 conditions.</p>	

...

Cumulative traffic impacts relating to increases in traffic as a result of the proposed project would occur; however, this impact would occur due to future conditions at the northbound off-ramp at the I-5 Santa Ana Boulevard interchange as described under Impact 4.11-9 on page 4.11-125 of the Draft EIR. Mitigation measure MM4.11-16 would reduce this impact to less than significant; however, because implementation of the potential improvement measures is not within the City's jurisdiction and, therefore, cannot be guaranteed, the long-term cumulative development pursuant to the Transit Zoning Code would have a considerable contribution to cumulative impacts. If the City of Santa Ana Department of Public Works is able to coordinate with Caltrans for the installation of a second ramp lane for the I-5 northbound off ramp, both the project specific and cumulative impacts would be less than significant.

Additionally, and in response to this comment, the following text change has been made to page 4.11-126 of the EIR:

As identified in Impact 4.11-89, because implementation of the proposed project would contribute to significant impacts at the study area intersections, and because implementation of the potential improvement measures cannot be guaranteed, the long-term cumulative development pursuant to the Transit Zoning Code would have a considerable contribution to cumulative impacts.

With respect to cumulative noise impacts, the proposed project's contribution to such impacts would not be cumulatively considerable, as described on page 4.8-41 of the Draft EIR:

[...] cumulative traffic would not result in substantial increases in noise along any roadway segments under either near-term (2030) or long-range (2035) conditions. Roadway noise under either scenarios with the project would not increase roadway noise levels above the 3.0 dBA CNEL significance threshold in areas where existing noise levels meet or exceed the 65 dBA CNEL standard for sensitive uses, or above the 5.0 dBA CNEL significance threshold in areas where existing noise levels are below the 65 dBA CNEL standard. Likewise, the contribution of the proposed project to this increase under both scenarios would not exceed 3.0 dBA or 5.0 dBA CNEL. As a result, the contribution of the proposed project to future roadway noise levels would not exceed the identified thresholds of significance and, therefore, would not be considered cumulatively considerable. ...

The Draft EIR was prepared by qualified professionals and cumulative traffic and noise impacts were accurately assessed in compliance with the City of Santa Ana guidelines. Also note that the presence of a significant and unavoidable impact does not preclude project approval under CEQA; however, a statement of overriding considerations would be required for project approval (CEQA Guidelines Section 15093(b)). Refer to Response to Comment LULAC-10 for details regarding the identified significant and unavoidable impacts and the statement of overriding considerations.

### **Response to Comment CU-14**

Refer to Response to Comment JD-11 regarding the City's purchase of property within the Transit Zoning Code (SD 84A and SD 84B) and the potential to rehabilitate such housing stock.

# **Transit Zoning Code Draft EIR Comments (13 Pages)**

**Submitted by:  
Jeff Dickman  
1218 N. French St.  
Santa Ana, CA 92701  
(714) 564-0260 Home  
(714) 240-0883 Cell**

CHAPTER 1, EEXECUTIVE SUMMARY - PROJECT OBJECTIVES

One of the project objectives of the Transit Zoning Code is to preserve and reinforce the historic character of the neighborhood.

1. Please list all the vintage and historic properties in the Historic Lacy Neighborhood, and the larger Transit Zoning Code area, that will be preserved (not demolished) as part of the rezoning and the proposed Related/Griffin residential development project.
2. Explain how the Transit Zoning Code DEIR, and any subsequent residential development project, will reinforce the historic character of the area if City does not preserve, in place, any of the existing vintage and historic houses and apartments it now owns or will own in the Transit Zoning Code or the Historic Lacy Neighborhood area.
3. Explain how the Transit Zoning Code DEIR will reinforce the historic character of the area if City Council fails to select project Alternative 4 or Alternative 5.
4. Urban Neighborhood Zones 1 and 2 do not mention the numerous vintage and historic properties located in the Transit Zoning Code area. As part of the Urban Neighborhood Zone 1 and 2 include a discussion of the many vintage and historic houses and apartments in the Transit Zoning Code and Historic Lacy Neighborhood area.
5. The DEIR is inadequate because it lacks a discussion of the importance of the architectural legacy of the vintage and historic cultural resources (houses and apartments) in the Transit Zoning Code and Historic Lacy Neighborhood. Please add a discussion of the importance of the architectural legacy of the vintage and historic structures in the Transit Zoning Code and Historic Lacy Neighborhood.
6. Discuss how the City and/or Griffin Realty and the Related Companies will identify, incorporate and offer long-term protections of these cultural resources (houses and apartments) as part of the Transit Code DEIR and the proposed residential development project.

JD-1

JD-2

JD-3

JD-4

JD-5

JD-6

PROJECT DESCRIPTION

The DEIR mentions that the City hired two companies to build a residential development project once the Transit Zoning Code DEIR is adopted. However project objectives in the DEIR do not discuss the impacts of numerous residential development projects already proposed for the Historic Lacy Neighborhood. As a result the DEIR is not adequate because it fails to disclose the scope and the impact resulting from the City and Griffin and Related Companies demolition of dozens of vintage and historic houses and apartments in the Historic Lacy Neighborhood.

JD-7

- 7. Please respond whether the DEIR adequately discusses the expected impacts that may result if the DEIR is approved. JD-8
  
- 8. Please revise the DEIR to include a better discussion of the proposed residential development project. JD-9
  
- 9. Explain the impact to vintage and historic structures in the Lacy Neighborhoods if the City Council approves the DEIR and the Griffin Company and the Related Companies residential project. JD-10
  
- The DEIR states the City will pursue the purchase of additional parcels of land containing vintage and historic structures for the purpose of razing these vintage buildings for new construction. The reference to this City/Agency purchase makes almost no mention that the City/Agency may instead rehabilitate in place these buildings except as briefly noted in Chapter 5, Alternatives #5. JD-11
  
- 10. Please revise the DEIR to include substantially more references to the recently added rehabilitation alternatives. JD-11
  
- 11. I request that wording be added to the Executive Summary to explain to the reader that the DEIR now includes important historic and vintage structure preservation alternatives and where that discussion occurs in the document. JD-12
  
- 12. As noted in the DEIR the City of Santa Ana awarded a contract for future construction to Griffin Realty and its partner the Related Companies in the Historic Lacy Neighborhood. The City also entered into a Pre-development Agreement with the aforementioned entities before the DEIR was circulated for public review. JD-13
  
- Please discuss City Council's actions in the DEIR.
  
- 12a. Do the City Council approvals (the award of a contract to Griffin Realty and the Related Companies) and the entering into a Predevelopment agreement violate CEQA or other State laws? JD-14
  
- It appears both City Council approvals negatively impacted the DEIR so that it serves the development needs of Griffin Realty and its partner the Related Companies while potentially causing the loss of numerous, perhaps hundreds, vintage and historic properties in the Lacy Neighborhood and surrounding areas..
  
- 13. Explain why the City Council acted to enter into a pre-development agreement with project developer (Griffin Realty and Related Companies) to build a residential housing before the public and the City Council was given an opportunity to consider the transit zoning code DEIR. JD-15

14. I request the City revise the DEIR to state that it will rescind its pre-development agreement with the Griffin Realty and Related Companies until a Final EIR is certified by City Council. JD-16

15. The Griffin and Related Companies have both stated their opposition to preserve any of the vintage and historic structures in the Transit Zoning Code area. A Griffin Realty representative stated in a meeting held with the Friends of the Historic Lacy Neighborhood that none of the vintage and historic structures in Lacy, in his opinion, had any historic value. JD-17

Explain how the City will insure Griffin Realty and the Related Companies will be made to properly rehabilitate the numerous vintage and historic buildings which they vigorously want demolished.

16. Who will pay to rehabilitate the vintage and historic structures? JD-18

16a. Please discuss funding options to rehabilitate the vintage and historic structures in the DEIR. JD-18

17. Will the City, or others, perform the rehabilitate of City/Agency owned buildings in the Lacy Neighborhood if Alternative #4 or #5 is selected? JD-19

18. Would the vintage and historic structures be rehabilitated to the period of time they were built in? If not, please explain in the DEIR. JD-19

19. The DEIR is confusing with its multiple goals and confusing title. Please provide a full explanation of the multiple goals of the DEIR in this section of the document and whether they are compatible or incompatible with each other. JD-20

20. Discuss how the stated goals of the DEIR will be achieved. JD-21

20a. Discuss the impact of rezoning on the vintage and historic structures. JD-21

21. The DEIR must include a robust discussion of the Fixed Guide-way since the rezoning is necessary to accommodate higher residential density needed to justify the proposed rail project. Amend the DEIR to include a substantial discussion of the Fixed Guide-way project. JD-22

22. The DEIR must include a discussion of the impacts and the mitigation measures resulting from the projected Fixed Guide-way project on the Lacy Neighborhood. JD-22

The DEIR attempts to shift the responsibility for the analysis of future residential project impacts on vintage and historic structures to the Fixed Guide-way project when the source of the impacts is the Transit Zoning Code DEIR.

23. Page 1-8 refers to the demolition of agency owned properties however the Executive Summary fails to mention that some or all of these properties are potentially significant and may qualify for the City's Register of Historic Properties or inclusion into a future Historic Property Conservation Zone Overlay.

JD-23

Include a list of all properties that are potentially significant and which may qualify for inclusion into the City's Register of Historic Properties or inclusion into a Historic Property Conservation Zone Overlay.

23a. Expand the discussion regarding the role and application of a Historic Property Conservation Zone Overlay for the Lacy Neighborhood.

JD-24

24. The Executive Summary refers to a project scope of over new 4,000 residential structures. It is assumed that the construction of these 4,000 new units will have a significant negative impact on the Cultural Resources of the larger Transit Zoning Code area. Please discuss the possible negative impact to the hundreds of vintage and historic structures located in the Transit Zoning Code area.

JD-25

25. The Transit Zoning Code DEIR may have the potential to negatively impact hundreds of vintage and historic houses and other structures. Please revise the DEIR to include a Master Plan for Preservation of Cultural Resources for the Transit Zoning Code Area. This Plan should:

JD-26

- \* Cover the entirety of the Transit Zoning Code area
- \* Set forth goals that avoid demolition of vintage and historic properties in the Transit Zoning Code area.
- \* Incorporates vintage and historic buildings from the Transit Zoning Code DEIR area, the Station District plan area and the Historic Lacy Neighborhood.
- \* Identify which properties are reasonably expected to be impacted by the project, discuss the type impacts for each vintage and historic structure and suggest mitigations for each vintage and historic structure.

26. Due to the large number of vintage and historic structures in the Historic Lacy Neighborhood the DEIR should propose the creation of the Historic Lacy Neighborhood. The proposed boundary for the Historic Lacy Neighborhood should include, at a minimum, the area between Civic Center Drive and the south side of Fifth Street and from Mortimer to Garfield.

JD-27

26a. In the DEIR discuss the benefits to creating a Lacy Historic Neighborhood.

CHAPTER 5 – PROJECT ALTERNATIVES

27. Section 1-10 of the DEIR refers to city owned parcels identified for new construction. However the text does not discuss the adverse impacts of this new construction to the vintage and historic structures in the DEIR.

I request that the DEIR discuss mitigation measures that preserve instead of demolish the vintage and historic houses in the Historic Lacy Neighborhood.

JD-28

28. The DEIR refers to “feasible impacts” however the document does explain what this means. The DEIR also does not explain nor discuss which impacts are not feasible impacts.

Explain what “feasible impacts” are.

JD-29

28a. Explain why these impacts are feasible.

I disagree with the DEIR that these impacts are feasible.

29. Explain and cite examples of impacts which are not feasible

30. Please explain why the demolition of almost all of the vintage and historic houses in the Historic Lacy Neighborhood is considered a feasible impact.

JD-30

31. The DEIR fails to discuss the requirements of CEQA as relate to acceptable alternatives to demolition of vintage and historic structures.

Discuss alternatives to the demolition of the vintage and historic properties in and around the Lacy Neighborhood.

JD-31

CHAPTER 4 - CULTURAL RESOURCES

32. The text refers to case by case analysis as a way to evaluate whether a vintage or historic property should be preserved. This brief note fails to adequately discuss this important subject in the DEIR.

The DEIR must be revised to provide the reader criteria about how vintage and historic structures will be evaluated.

JD-32

32a. The DEIR must also specifically discuss the potential impacts for every potentially significant vintage and historic structure so the public can understand the impact of the Transit Zoning Code DEIR on individual vintage and historic properties.

JD-33



- 33. I request that the DEIR discuss whether each of the vintage and historic properties in the Transit Zoning Code will be preserved and rehabilitated in place, demolished, or moved and rehabilitated.
- 34. Add a list in the DEIR which properties the City reasonably foresees to demolish as a result of the rezoning of the Lacy Neighborhood and surrounding areas.
- 35. The DEIR should discuss each vintage and historic structure in the Transit Zoning Code area and offer ways to preserve and re-use structures that may be impacted by the future rezoning and new development projects.

Comment: If the DEIR fails to produce any meaningful discussion of the impact of the rezoning of the Lacy Neighborhood the public will be unable to understand the impact of the rezoning on the areas cultural resources. By avoiding discussing the possible negative impacts from the adoption of the Final EIR the city/agency and private development companies are then free to purchase and demolish properties without preservation or mitigation. This is both wrong and illegal.

↑

JD-33  
cont'd.

CULTURAL MITIGATION MEASURES

- 36. In this section of the DEIR the text identifies only one mitigation measure for historic structures which is to photograph and describe the affected vintage and historic buildings. The DEIR is inadequate under CEQA.

Revise this chapter to include alternatives to demolition including in-place rehabilitation, reuse or relocation within the Lacy Neighborhood.

- 37. Revise the DEIR to include specific mitigation measures for in-place rehabilitation including but not limited to residential and business reuse and relocation of vintage and historic properties to vacant land within the Lacy Neighborhood.

- 38. Just north of the project area is the Historic French Park neighborhood. French Park enjoys substantial benefits from Special District Zoning and City-adopted Design Guidelines that protect almost every vintage and historic property in the entire neighborhood from demolition or alteration.

- 39. The DEIR must discuss how Special District Zoning and City-adopted Design Guidelines can protect the vintage and historic structures in the Historic Lacy neighborhood and throughout the larger Transit Zoning Code area.

- 40. Please discuss the benefits of creating Special District (preservation) Zoning overlay for the vintage and historic properties in the proposed development portion of the project area (the Historic Lacy Neighborhood) as a tool to insure historic preservation of these cultural resources.

JD-34

JD-35

CHAPTER 3, PROJECT DESCRIPTION

- 41. The first paragraph of this section claims “The proposed project would preserve and reinforce the historic character and pedestrian nature of the City”.

Given that the project does not propose, except as an alternative, to preserve any vintage or historic property please explain how this statement is true and what this sentence means.

JD-36

- 42. Statements in the DEIR that it will preserve and reinforce the historic character” are frankly misleading to the reader implying that the Transit Zoning Code will “preserve” vintage and historic structures. Please re-write this and similar statements to inform the public that the DEIR does not have a plan to preserve any of the vintage or historic structures in the Historic Lacy Neighborhood.

- 43. On page 3-13, the second to last paragraph states that the project will demolish and relocate 49 Agency-owned properties and possibly another 19 other properties. No where in this chapter does the DEIR mention that the properties to be demolished are vintage and historic homes.

Please revise this section to explain that these “structures” are mostly vintage Victorian, Craftsman and mid-20th century style homes and that some of these houses and apartments qualify for inclusion onto the City of Santa Ana’s Register of Historic Properties.

JD-37

- 44. Please include in this section of the DEIR an additional map showing each Agency-owned property and the age of each of these properties as well as its architectural style (in addition to Figure 3-5).. This is needed to help the public understand that the “structures” identified for demolition are, in fact, vintage houses that have the possibility to be included on the City’s Register of Historic Properties.

- 45. Please include in this section of the DEIR an additional map showing those properties the Agency proposes to acquire, with the age of each of house and its identified architectural style (in addition to Figure 3-6).. This additional map is needed to help the public understand the possible significance of the additional “structures’ identified for acquisition and demolition and that some of these are, in fact, vintage houses that likely can be added on the City’s Register of Historic Properties.

- 46. To create the proposed park site (#1) on Figure 3-7 the City will need to purchase and then demolition six additional vintage historic structures. This is unacceptable as these acquisitions will violate several existing policies cited in Chapter 4.

Please discuss in-place rehabilitation and/or reuse alternatives for these buildings including relocating the proposed park site to another location.

JD-38

- 47. In the DEIR study the following several suggestions to create a community park within the Historic Lacy Neighborhood
  - a. Close a portion of Sixth Street between Porter and Lacy. Relocate 3 of the vintage houses on the south side of Sixth Street to other vacant land on Fifth Street.
  - b. Build a single row of new housing along the south side of Santa Ana Blvd. Use the remainder of the land south of this single row of new housing to create another segment of the park.
  - c. Acquire 617 E. Sixth for park purposes. Salvage the wood components from this structure before demolition.
  - d. Preserve in place 701 and 713 E. Fifth Street

|  
|  
|  
|  
|  
|  
|  
|  
|  
|

**JD-39**

- 48. DEIR fails to discuss the importance of future City or developer acquisitions of vintage and historic properties including the historic houses at 702 and 706 E. Sixth Street, a 28-unit vintage California-court apartment and three World War II era (4-Plex) apartments (701 and 713 E. Sixth Street). These structures are all occupied and provide important housing to lower income residents while they contribute to the overall historic character of the Historic Lacy Neighborhood.

|  
|  
|  
|  
|  
|

**JD-40**

Discuss the importance of the above-mentioned properties in the DEIR.

CHAPTER 3, Page 3-20

- 49. Please revise the description of the Historic Lacy Neighborhood to include a discussion of the numerous vintage and historic properties (which date from the late 1890's) and to include their architectural style and the original owner names for each building.

|  
|  
|  
|

**JD-41**

- 50. The DEIR authors appear to deliberately ignore discussing the several historic property surveys contain in Appendix D. Please revise the text so that these important cultural surveys are fully incorporated into a discussion about the Historic Lacy Neighborhood and the surrounding area.

|  
|  
|  
|

**JD-42**

- 51. In the Urban Neighborhood 1 (UN-1) Zone section please discuss the vintage and historic properties in this area of the DEIR.

|  
|  
|

**JD-43**

- 52. Please discuss how vintage and historic properties strengthen and stabilize the low intensity nature of the Historic Lacy Neighborhood by accommodating housing types at lower densities.

|  
|  
|  
|

**JD-44**

APPENDEX D – CULTURAL RESOURCES

53. The DEIR fails to discuss the benefit of creating a Conservation Historic Lacy Neighborhood Overlay. I request the DEIR discuss the purpose of a conservation overlay and the benefits of creating a Historic Lacy Neighborhood Conservation Overlay.

JD-45

54. In a discussion of the benefits of a Historic Lacy Neighborhood Conservation Overlay please include properties from pages 24 -31 from Appendix D and Figures 3-5 and 3-6 into the Historic Lacy Neighborhood Conservation Overlay.

55. I request the DEIR recommend that the City work with the Historic Resources Commission, the Santa Ana Historical Preservation Society, Heritage Orange County and the public to develop criteria for the Historic Lacy Neighborhood Conservation Overlay using examples cited in the Appendix D.

JD-46

SECTION 4.4 – CULTURAL RESOURCES

This DEIR refers to the Santa Ana General Plan and specifically the Land Use Element of the City’s General Plan. The DEIR states the Land Use Element “serves as a long-term guide for land use and development in the City. This element indicates the type, location, and intensity of development and land uses permitted in the City. The primary objective of the element is to assist in the management of future growth, to improve the overall physical appearance, to minimize potential land use conflicts, and to facilitate growth and development.

JD-47

Under Goal 3 - The Preservation of Existing Neighborhoods, the DEIR lists 2 policies below:

**Policy 3.1** - Support development which provides a positive contribution to neighborhood character and identity.

56. Explain how the Transit Zoning Code DEIR and the proposed Related / Griffin residential project preserve the existing neighborhood and provide a positive contribution to neighborhood character and identity as stated in Policy 3.1.

Related and Griffins’ residential development project fails to propose any in-place preservation or rehabilitation of any of the vintage and historic structures in the Historic Lacy Neighborhood.

**Policy 3.5** - Encourage new development and/or additions to existing development that are compatible in scale, and consistent with the architectural style and character of the neighborhood

JD-48

57. Explain how the Transit Zoning Code DEIR and the proposed Related / Griffin residential project are compatible in scale, and consistent with the architectural style and character of the neighborhood.

Related and Griffins' residential development project fails to propose any in-place preservation of any of the vintage and historic structures in the Historic Lacy Neighborhood. The proposed drawings for the project have shown modern buildings not reflective of any of the architectural styles which dominate the Historic Lacy Neighborhood.

↑  
JD-48  
cont'd.

**Goal 4** - The protection of unique community assets and open space that enhance the quality of life

**Policy 4.1.** Maintain areas of the City with unique characteristics which contribute positively to the area in which they are located, such as the Artists Village and historic French Park.

JD-49

58. The DEIR fails to discuss the unique characteristics the Historic Lacy Neighborhood and contribute to the Transit Zoning Code area. In the DEIR discuss the unique characteristics the Historic Lacy Neighborhood contribute to Transit Zoning Code area.

**Policy 4.2** Encourage the retention and reuse of historical buildings and sites.

The Urban Design Element of the City's General Plan establishes a long-range vision

59. The DEIR fails to offer any meaningful alternatives that retain and reuse the historical buildings and sites in the Historic Lacy Neighborhood.

The DEIR must discuss ways to retain and reuse the historical buildings and sites in the Historic Lacy Neighborhood.

JD-50

60. The City of Santa Ana avoided assessing whether the vintage and historic houses in the Historic Lacy Neighborhood would qualify for inclusion onto the City's Register of Historic Properties. As a result of the City's lack of action only one house from the Historic Lacy Neighborhood is listed on the City's Register of Historic Properties. By not listing houses and other vintage structures from within the Historic Lacy Neighborhood the City has been able to demolish the houses due to the lack of established significance.

The DEIR must address the reasons for the City effort to avoid assessing the many vintage and historic houses in the Historic Lacy Neighborhood for inclusion onto the City's Register of Historic Properties. The reason for this discussion is to allow the public to understand the City's systematic effort to degrade and then demolish vintage and historic cultural resources in the Lacy Neighborhood.

JD-51

The text on page 4.4-14 reads “The Urban Design Element of the City’s General Plan ...addresses outdoor space and building form, and establishes programs and measures to improve the physical setting in which community life takes place. The following goals and policies are applicable to cultural resources.

JD-52

**Policy 2.3** - Preservation involving the adaptive reuse of historic and architecturally significant structures, is encouraged Citywide.

61. The DEIR and ignores this policy. Please amend the DEIR so it includes preservation of vintage and historic structures in all of the proposed alternatives except the no-build alternative.

Currently the Griffin Realty / Related Companies residential development project excludes any in-place rehabilitation and reuse of vintage and historic structures in the Lacy Neighborhood.

**Policy 2.4** New projects must respect the architectural style, scale, context, and rhythm of Santa Ana’s historic buildings and districts.

JD-53

62. Concept drawings of the proposed residential development shared with the public do not respect the architectural style, scale, context, and rhythm of Santa Ana’s historic buildings and districts. In the DEIR state that merchant builders, with projects in the Lacy Neighborhood and surrounding area, must design their projects to reflect architectural style, scale, context and rhythm of that neighborhood.

**Policy 2.5** The use of artistic interpretation will be encouraged as a means to preserve the City’s heritage and enhance its regional presence downtown historic district.

JD-54

63. The DEIR lacks a similar policy for the Historic Lacy Neighborhood. Amend the DEIR to include a policy that “preserves the City’s heritage and enhances its presence in the Historic Lacy Neighborhood”

**Policy 2.8** The character and uniqueness of existing districts and neighborhoods are to be protected from intrusive development.

JD-55

64. The Griffin and Related Companies project, as mentioned in the DEIR, violate this policy. Amend the DEIR so zoning, development goals and policies and the overall intent of the DEIR so that all vintage and historic properties within the Transit Zoning Code DEIR are “protected from intrusive development” such as the several development projects proposed by the Griffin and Related Companies.

**Goal 6** Create new and protect existing City landmarks and memorable places that convey positive images.

65. The Transit Zoning Code DEIR violates Goal 6. The DEIR fails to protect existing city landmarks, like the Historic Lacy Neighborhood. Amend the DEIR so it complies with this policy.

JD-56

**Policy 6.2** Development near an existing landmark must be supportive and respectful of the architecture, site, and other design features of the landmark

66. The DEIR fails to recognize the 110 year-old Historic Lacy Neighborhood as a landmark. The DEIR is not “supportive and respectful of the architecture, site and other features of the landmark.”

Amend the DEIR to include preservation policies that protect, preserve, rehabilitate and incorporate the many vintage and historic properties identified within the boundary of the DEIR.

JD-57

## ■ Response to Letter JD: Jeff Dickman

### ***Response to Comment JD-1***

Comments JD-1 through JD-6 address issues that the commenter believes should be addressed in the Executive Summary. Note that the purpose of the Executive Summary, as identified in CEQA Guidelines §15123, is to “contain a brief summary of the proposed actions and its consequences.”

Comment JD-1 states that one of the project objectives of the Transit Zoning Code is to preserve and reinforce the historic character of the neighborhood and requests a list of all “vintage and historic properties in the Historic Lacy Neighborhood” and the larger Transit Zoning Code area that would be preserved as part of the proposed project. Refer to Section 10.2 (Master Response: Project Clarification) for clarification regarding the project objectives. Refer to Section 4.4, Impact 4.4-3 and Table 4.4-2, for a complete discussion and listing of properties proposed for demolition. Refer also to Chapter 9 (Changes to the Draft EIR) of the Final EIR for revisions to Table 4.4-2. Note that Draft EIR Figure 4.4-1 (Santa Ana Register of Historical Properties within the Transit Zoning Code Area) shows all designated historical resources within the boundaries of the project area. Within the Lacy neighborhood, there are a limited number of designated historical resources, only one of which would be demolished under the proposed Developer Project (501 E. Fifth Street) (refer to Recirculated EIR, Figure 5-1). An additional property eligible for listing on the California Register of Historic Resources (CRHR) (615 E. Fifth Street) would also be demolished under the proposed project. Further, whereas there are a number of designated Historic Districts within the City, the Lacy neighborhood has not been designated as historic. The Recirculated Draft EIR (Chapter 5) analyzed three alternatives related to the preservation of historic resources. Specifically, Alternative 4 would eliminate the demolition of all structures currently existing on the Agency-owned properties and/or identified for acquisition, and would instead require that those properties be retained and rehabilitated in their current locations. Alternative 5 would reduce the demolition of properties owned by the Redevelopment Agency and/or identified for acquisition, and would instead require that those properties be rehabilitated, either in-place or off-site, with the exception of the property at 611 N. Minter Street, which would be demolished. Alternative 6 would retain and rehabilitate the bungalow court located at 611 N. Minter Street; however, the remainder of the structures located on the Agency-owned parcels would be demolished. Refer to Chapter 5 for additional details about these Alternatives.

### ***Response to Comment JD-2***

The comment questions how the Proposed Project would meet the objective of reinforcing the historic character of the City. As explained on page 4.4-17 of the Draft EIR:

The design and development standards contained within the Transit Zoning Code (SD 84A and SD 84B) contain detailed requirements in regards to building types, frontage types, massing, height, architecture, accessibility, parking, street presence and landscaping. These standards are specifically designed to ensure that new development within established neighborhoods, as well as existing commercial areas, is sensitive to the existing built form of that area. In particular, the historic character of the existing area was used as a model upon which to base the selection of architectural styles allowed within the Transit Zoning Code (SD 84A and SD 84B). Please refer to Section 4.3 of the Transit Zoning Code – Architectural Style Standards. While the standards contain sufficient specificity to control for quality and compatibility of design, they also allow for, and encourage, the creative use of architecture to ensure that each zone within the plan continues to be unique.



Refer to Section 10.2 (Master Response: Project Clarification) for clarification regarding the project objectives. Also note that the project objectives, in compliance with CEQA Guidelines §15124(b), provide a statement of objectives sought by the proposed project that were designed to help the City develop a reasonable range of alternatives to evaluate in the EIR and aid decision makers in making a final decision on the Proposed Project.

As discussed above in JD-1, Alternatives 4, 5, and 6 would reduce the number of demolitions to varying degrees and increase the amount of property rehabilitations as compared to the proposed project. Refer to Recirculated EIR Chapter 5 (Alternatives) for a complete description of Alternatives 4, 5, and 6.

The Developer Proposal will adhere to the requirements of the Transit Zoning Code, which will ensure context-sensitive design. In addition, the proposed project maintains the existing fine-grained street grid and block configuration, which contributes to pedestrian accessibility. The architecture will conform to the design standards of the Transit Zoning Code, which takes its cue from the existing historic context.

### ***Response to Comment JD-3***

Refer to Responses JD-1 and JD-2, above.

### ***Response to Comment JD-4***

The discussion of Urban Neighborhood Zones 1 and 2 in the Executive Summary is intended to summarize the land use objectives of these zones, not to describe all parcels within their bounds. Refer to Response to Comment JD-1, above, and EIR Section 4.4 (Cultural Resources) for a discussion of historic properties within the Transit Zoning Code area.

### ***Response to Comment JD-5***

The character of the Lacy Neighborhood is discussed in the Draft EIR Project Description (Chapter 3) and Section 4.4 (Cultural Resources). The Lacy Neighborhood is characterized by a variety of relatively intense, post WW-II multi-family development. (Draft EIR, section 3.3.1.) It was the subject of a survey and historic research project in 2006, the results of which are described in Draft EIR Section 4.4.1. While the neighborhood contains structures that contribute to the character of the Lacy Neighborhood, the Lacy Neighborhood is not recognized as a historic district as defined by the City of Santa Ana Municipal Code. Refer to Draft EIR Section 4.4.2, Section 4.4.3, and Table 4.4-2.

### ***Response to Comment JD-6***

Draft EIR Section 4.4, pages 4.4-18 through 4.4-26 describes the mitigation measures that would be required to reduce impacts to historical resources. In particular, mitigation measure MM4.4-3 would require a qualified professional to conduct site specific historical resource investigations for future developments within the project area that would demolish or otherwise physically affect buildings or structures 50 years old or older or affect their historic setting. Additionally, the EIR considered Alternatives 4, 5, and 6, which would reduce the number of demolitions to varying degrees and increase the amount of property rehabilitations as compared to the proposed project.

### ***Response to Comment JD-7***

Comments JD-7 through JD-27 appear in the comment letter under the heading “Project Description.” Note that the Project Description includes all items required by CEQA Guidelines §15124 and that many of the issues raised in comments JD-7 through JD-27 are not related to the Project Description, nor are they typically found there. For example, the Draft EIR discusses the environmental impacts of the proposed project in Chapter 4 (Environmental Setting, Impacts, and Mitigation Measures), not in the Project Description. Similarly, the discussion of project objectives provide a statement of objectives sought by the proposed project, but it is not the appropriate place to discuss the impacts of residential development projects proposed for the Lacy Neighborhood as suggested by Comment JD-7. Section 3.8 of the Project Description provides a list of related development projects in Table 3-3, and the EIR analyzes these projects in the context of potential cumulative impacts in compliance with CEQA Guidelines §15130. The EIR adequately identified significant and unavoidable impacts related to historic resources and set forth feasible mitigation designed to reduce those impacts, including impacts resulting from the proposed demolition of structures in the Lacy Neighborhood. No further action required.

### ***Response to Comment JD-8***

The EIR examined and analyzed the potential impacts of the Proposed Project on all relevant environmental issue areas throughout Chapter 4 (Sections 4.1 through 4.13) in compliance with CEQA and the CEQA Guidelines.

### ***Response to Comment JD-9***

The Project Description in the Draft EIR was based on the best available information and included details germane to analysis of specific environmental impacts including, project land uses, square footage, trip generation rates, site conditions, etc. The proposed Developer Project is described on page 3-13 of the Project Description. Refer to Section 10.2 (Master Response: Project Clarification) for further discussion of the redevelopment of Agency-Owned Parcels.

### ***Response to Comment JD-10***

The discussion under Impact 4.4-3 (pages 4.4-22 through 26) describes potential impacts on historical resources as defined in Public Resources Code Section 21084.1 and State CEQA Guidelines, Section 15064.5 throughout the planning area if the City Council approves the project and it is implemented. The term “vintage” is not used in CEQA analysis or by the City of Santa Ana to describe historical resources and is not addressed further. No further action required.

### ***Response to Comment JD-11***

The commenter says that “the Draft EIR states that the City will pursue the purchase of additional parcels of land containing vintage and historic structures for the purpose of razing these vintage buildings for new construction.” Whereas the proposed project would result in demolition of a number of existing structures, only one of these has been designated as a historic resource and one is eligible for listing the CRHR, as identified in the Draft EIR. Additionally, the EIR analyzed Alternatives to the proposed project that include rehabilitation and other alternatives to the demolition of Agency parcels, as

discussed in Recirculated EIR Chapter 5. The feasibility of these Alternatives will be considered by the decision makers prior to a final decision on the proposed project.

The commenter requests that the Draft EIR be revised to include more references to the analysis of Alternatives. Such a revision is not required under CEQA (CEQA Guidelines Section 15120(a), 15126.6).

### **Response to Comment JD-12**

Chapter 9 (Changes to the Draft EIR) of the Final EIR will list the text changes to be applied to Section 1.7 of the Executive Summary, as well as page 3-32 of the Project Description of the Draft EIR. These changes are shown below as an excerpt from the Draft EIR text, with a ~~line through~~ deleted text and a double underline beneath inserted text as follows:

In accordance with Section 15126.6 of the CEQA Guidelines, alternatives to the Transit Zoning Code, as proposed, are analyzed. Detailed information is provided in Section 5.0 of this EIR. A total of ~~three~~ six alternatives were identified and would feasibly attain the most basic project objectives while avoiding or substantially lessening some of the significant effects of the project were analyzed. An environmentally superior alternative is also identified. These alternatives include the following:

- No Project/Development According to General Plan Alternative
- Higher Commercial Component Alternative
- Reduced (Low-Rise) Project
- No Demolition of Agency Properties/Rehabilitate in Place
- No Demolition of Agency Properties/ Relocate to Agency-Owned Infill Sites/ Rehabilitate in Place
- Rehabilitate 611 N. Minter Street in Place

As stated above, all of the project alternatives, including Alternatives 4, 5, and 6 are analyzed in Chapter 5 of the Recirculated EIR.

### **Response to Comment JD-13**

The comment refers to a “contract for future construction” in the Lacy Neighborhood between the City and the Developer. No such contract exists at this time. The commenter may be referring to the Predevelopment Agreement entered into on December 7, 2009, between the City’s Redevelopment Agency and the Developer. Under that agreement, the Agency has agreed to only negotiate with the Developer regarding the disposition or development of Agency-owned parcels for a period of two years from the date of the agreement, but it has not committed to any specific future development or construction on the Agency-owned parcels. The development concept proposed by the Developer is the proposal evaluated in this EIR. Prior to entering into any final agreement with the Developer, the City and the Agency will comply with all requirements under CEQA and all other applicable laws.

The Agency and the City have also entered into a Predevelopment Agreement with the Developer to assist the Agency in strategic planning with respect to the Station District, identified in Figure 3-4 of the Draft EIR. As explained in Section 10.2 (Master Response: Project Clarification), there are currently no plans for further development in the Station District and no meaningful detail available regarding the potential future plan for the Station District. However, any development proposal that might occur within the Station District would have to comply with the proposed Transit Zoning Code, if adopted.

Therefore, this EIR has analyzed potential future development within the Station District at the programmatic level to the extent possible. Any proposed future development would be required to comply with CEQA and all other applicable laws.

The comment will be forwarded to decision makers. No further action required.

***Response to Comment JD-14***

Neither of the Predevelopment Agreements discussed above violate CEQA. Predevelopment Agreements are common business practice between developers and agencies with land use authority and do not violate state laws. CEQA does not preclude the use of legal business methods in the state of California. Moreover, the Predevelopment Agreements do not commit the Agency or the City to any particular course of action, nor do they preclude the development of reasonable project alternatives, including the “no project” alternative. As explained above, one of the agreements is merely a commitment to negotiate exclusively with the Developer regarding the disposition or development of Agency-owned parcels, and the other is an agreement to assist the Agency in strategic planning. Any proposed future development would be required to comply with CEQA and all other applicable laws.

In response to the comment that the Draft EIR serves the development needs of the Developer to the detriment of the Lacy Neighborhood, note that the purpose of the EIR is to evaluate and disclose the impacts of the proposed project, and that it reflects the City’s independent judgment and analysis. An EIR is adequate under CEQA if it contains a “sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences” (CEQA Guidelines §15151). In this case, the evaluation of historic resources as identified by CEQA §15064.5 was conducted under Impact Statement 4.4-3 to determine if a significant impact would occur. If the Lead Agency (i.e., the City) approves a project that will result in significant effects that are not avoided or substantially lessened, the City would prepare written findings and a statement of overriding considerations in accordance with CEQA (Id; CEQA Guidelines §§15091, 15092). This analysis complied with CEQA, and no further action required.

***Response to Comment JD-15***

Refer to Responses JD-13 and JD-14. As explained therein, the City has not committed to permit construction of any project. The Developer Project is analyzed in the Draft EIR for consideration at the same time as the Transit Zoning Code. No further action required.

***Response to Comment JD-16***

Refer to Responses JD-13 and JD-14. The Predevelopment Agreements comply with CEQA, and no further action is required.

***Response to Comment JD-17***

As explained above in Response to Comment JD-1, the Lacy Neighborhood has not been designated as a historic district, and there is only one designated historic property and one property eligible for listing on the CRHR as defined by CEQA. The City does not have knowledge of or responsibility for any statements that may or may not have been made by the Developer. The EIR reflects the City’s

independent judgment and analysis. Refer to Impact 4.4-3 starting on page 4.4-22 of the EIR where the analysis of cultural and historical resources is discussed in detail. Refer also to Chapter 9 (Changes to the Draft EIR) of the Final EIR. Mitigation measure MM4.4-3 sets forth measures to reduce impacts to historical resources. Additionally, the Recirculated Draft EIR (Chapter 5) analyzed three alternatives related to the preservation of historic resources. Refer to Chapter 5 for additional details about these Alternatives. The comment will be forwarded to the decision makers for consideration prior to a final decision on the proposed project.

### ***Response to Comment JD-18***

The comment requests information about how the rehabilitation options would be funded. CEQA does not require an EIR to address funding of proposed projects or mitigation measures (PRC §§21100, 2060.5; CEQA Guidelines §§15064, 15131). However, the City will consider economic, social and housing factors together with technological and environmental factors in deciding whether changes to the proposed project are feasible to reduce or avoid the significant effects on the environment identified in the EIR, in compliance with CEQA Guidelines §15131(c). Also refer to the economic analysis of Alternatives 4, 5, and 6 in Appendix J to the Draft EIR. No further action required.

### ***Response to Comment JD-19***

The comment asks if structures to be rehabilitated will be done so as to conform to the period of time in which they were built. Santa Ana Municipal Code (SAMC) Section 30-6 requires the historic resources commission to approve requests for exterior physical modifications to historic structures. Before such approval, the commission must find that the proposed modification does not “substantially change the character and integrity of the historic property” (SAMC, Sec. 30-6). Any external rehabilitation or modification of historic structures would be done in accordance with these requirements. No further action required.

### ***Response to Comment JD-20***

For clarification, Section 2.2 Purpose of the EIR explains the reasons that the City has prepared the EIR. It states as follows:

The City of Santa Ana has prepared this EIR for the following purposes:

- To satisfy the requirements of CEQA
- To inform the general public, the local community, and responsible and interested public agencies, of the scope of the Transit Zoning Code, its potential environmental effects, possible measures to mitigate those effects, and alternatives to the Transit Zoning Code
- To serve as the required CEQA document for the proposed developer’s project
- To enable the City to consider environmental consequences when deciding whether to adopt the Transit Zoning Code
- To provide a basis for the preparation of subsequent environmental documentation for future development within the Transit Zoning Code area
- To serve as a source document for responsible agencies to issue permits and approvals, as required, for specific development that occurs during the City’s planning horizon

This EIR has been prepared in accordance with CEQA, the CEQA Guidelines, and City procedures for implementing CEQA. The determination that the City is the “lead agency” is made

in accordance with Sections 15051 and 15367 of the CEQA Guidelines, which define the lead agency as the public agency that has the principal responsibility for carrying out or approving a project.

As explained in Section 10.2 (Master Response: Project Clarification), Recirculated Chapter 5 (Alternatives) clarified the objectives of the proposed Transit Zoning Code and the Developer Project, originally set forth in Chapter 3 (Project Description). As explained above in Response to Comment JD-2, project objectives, in compliance with CEQA Guidelines §15124(b), provide a statement of objectives sought by the proposed project and were designed to help the City develop a reasonable range of alternatives to evaluate in the EIR and aid decision makers in making a final decision on the Proposed Project. No further action required.

### ***Response to Comment JD-21***

The impact of the proposed Transit Zoning Code and the proposed Developer Project on historical resources is addressed in Section 4.4 of the Draft EIR starting on page 4.4-1. Refer also to Final EIR Chapter 9 (Changes to the Draft EIR). Cultural resources are defined in the EIR as “buildings, sites, districts, structures, or objects having historical, architectural, archaeological, or cultural importance.” The Draft EIR concludes that the Transit Zoning Code would have a significant and unavoidable impact on historic resources. No further action required.

### ***Response to Comment JD-22***

As stated in the Draft EIR, the Santa Ana Fixed Guideway Corridor Study is in the beginning stages of development and is not currently proposed for approval (Draft EIR Section 1.4). However, as explained in Section 10.2 (Master Response: Project Clarification), the EIR provides a programmatic analysis of the environmental impacts that would occur with implementation of the Transit Zoning Code, including potential future development of transit programs such as the proposed Santa Ana Fixed Guideway Corridor System. At this time final project alignments have not been determined and are in the preliminary conceptual stages of planning. To the extent any details are available, they are described in Section 4.11 (Transportation/Traffic) of the Draft EIR on page 4.11-7. The specific details of the proposed Fixed Guideway Corridor System and its potential alignments will be analyzed in a separate EIR/EIS as part of the Santa Ana Fixed Guideway Corridor Study. There is not currently enough information about the Fixed Guideway Corridor available for a meaningful analysis under CEQA. However, any future Fixed Guideway Corridor System would be developed in a manner consistent with the Transit Zoning Code, if approved. Therefore, its development has been analyzed at the programmatic level to the extent possible in this EIR and, for clarification, it has been added to the list of related projects in Table 3-3 of the EIR. The impact of the Transit Zoning Code on historical resources was analyzed in Draft EIR Section 4.4, and cumulative impacts were specifically addressed in Section 4.4.4. No further action required.

### ***Response to Comment JD-23***

Section 4.4 of the Draft EIR addresses all properties in the project area that are listed or eligible for listing as historical resources. Refer to Impact 4.4-3 starting on page 4.4-22 of the Draft EIR where this is discussed in detail. Table 4.4-1 lists all properties listed on the Santa Ana Register of Historic Properties (SARHP) that could be impacted by the proposed Transit Zoning Code. Figure 4.4-1 shows all of these

on a map of the Transit Zoning Code area and the surrounding areas. Table 4.4-2 lists the properties proposed for demolition under the Developer Project. Refer also to Final EIR Chapter 9 (Changes to the Draft EIR), for text revisions and to Appendix D to the Draft EIR for the complete text of four separate studies related to cultural and historic resources in the project area. No further action required.

### ***Response to Comment JD-24***

The Draft EIR does not contain a discussion of a Historic Property Conservation Zone Overlay since one is not proposed as a part of the project. Refer to Response to Comment JD-27, below, for additional detail. No further action required.

### ***Response to Comment JD-25***

Response to Comment JD-23, above, provides information responsive to this comment. No further action required.

### ***Response to Comment JD-26***

The impact of the proposed Transit Zoning Code on historic resources is evaluated in the EIR, as described in Response to Comment JD-23, above. The analysis identified mitigation measure MM4.4-3 to reduce impacts on such resources throughout the Transit Zoning Code area. This measure would require a qualified professional to conduct site specific historical resource investigations for future developments within the project area that would demolish or otherwise physically affect buildings or structures 50 years old or older or affect their historic setting. However, the EIR determined that even with this mitigation, the impact would be significant and unavoidable. The EIR also evaluated Alternatives 4, 5, and 6, which would reduce the number of demolitions to varying degrees and increase the amount of property rehabilitations as compared to the proposed Developer Project. As explained below in Response to Comment JD-27, the Draft EIR must evaluate the project as proposed, and does not modify it except to identify feasible mitigation measures that would reduce its significant impacts. The creation of a Master Plan for Preservation of Cultural Resources is not within the scope of this EIR, and there is no evidence that such a plan is necessary to reduce the significant impacts of the proposed project. However, the comment's recommendations regarding identification of all properties that could be impacted within the Transit Zoning Code area and identification of mitigation measures has been done in the EIR. Refer to Response to Comment JD-23 for additional explanation. This comment will be forwarded to decision makers. No further action required.

### ***Response to Comment JD-27***

Consistent with CEQA, the Draft EIR evaluates the project as proposed. It does not modify the project except to identify feasible mitigation measures that would reduce the significant impacts of the project as proposed. The proposed project does not include creation of a historic district in the Lacy Neighborhood, and there is no evidence that creation of such a district would reduce the significant impacts of the proposed project. Moreover, creation of a historic district within the City is a separate process requiring adoption of a local preservation ordinance and one that cannot be accomplished through the CEQA process. Therefore, it need not be proposed or analyzed in the EIR (CEQA

Guidelines, §15126.4(a)(5)). Refer to Response to Comment JD-1 for a discussion of historic properties within the Lacy Neighborhood. No further action required.

***Response to Comment JD-28***

The comment refers to “Section 1-10 of the DEIR.” The commenter may be referring to page 1-10, because the Draft EIR does not include a Section 1-10. However, page 1-10 does not discuss city owned parcels identified for new construction. Impacts to cultural resources are analyzed in Draft EIR Section 4.4. Refer to Response to Comment JD-23 for a complete listing of where and how the EIR discussed adverse impacts of the proposed project on historic resources. Regarding the comment’s request for mitigation measures that preserve historic structures, refer to Draft EIR Section 4.4 and Recirculated EIR Chapter 5. Project mitigation Measure MM4.4-3 is designed to reduce impacts to historic structures. In addition, Alternatives 4, 5, and 6 are designed to minimize demolition and maximize preservation of historic structures.

***Response to Comment JD-29***

The commenter states that the Draft EIR refers to “feasible impacts.” However, that term is not used in the Draft EIR, and there is no such term used in CEQA practice. It is assumed that the commenter was referring to “feasible mitigation measures.” A mitigation measure is considered feasible according to Guidelines §15364 if it is able to be accomplished in a successful manner, within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Mitigation measures which are not feasible need not be discussed (CEQA Guidelines, §15126.4(a)). No further action required.

***Response to Comment JD-30***

Because it is not clear what the comment means by “feasible impact,” as explained in Response to Comment JD-29, it is not possible to fully address this comment. Note that the potential demolition of structures contained within the proposed Transit Zoning Code and Developer Project areas is considered a significant and unavoidable impact (Draft EIR Section 4.4).

***Response to Comment JD-31***

The Draft EIR explains the CEQA requirements regarding project alternatives and sets forth six Alternatives in Recirculated Chapter 5. Three of those six Alternatives were directly aimed at reducing impacts to historic properties within the planning area. Refer to Chapter 5 for a complete discussion of all of the Alternatives and Table 5-3, which is a summary of the impacts of each Alternative as compared to the proposed project. No further action required.

***Response to Comment JD-32***

Information regarding the evaluation of historical resources is provided in Draft EIR Section 4.4. In particular, refer to mitigation measure MM4.4-3 which describes the evaluation of historic structures by a cultural resource professional. No further action required.



---

**Response to Comment JD-33**

The analysis of Impact 4.4-3 in Section 4.4 sets forth a complete discussion regarding historic structures. The EIR analyzed the Developer Project by specific parcel. Each parcel that could be demolished as part of the Developer Project is listed and discussed in Table 4.4-2 [Properties Proposed for Demolition Activities]. Refer also to Final EIR Chapter 9 (Changes to the Draft EIR) for text revisions and to Appendix D to the Draft EIR for the complete text of four separate studies related to cultural and historic resources in the project area. For the rest of the planning area, the exact nature of future development is largely undetermined and specific information on the impacts of future development projects on historic structures is unavailable. Therefore, project-specific CEQA analysis of those potential future projects is not possible at this time. However, CEQA compliance would be required for future development projects within the Transit Zoning Code area. Additionally, mitigation measure MM4.4-3 would be required for all future development projects within the project area that would demolish or otherwise physically affect buildings or structures 50 years old or older. The impact of the Transit Zoning Code on historic resources was found to be significant and unavoidable because, even though projects would be required to conduct a historic survey and implement methods identified in the survey to reduce or eliminate impacts, the City has no ordinance or regulation that prohibits the demolition of a historic structure. No further action required. Finally, Alternatives 4, 5, and 6 are designed to minimize demolition and maximize preservation of historic structures. Refer to Draft EIR Chapter 5 for a description of these alternatives.

**Response to Comment JD-34**

Under CEQA, the analysis of an environmental impact is adequate if it describes the adverse impact that the proposed project would have on a particular resource area and whether the impact would be significant as measured by the thresholds set forth in the analysis, identifies all feasible mitigation to reduce that impact, and makes a final conclusion on the significance of the impact after mitigation. The Draft EIR's analysis of impacts to cultural resources fulfills these requirements. Draft EIR Section 4.4 analyzed impacts to historical resources, as defined in Section 15064.5 of the CEQA Guidelines. That analysis proposed mitigation measure MM4.4-3, which would require a qualified professional to conduct site specific historical resource investigations for future developments within the project area that would demolish or otherwise physically affect buildings or structures 50 years old or older or affect their historic setting. However, as disclosed in the Draft EIR, the proposed project's impact to historical resources would remain significant and unavoidable.

Alternatives to demolition of properties within the Lacy Neighborhood are evaluated in Recirculated Draft EIR (Chapter 5). Specifically, Alternative 4 would eliminate the demolition of the structures currently existing on the Agency-owned properties and/or identified for acquisition, and would instead require that those properties be retained and rehabilitated in their current locations. Alternative 5 would reduce the demolition of properties owned by the Redevelopment Agency and/or identified for acquisition, and would instead require that those properties be rehabilitated, either in-place or off-site, with the exception of the property at 611 N. Minter Street, which would be demolished. Alternative 6 would retain and rehabilitate the bungalow court located at 611 N. Minter Street; however, the remainder of the structures located on the Agency-owned parcels would be demolished. Refer to Chapter 5 for

additional details about these Alternatives. All comments will be forwarded to decision-makers for their consideration prior to a final decision on the proposed project.

The comment also requests specific mitigation measures for in-place rehabilitation within the Lacy Neighborhood. As discussed above, the EIR identified alternatives to demolition of properties within the Lacy Neighborhood in Recirculated Draft EIR (Chapter 5).

### ***Response to Comment JD-35***

This comment is noted. Refer to Response to Comment JD-27 for information responsive to this comment. Also refer to Response to Comment JD-1 for a discussion of historic properties within the Lacy Neighborhood. This comment will be forwarded to the decision-makers for consideration prior to a decision on the proposed project.

### ***Response to Comment JD-36***

Refer to Section 10.2 (Master Response: Project Clarification) for a discussion of the project and project objectives. The Developer Proposal will adhere to the requirements of the Transit Zoning Code, which will ensure context-sensitive design. In addition, the proposed project maintains the existing fine-grained street grid and block configuration, which contributes to pedestrian accessibility. The architecture will conform to the design standards of the Transit Zoning Code, which takes its cue from the existing historic context.

### ***Response to Comment JD-37***

Refer to Section 10.2 (Master Response: Project Clarification), Draft EIR Section 4.4, and Response to Comment JD-1, above, for a thorough discussion of historical resources that would be affected by the proposed project. Refer to Appendix D to the Draft EIR for the complete text of four separate studies related to cultural and historic resources in the project area, as well as Response to Comment JD-23, above.

### ***Response to Comment JD-38***

The commenter has stated that the demolition of the structures located at the future park site would violate several existing policies. However, the commenter does not indicate which policies and how they are violated. Refer to Draft EIR Section 4.7 (Land Use) for an analysis of the proposed project's consistency with all applicable plans and policies. Further, none of the properties slated for demolition in the block identified in Figure 3-7 [Development Proposal] as the potential future park site are included in the Santa Ana Register of Historical Properties (SARHP). As detailed in Table 4.4-2 two of the properties identified for demolition due to implementation of the future park site on property currently owned by the Agency were surveyed to determine if they would be potentially eligible for inclusion on the SARHP. As described in Table 4.4-2, one of the properties, 714 E. Sixth Street, has been formally recognized as ineligible for inclusion on the SARHP. 720 E. Sixth Street was identified as potentially eligible for inclusion on the SARHP. The EIR also assumed that the potential acquisition of additional properties may lead to demolition and/or relocation of existing historic-age structures in the analysis if Impact 4.4-3. Under mitigation measure MM4.4-3, a formal evaluation of potentially historic resources

would occur. However, the EIR acknowledged that the impact would remain significant and unavoidable. Under Alternative 4, 5 and 6, these properties would likely not be demolished.

The comment requests analysis of in-place rehabilitation and/or reuse alternatives for the structures on the potential future park site, including relocating the park to another location. The EIR analyzed a reasonable range of alternatives to the proposed project, including alternatives that would reduce impacts to historic resources (refer to Recirculated EIR Chapter 5). Specifically, Alternative 4 would eliminate the demolition of existing structures on Agency-owned properties and would eliminate any of the new potential acquisitions identified in Figure 5-2. Therefore, the alternative suggested in the comment is within the range of alternatives already analyzed in Chapter 5. In addition, CEQA does not require alternatives to individual project components (*Big Rock Mesas Property Owners Association v. Board of Supervisors* (1977) 73 Cal.App.3d 218). Therefore, the EIR is not required to analyze the commenter's suggested alternative to proposed park sites. The comment will be forwarded to the decision makers for consideration prior to a final decision on the proposed project.

### **Response to Comment JD-39**

As explained in Response to Comment JD-38, the suggestion to eliminate demolition of the properties located between Porter Street on the west, Sixth Street on the north, Lacy Street on the east, and Fifth Street on the south is within the range of alternatives already analyzed in Chapter 5 of the EIR. Alternative 4 would eliminate the demolition of potentially historic properties located in the proposed future park and would reduce impacts to historic resources. The suggestions provided in the comment are not considerably different from what is already analyzed in the EIR and would not clearly lessen the significant environmental effects of the project. CEQA does not require multiple variations on alternatives, therefore the variations suggested in the comment need not be addressed in the EIR. The comment is noted and will be forwarded to the decision makers for consideration. No further action required.

### **Response to Comment JD-40**

The Draft EIR includes a complete discussion on how properties were evaluated in the document. The EIR also assumed that the potential acquisition of additional properties may lead to demolition and/or relocation of existing historic-age structures in the analysis if Impact 4.4-3. The houses at 702 and 706 E. Sixth Street, and the apartment complexes located at 701 and 713 E. Sixth Street are not included in the SARHP (refer to Draft EIR Figure 4.4-1 and Table 4.4-1). Under mitigation measure MM4.4-3, a formal evaluation of potentially historic resources would occur before demolition of any structures 50 years old or older. The EIR acknowledged that the impact to cultural resources would nevertheless remain significant and unavoidable. Further, under Alternative 4, 5 and 6, these properties would likely not be demolished. No further action required.

### **Response to Comment JD-41**

Refer to Section 10.2 (Master Response: Project Clarification), Draft EIR Section 4.4, and Response to Comment JD-1, above, for a thorough discussion of historical resources that would be affected by the proposed project. Refer to Appendix D to the Draft EIR for the complete text of four separate studies

related to cultural and historic resources in the project area, as well as Response to Comment JD-23, above. Refer also to Response to Comment JD-40. No further action required.

***Response to Comment JD-42***

The Draft EIR provides a detailed discussion of the surveys consulted for the cultural resources on pages 4.4-3 through 4.4-9, and explains on page 4.4-4 that these surveys are included in Appendix D, which provides property-specific information about the eligibility of properties for listing on various historical registers. Each of the four previously prepared historic surveys was used to compile the potential historic properties listed in Table 4.4-2. Appendix D is over 100 pages long and is appropriately included as an appendix of technical information to the analysis in Section 4.4 of the EIR (CEQA Guidelines §15147). As an appendix, it is part of the EIR and was available for public review along with the rest of the Draft EIR. No further action required.

***Response to Comment JD-43***

As explained in Response to Comment JD-4, the discussion of Urban Neighborhood Zones 1 and 2 in both the Executive Summary and the Project Description is intended to summarize the land use objectives of these zones, not to describe all parcels within their bounds. Refer to Response to Comment JD-1, above, and EIR Section 4.4 (Cultural Resources) for a discussion of historic properties within the Transit Zoning Code area.

***Response to Comment JD-44***

Refer to Response to Comment JD-1, above, and EIR Section 4.4 (Cultural Resources) for a discussion of historic properties within the Transit Zoning Code area. Refer to EIR Section 4.7 (Land Use) for an analysis of the compatibility of land uses identified in the proposed Transit Zoning Code with existing and planned land uses within and adjacent to the area, as well as consistency with applicable land use plans, policies and regulations.

***Response to Comment JD-45***

Comment noted and will be forwarded to decision makers. Refer to Responses JD-27 and JD-35 above. No further action required.

***Response to Comment JD-46***

Comment noted and will be forwarded to decision makers. Refer to Responses JD-27 and JD-35 above. No further action required.

***Response to Comment JD-47***

The comment questions the proposed project’s consistency with Santa Ana General Plan Policy 3.1 (support development which provides a positive contribution to neighborhood character and identity).The Draft EIR explains on page 4.4-16: “the zones [proposed under the Transit Zoning Code] are proposed to be applied based on their compatibility with the existing characteristics of the area. For example, the Urban Neighborhood 1 (UN-1) Zone, the least intense of the nine zones, would be applied to the Logan neighborhood and the approximately six-block portion of the Lacy neighborhood that is

currently characterized primarily by existing single-family detached housing. The Lacy neighborhood is predominantly residential with structures ranging from one to two-story single-family houses and neighborhood commercial uses to four-story multi-family buildings with some industrial uses located in the eastern portion of the neighborhood. The Developer Project would be located within the Lacy Neighborhood in the Urban Neighborhood 2 (UN-2) Zone. As stated in Chapter 2 (Regulating Plan and Zones) of the Draft Transit Zoning Code:

This zone is applied to primarily residential areas intended to accommodate a variety housing types, with some opportunities for live-work, neighborhood-serving retail, and cafes. Appropriate building types include single dwellings, duplexes, triplexes, and quadplexes, courtyard housing, rowhouses, and live-work. In some areas, the more intense, hybrid building type is allowed where additional intensity is warranted while maintaining compatibility with neighboring properties (see Regulating Plan). The landscape is appropriate to a neighborhood, with shading street trees in parkway strips, and shallow-depth landscaped front yards separating buildings from sidewalks. Parking is on-street, and in garages located away from street frontages.

All future development in the Transit Zoning Code Area would be required to be developed according to the standards contained within the Transit Zoning Code. Additionally, as noted above in Response to Comment JD-2, the Draft EIR states on page 4.4-17:

The design and development standards contained within the Transit Zoning Code (SD 84A and SD 84B) contain detailed requirements in regards to building types, frontage types, massing, height, architecture, accessibility, parking, street presence and landscaping. These standards are specifically designed to ensure that new development within established neighborhoods, as well as existing commercial areas, is sensitive to the existing built form of that area. In particular, the historic character of the existing area was used as a model upon which to base the selection of architectural styles allowed within the Transit Zoning Code (SD 84A and SD 84B). Please refer to Section 4.3 of the Transit Zoning Code – Architectural Style Guidelines. While the standards contain sufficient specificity to control for quality and compatibility of design, they also allow for, and encourage, the creative use of architecture to ensure that each zone within the plan continues to be unique.

In this way, the Transit Zoning Code and any new development within the project area would contribute to neighborhood character and identity. Therefore, the proposed project is consistent with Policy 3.1 even absent in-place preservation or rehabilitation of historic structures in the Lacy Neighborhood. Also refer to the EIR’s analysis of the proposed project’s consistency with General Plan Policy 3.1 in Table 4.7-3 of the Land Use analysis (Section 4.7). The comment provides no evidence that the proposed project is inconsistent with Land Use Policy 3.1.

### ***Response to Comment JD-48***

Draft EIR Section 4.1 (Aesthetics/Visual Resources) discusses neighborhood compatibility and architecture and character. Page 4.1-17 states: “the City would provide design review on a project-level basis, which would consider architectural and aesthetic quality and compatibility with existing structures.” Therefore, individual projects will be subject to design review where the project will be analyzed for consistency within the context of the given neighborhood. The proposed Developer Project, prior to project approval and the issuance of any building permits, would be required to undergo the same design and architectural review process. The analysis of Impact 4.1-2 (pages 4.1-21 through 22 of the Draft EIR) demonstrates compatibility and scale by describing the tall, dense core, radiating outward to lower densities. The project “would work to reinforce the existing scale of development, transitioning from the high-rise buildings within the Government Center east, to Downtown, and then on to the low- to mid-

rise residential neighborhoods of Lacy Neighborhood, First Street Corridor, and Logan Neighborhood.” Therefore, the development process will ensure that architectural and scale integrity relative to the project’s location will be maintained. Also, the geographical location of the various zones within the Transit Zoning Code structurally puts in place mechanisms to assure proper scale relative to its context. Also refer to the EIR’s analysis of the proposed project’s consistency with General Plan Policy 3.5 in Table 4.7-3 of the Land Use analysis (Section 4.7). The comment provides no evidence that the proposed project is inconsistent with Land Use Policy 3.5. No further action required.

**Response to Comment JD-49**

Refer to Response to Comment JD-5 above for information responsive to this comment. Also refer to the EIR’s analysis of the proposed project’s consistency with General Plan Policy 4.1 in Table 4.7-3 of the Land Use analysis (Section 4.7). The comment provides no evidence that the proposed project is inconsistent with Land Use Policy 4.1.

**Response to Comment JD-50**

Refer to Response to Comment JD-1 for a discussion of historic properties within the Lacy Neighborhood. The comment is incorrect that the Draft EIR does not analyze alternatives to demolition of historic properties within the Lacy Neighborhood. In fact, Alternatives 4, 5, and 6 provide ways to reuse and rehabilitate various structures in the Lacy neighborhood. Refer to Draft EIR Chapter 5 for a discussion of these alternatives. Also refer to the EIR’s analysis of the proposed project’s consistency with General Plan Policy 4.2 in Table 4.7-3 of the Land Use analysis (Section 4.7). As stated on page 4.7-35 of the Draft EIR in Table 4.7-3 (City of Santa Ana General Plan), “The Transit Zoning Code (SD 84A and SD 84B) provides standards for the retention and reuse of historical buildings and sites within the planning area. A more specific Adaptive Re-use Ordinance will be developed following adoption of the code.” As the Transit Zoning Code would provide standards for the retention and reuse of historical buildings and a specific Adaptive Re-Use Ordinance will be developed upon adoption, the proposed project is consistent with General Plan Policy 4-2, as identified in the Draft EIR. The comment provides no evidence that the proposed project is inconsistent with Land Use Policy 4.2.

**Response to Comment JD-51**

Refer to Response to Comment JD-1 for a discussion of historic properties within the Lacy Neighborhood. The EIR described and summarized all of the historic studies that have been performed in the planning area, and specifically in the Lacy Neighborhood on pages 4.4-4 through 4.4-9. While not every property that would potentially be demolished due to implementation of the proposed project, the Draft EIR acknowledged that demolition of properties that are eligible or potentially eligible for listing in the SARHP would result in a significant impact. In order to reduce this impact, mitigation measure MM4.4-3 was identified; however, as stated on page 4.4-26, MM4.4-3 would not preclude the demolition of eligible, or potentially eligible historic properties and therefore, this impact would remain significant and unavoidable. Further, Table 4.4-1 lists all of the properties within the planning area that are listed on the SARHP. In addition, refer to Final EIR Chapter 9 (Changes to the Draft EIR) for an updated list of all of the properties that are to be demolished. Also refer to the EIR’s analysis of the proposed project’s

consistency with General Plan Policy 4.2 in Table 4.7-3 of the Land Use analysis (Section 4.7). The comment provides no evidence that the proposed project is inconsistent with Land Use Policy 4.2.

### **Response to Comment JD-52**

The EIR acknowledges this policy as it is listed and an analysis of consistency with the proposed project is provided on page 4.4-17. Three of the six Alternatives analyzed in the EIR (Alternatives 4, 5, and 6) include preservation of structures in the Lacy Neighborhood and elsewhere in the Transit Zoning Code area (refer to Recirculated EIR Chapter 5). This represents a reasonable range of alternatives, as required under CEQA. There is no requirement to include preservation of historic structures in every alternative. Also refer to the EIR's analysis of the proposed project's consistency with the Urban Design Element in Table 4.7-3 of the Land Use analysis (Section 4.7). Policy 2-3 of the Urban Design Element states:

**Policy 2.3** Preservation involving the adaptive reuse of historic and architecturally significant structures, is encouraged Citywide.

Consistent with this policy, Chapter 4 of the Draft Transit and Zoning Code, Section 4.1 B states in relevant part:

... Buildings to be constructed on a parcel identified on the federal, state or local list of significant historic resources shall not be placed or constructed so as to result in a modification of the historic resource, unless alterations conform to the United States Secretary of Interior's official Standards for Treatment of Historic Properties.

Therefore, properties that are identified as being significant historic resources would be adapted for reuse consistent with the Secretary of Interior's Standards for Treatment of Historic Properties. For those properties that are over 50 years in age but not listed on the federal, state or local register, mitigation measure MM4.4-3 would require that a qualified professional to conduct site-specific historical resource investigations for future developments within the project area that would demolish or otherwise physically affect buildings or structures 50 years old or older or affect their historic setting. Therefore, the proposed project would be consistent with Policy 2.3 as identified historic resources would be adapted in such a manner that their historic significance would not be adversely affected. Further, the comment provides no evidence that the proposed project is inconsistent with Urban Design Policy 2.3. No further action required.

### **Response to Comment JD-53**

Refer to Responses JD-47 and JD-48. Also refer to the EIR's analysis of the proposed project's consistency with the Urban Design Element in Table 4.7-3 of the Land Use analysis (Section 4.7). The Developer Proposal will adhere to the requirements of the Transit Zoning Code, which will ensure context-sensitive design. In addition, the proposed project maintains the existing fine-grained street grid and block configuration, which contributes to pedestrian accessibility. The architecture will conform to the design standards of the Transit Zoning Code, which takes its cue from the existing historic context. The comment provides no evidence that the proposed project is inconsistent with Urban Design Policy 2.4.

### **Response to Comment JD-54**

Refer to Response to Comment JD-47 for a discussion of the policies included in the Transit Zoning Code that would require any new development within the project area to contribute to neighborhood character and identity. As explained in the analysis of Impact 4.7.-3 in Section 4.7 (Land Use), the City would need to amend the current General Plan to permit the new land uses proposed under the Transit Zoning Code and amend the Zoning Code to establish development standards that implement the proposed project. The existing General Plan would be revised simultaneously with the adoption of the Transit Zoning Code. Refer to Response to Comment JD-1 for a discussion of historic properties within the Lacy Neighborhood. The proposed Transit Zoning Code provides development standards for new development in the downtown historic district. Specifically, Section 3.4 of the Draft Transit and Zoning Code includes standards regarding building type and form in the downtown District, as well as standards regarding signage. Section 4 of the Draft Transit Zoning Code provides standards for architectural features that would to ensure that proposed development is consistent with the City's goals for quality and compatibility, and Section 5 of the Draft Transit and Zoning Codes would ensure that signage associated with new development promotes the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the City as a place to live, work, and shop. As such, the proposed project would be consistent with the Urban Design Element Policy 2.5 through the use of architecture, open space and signage to preserve and enhance the downtown historic District. Also refer to the EIR's analysis of the proposed project's consistency with the Urban Design Element in Table 4.7-3 of the Land Use analysis (Section 4.7). The comment provides no evidence that the proposed project is inconsistent with Urban Design Policy 2.5.

### **Response to Comment JD-55**

Refer to Response to Comment JD-54 for an explanation of how the policies included in the Transit Zoning Code would become part of the General Plan, with which all proposed development must comply. The comment states that the proposed project would violate Urban Design Element 2.8 which states:

**Policy 2.8**            The character and uniqueness of existing districts and neighborhoods are to be protected from intrusive development.

As stated on page 4.4-17 of the Draft EIR:

The design and development standards contained within the Transit Zoning Code (SD 84A and SD 84B) contain detailed requirements in regards to building types, frontage types, massing, height, architecture, accessibility, parking, street presence and landscaping. These standards are specifically designed to ensure that new development within established neighborhoods, as well as existing commercial areas, is sensitive to the existing built form of that area. In particular, the historic character of the existing area was used as a model upon which to base the selection of architectural styles allowed within the Transit Zoning Code (SD 84A and SD 84B). Please refer to Section 4.3 of the Transit Zoning Code – Architectural Style Standards. While the standards contain sufficient specificity to control for quality and compatibility of design, they also allow for, and encourage, the creative use of architecture to ensure that each zone within the plan continues to be unique.

The Draft Transit Zoning Code specifies that each zone is aimed at generating or maintaining a distinct character through the allocation of appropriate building and frontage types and the placement of those types on parcels. As such, the proposed project would be consistent with Policy 2.8 of the Urban Design



Element as implementation of the proposed project would ensure compatibility of new development with the existing character of the zone in which the development is slated. Also refer to the EIR's analysis of the proposed project's consistency with the Urban Design Element in Table 4.7-3 of the Land Use analysis (Section 4.7). The comment provides no evidence that the proposed project is inconsistent with Urban Design Policy 2.8. No further action required.

### ***Response to Comment JD-56***

Refer to Response to Comment JD-1 for a discussion of historic properties within the Lacy Neighborhood. Table 4.4-1 identifies all SARHP properties in the project area and indicates which of these projects are designated as landmarks as defined in Section 30-2.2 of the SAMC (refer to Draft EIR page 4.4-15). Additionally, as discussed on page 4.4-3, there is one property within the project area designated as a California Historical Landmark (CHL). The proposed Transit Zoning Code does not fail to protect any existing landmarks or memorable places. The existing Lacy Neighborhood is not designated as a Landmark by the City of Santa Ana. Also refer to the EIR's analysis of the proposed project's consistency with the Goal 6 of the Urban Design Element in Table 4.7-3 of the Land Use analysis (Section 4.7). The comment provides no evidence that the proposed project is inconsistent with Urban Design Goal 6. No further action required.

### ***Response to Comment JD-57***

Refer to Response to Comment JD-1 for a discussion of historic properties within the Lacy Neighborhood. Refer to Response to Comment JD-56 for an explanation of how the EIR addressed existing landmarks. Also refer to the EIR's analysis of the proposed project's consistency with the Urban Design Element in Table 4.7-3 of the Land Use analysis (Section 4.7). The existing Lacy Neighborhood is not designated as a Landmark by the City of Santa Ana; however the existing single-family residential character of the majority of the six-block area within the Lacy neighborhood is proposed to be zoned Urban Neighborhood 1, the least intense of the proposed Transit Zoning Code zones. The comment provides no evidence that the proposed project is inconsistent with Urban Design Policy 6.2. No further action required.

**From:** Kirk Buttermore [KButtermore@waterlinetech.com]  
**Sent:** Wednesday, February 10, 2010 11:08 AM  
**To:** Gottlieb, Sandi; Haluza, Karen

Subject; Transit zoning Code E.I.R.

!. Brown Street stops at Poinsettia, it does not go through my building 2 The property located at 620 N Santiago St. is zoned M2. Why don't they show the easements, such as the one on Santiago in order for them to be used?

KB-1

## ■ Response to Letter KB: Kirk Buttermore

### *Response to Comment KB-1*

The first point the commenter makes is that Brown Street terminates at Poinsettia Street. Comment noted; Brown Street goes from N. Lacy Street to Poinsettia Street. Figure 3-3 has been corrected in the Final EIR and correctly indicates the existing alignment of Brown Street. The maps associated with the Transportation Section (Section 4.11) show Brown Street terminating at Santiago for purposes of future transportation planning over the long-term implementation of the plan. This does not represent an encumbrance upon this property as it exists today, but only allows for traffic analysis should the property change in the future.

The second point states that the property at 620 N. Santiago Street is zoned M2 and then asks, “Why don’t they show the easements, such as the one on Santiago in order for them to be used?” It is unclear what the commenter is trying to convey in this statement. The comment is correct that the property at 620 N. Santiago Street is currently zoned M-2 (Heavy Industrial). If the commenter is referring to the white line on Figure 3-3 that continues from the terminus of Brown Street to Santiago, it should be noted that this line is a parcel boundary and not an easement. Easements are not shown on maps in the EIR because the Transit Zoning Code is a land use planning document, while an easement is simply a right to use real property without possessing it. The existence of an easement on a property does not necessarily alter the allowable or conditional use of a property. Therefore, the location of existing easements is beyond the scope of the proposed project and does not affect the analysis of the proposed project’s environmental impacts under CEQA.

Via E-Mail: [linnaus@ci.santa-ana.ca.us](mailto:linnaus@ci.santa-ana.ca.us)

April 12, 2010

City of Santa Ana Planning Division  
Ms. Lucy Linnaus  
Associate Planner  
20 Civic Center Plaza  
Santa Ana, California 92701

Re: Public Comment on EIR

I submit this written communication to the City of Santa Ana and request that it be provided to any and all agencies that provide any oversight to the overall project within the City Of Santa Ana. In addition that this and all information relevant to the input provided by the community be provided to any agencies at the local, regional, state, and federal level that funds in part or in full any segment of development within the specified area. This request also covers any pre-planning, planning and decision-making phases that takes place within the overall time-frame any proposed projects within the designated area.

ZH-1

The following concerns are being submitted:

1) The actions of the Santa Ana City Council, and supported by the Planning Division, City Manager's Office, City Attorney Office should be construed in violation of legislative intent of to avoid decision rendered that would present a "conflict of interest" vote by such body. It is truly the most outrageous conflict of interest vote by elected officials that certain council members voted and/or corralled votes to have their business and business client taken out of the project area so that these same person(s) can provide the essential votes to approve such actions for the designated project area.

ZH-2

2) Insufficient reporting of community concerns have been provided via the public mediums to allow the larger general public to ascertain the full scope of the development that have been outlined by city staff. The lack of importance given the public input has allowed that this overall project be driven "without public scrutiny stops" solely to meet certain deadlines that will provide revenues to the City Council-selected developer.

ZH-3

3) There has been little initiative by the City to place a value on the historical and cultural values of the area, including housing and business structures as well as the deep concerns by area residents that the City will walk away from properly addressing their needs.

ZH-4

There are many other issues of concern that are being addressed by other community groups, among them SACRED, Latino Health Access, and OCCCO.

ZH-5

I may be contacted by email at [zekeher@yahoo.com](mailto:zekeher@yahoo.com) or by telephone at 714-661-4428.

Sincerely,  
Zeke Hernandez  
PO Box 4173  
Santa Ana, CA 92702

## ■ Response to Letter ZH: Zeke Hernandez

### ***Response to Comment ZH-1***

Comment noted. This comment letter, and all others received during the Draft EIR public review period, is included as part of the public record for the proposed project.

### ***Response to Comment ZH-2***

This is not a comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

### ***Response to Comment ZH-3***

Numerous opportunities for involvement have been given to the public in accordance with CEQA. As discussed in Section 2.0 (Introduction) to the Draft EIR, the Initial Study/Notice of Preparation (IS/NOP) of the EIR was originally circulated for a 30-day public review period from July 20, 2006, to August 22, 2006. A Community Information and EIR Scoping Meeting for the proposed project was also held on August 10, 2006. Comments, both written and verbal, that were received during the NOP public review period were considered by the lead agency when preparing the EIR.

The proposed project was placed on hold in 2007 in order to better respond to community input and detailed project information. Due to the length of time the project was dormant, the City held two community information meetings on January 14 and January 21, 2010, prior to issuing the Draft EIR. Comments from both scoping meetings, as well as those received via mail or email, are included in the EIR.

The Draft EIR for the Transit Zoning Code was issued on February 2, 2010 for a 45-day public review period, which concluded on March 19, 2010 (CEQA Guidelines, §§15087, 15105). The City chose to recirculate the Alternatives section with additional alternatives for consideration. The recirculation began on February 22, 2010 and continued until April 12, 2010. Although not required by CEQA or the CEQA Guidelines, Public Meetings for the EIR to discuss and take public comment regarding the proposed project were held on February 22, 2010 and March 22, 2010.

All public comments received prior to the release of the Draft EIR were considered by the lead agency when preparing the Draft EIR. Similarly, all public comments received during the Draft EIR review period are included and responded to in this Final EIR. Further, during the last year, City staff has held over 20 additional community outreach meetings and interviews. Finally, there will be additional opportunity for public comment at the Public Hearings that will take place in front of the Planning Commission and the City Council prior to a final decision on the proposed project.

As outlined above, the City has made available multiple opportunities for public input on the project and has complied with all CEQA requirements for notice and public review of the EIR.

### ***Response to Comment ZH-4***

Draft EIR Section 4.4 analyzed impacts to historical resources, as defined in Section 15064.5 of the CEQA Guidelines. That analysis proposed mitigation measure MM4.4-3, which would require a qualified professional to conduct site specific historical resource investigations for future developments within the project area that would demolish or otherwise physically affect buildings or structures 50 years old or older or affect their historic setting. However, the proposed project's impact to historical resources would remain significant and unavoidable. The Recirculated Draft EIR (Chapter 5) also analyzed three alternatives related to the preservation of historic resources. Specifically, Alternative 4 would eliminate the demolition of the structures currently existing on the Agency-owned properties and/or identified for acquisition, and would instead require that those properties be retained and rehabilitated in their current locations. Alternative 5 would reduce the demolition of properties owned by the Redevelopment Agency and/or identified for acquisition, and would instead require that those properties be rehabilitated, either in-place or off-site with the exception of the parcel at 611 N. Minter Avenue, which would be demolished. Alternative 6 would retain and rehabilitate the bungalow court located at 611 N. Minter Street; however, the remainder of the structures located on the Agency-owned parcels would be demolished. Refer to Chapter 5 for additional details about these Alternatives. In addition to the mitigation measures described above, the City of Santa Ana will continue to administer Chapter 30 of the Santa Ana Municipal Code, entitled Places of Historical and Architectural Significance, which establishes procedures for the identification and listing, preservation, and maintenance of historic structures. All comments will be forwarded to decision-makers for their consideration prior to a final decision on the proposed project.

### ***Response to Comment ZH-5***

Comment noted. Individual responses have been prepared for each comment letter that was received during the Draft EIR public review process and included in the Final EIR.

**From:** Andree Weger [andreeweger@sbcglobal.net]  
**Sent:** Monday, April 12, 2010 4:32 PM  
**To:** Linnaus, Lucy  
**Cc:** Trevino, Jay  
**Subject:** Vintage Lacy homes

Hello,

My husband and I have been residents of Heninger Park for over ten years now and I have been involved in many battles to save some of our most treasured things, the many vintage homes that are part of what gives our City its unique character and charm.

|  
|  
| **AW-1**  
|

As a resident of a Historical District and member of the Heninger Park Historical District's Executive Committee I feel that there are several points that need to be addressed.

1. We request that the city take rapid and meaningful action to preserve and protect the vintage properties it own in the Lacy neighborhood.
2. Rehabilitate the homes that are city owns to the time period that each home was built. Once there homes "modernized " and/or renovated in an inappropriate fashion the very items that have made these homes unique are lost forever.
3. Make the homes available to the people that were displaced when the city bought their homes.
4. Ask the city to cease the purchase of any other vintage homes in the Lacy neighborhood.
5. Request that the city review the houses it owns, once they are rehabilitated, for inclusion onto the City Register of Historic Properties.

| **AW-2**  
|  
| **AW-3**  
|  
| **AW-4**  
| **AW-5**  
| **AW-6**

Please contact me so I can confirm that my email was received.

---

***Thank You,***  
***Andree Weger***  
**714 835 7972**

[file:///C:/mc/compose?to=andreeweger@sbcglobal.net](mailto:andreeweger@sbcglobal.net)

## ■ Response to Letter AW: Andree Weger

### **Response to Comment AW-1**

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

### **Response to Comment AW-2**

The commenter requests that the City take action to preserve the vintage properties it owns in the Lacy neighborhood. Draft EIR Section 4.4 analyzed impacts to historical resources, as defined in Section 15064.5 of the CEQA Guidelines. That analysis proposed mitigation measure MM4.4-3, which would require a qualified professional to conduct site specific historical resource investigations for future developments within the project area that would demolish or otherwise physically affect buildings or structures 50 years old or older or affect their historic setting. However, the proposed project's impact to historical resources would remain significant and unavoidable. The Recirculated Draft EIR (Chapter 5) also analyzed three alternatives related to the preservation of historic resources. Specifically, Alternative 4 would eliminate the demolition of the structures currently existing on the Agency-owned properties and/or identified for acquisition, and would instead require that those properties be retained and rehabilitated in their current locations. Alternative 5 would reduce the demolition of properties owned by the Redevelopment Agency and/or identified for acquisition, and would instead require that those properties be rehabilitated, either in-place or off-site, with the exception of the parcel at 611 N. Minter Avenue, which would be demolished. In response to this comment, the following text change has been made to the fifth full paragraph of page 5-5 of the Draft EIR:

Alternative 5 – Relocate and Rehabilitate on Agency-Owned Infill Sites: This alternative would reduce the demolition of properties owned by the Redevelopment Agency. Under this alternative the properties identified in Figure 3-5 (Santa Ana Redevelopment Agency Parcels) and Figure 5-2 (Potential New Santa Ana Redevelopment Agency Acquisitions), which includes the properties that are proposed for demolition shown in Figure 5-1 (Demolitions), would be rehabilitated in place, or moved to vacant lots and rehabilitated,~~or demolished.~~ Further the property located at 611 N. Minter Street would be demolished. Following a comprehensive historic survey of the properties, the City's Historic Resources Commission would evaluate all of the structures to determine their eligibility for listing on the City's Register of Historical Properties and would make recommendations regarding the selection of houses to be moved and onto which sites they should be moved. This Alternative would result in 138 rental units and 22 ownership residential units.

Alternative 6 would retain and rehabilitate the bungalow court located at 611 N. Minter Street; however, the remainder of the structures located on the Agency-owned parcels would be demolished. Refer to Chapter 5 for additional details about these Alternatives. All comments will be forwarded to decision-makers for their consideration prior to a final decision on the proposed project.

### **Response to Comment AW-3**

The commenter requests that the City-owned homes be rehabilitated to their appropriate time period. This is not a direct comment on the content or adequacy of the Draft EIR, and instead is a project-related comment. Refer to Response to Comment AW-2, above, and the analysis in Chapter 5 of the Recirculated Draft EIR, regarding the extent to which the three additional alternatives included as part of the Recirculated Draft EIR would increase the preservation and rehabilitation of City-owned (vintage)



structures. All comments will be forwarded to decision-makers for their consideration prior to a final decision on the proposed project.

#### ***Response to Comment AW-4***

The commenter requests that the City-owned homes be made available to the persons whom were displaced when the City purchased the homes. This comment will be forwarded to decision-makers for their consideration prior to a final decision on the proposed project. Note that the Draft EIR evaluated environmental and socio-economic impacts from displacement of people and housing in Section 4.9 (Population, Housing, and Employment) under Impact 4-9-2 beginning on page 4.9-19. As stated therein, to date, all properties acquired by the City have been acquired only by voluntary sales, and any tenants residing in the properties being considered for acquisition would be eligible for full relocation benefits and relocation assistance. Further, the potential demolition of existing (occupied) residential units would be subject to existing laws and regulations. For example, for those residential uses that are located within the Redevelopment Area of the proposed Transit Zoning Code (SD 84A and SD 84B) area, any project that requires the demolition of residential uses would be subject to the California Community Redevelopment Law (CRL). California CRL requires public agencies to provide relocation assistance and benefits to displaced residents and businesses. In addition, for those displaced residential units that are located outside of the Redevelopment Area, the California Relocation Assistance Law (California Government Code Section 7260 et seq.) requires the preparation of a Relocation Plan whenever residents are required to vacate property acquired by a public entity, or because of a project which receives assistance from a public entity. Further, if a public entity is not involved in the potential redevelopment of existing residential uses, the project would be funded through a private developer. If a private developer wishes to acquire an existing residential development, the existing landowner would have the ultimate option of deciding whether to sell the property.

#### ***Response to Comment AW-5***

The commenter requests that the City cease to purchase any additional homes in the Lacy neighborhood. This is not a direct comment on the content or adequacy of the Draft EIR, and instead is a project-related comment. Implementation of Alternative 4 would eliminate the demolition of the structures currently existing on the Agency-owned properties and would instead require that those properties be retained and rehabilitated in their current locations. In addition, Alternative 4 would eliminate any new potential acquisitions as identified in Figure 5-2. All comments will be forwarded to decision-makers for their consideration prior to a final decision on the proposed project.

#### ***Response to Comment AW-6***

The commenter requests that the City-owned homes be evaluated for inclusion on the City Register of Historic Properties, following rehabilitation. Table 4.4-2 (Properties Proposed for Demolition Activities) in Final EIR Chapter 9 (Changes to the Draft EIR) identifies those properties that are slated for demolition with implementation of the proposed project that would potentially be eligible for listing in the City, state, or National Register. As required by mitigation measure MM4.4-3, prior to demolition of any buildings or structures 50 years old or older, the significance of each structure would be evaluated to determine if the project would cause a substantial adverse change in the significance of a historical

resource as defined in Section 15064.5 of the CEQA Guidelines. If it is determined that the demolition of the property in question would result in an impact to a eligible historic resource, methods to reduce or eliminate such impacts shall be determined, including, but not limited to written and photographic recordation of the resource in accordance with the level of Historic American Building Survey (HABS) documentation that is appropriate to the significance (local, state, national) of the resource.

Under Alternative 5 a comprehensive historic survey of the properties that the City owns would be done prior to rehabilitation or removal. The City's Historic Resources Commission would evaluate all of the structures to determine their eligibility for listing on the City's Register of Historical Properties and would make recommendations regarding the selection of houses to be moved and onto which sites they should be moved. Therefore, if Alternative 5 is selected, those properties would be rehabilitated in such a manner that the properties would retain their eligibility for listing on the City's Register. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed project.

C.: Mayor & Council  
• Planning.

**Benjamin F. Grabel**  
Mailing: 312 W. Washington Ave., Santa Ana, CA 92706  
Office: (714) 972-9550 Cell: (714) 749-8889 E-Mail: bgrabel@juno.com

**April 12, 2010**

**City of Santa Ana  
20 Civic Center Plaza  
Ross Annex M-20  
Santa Ana, CA 92702**

**Attn: Planning Department**

**RECEIVED**  
APR 13 2010  
SANTA ANA PLANNING DEPT

CITY OF SANTA ANA  
CITY CLERK  
APR 12 PM 3:44

## **Transit Zoning Code Draft EIR Comments**

**The Draft EIR has failed to consider alternative development sites not only within the Station District area, but also within all the City's Redevelopment Areas and citywide.**

**Other sites, which include but is not limited to vacant parcels of land should be considered for the development of various types of affordable housing and at market housing.**

**The acquisition of existing vacant land and existing housing to convert to various levels of affordable housing should be considered in as much as it would be much more cost effective and lessen the impact on the City's existing cultural and historic resources.**

**I may be reach to discuss specific potential project and development sites.**

**Sincerely,**

  
**Benjamin F. Grabel**

┌  
└

BG-1

## ■ Response to Letter BG: Benjamin Grabiell

### *Response to Comment BG-1*

The commenter states that the EIR failed to analyze alternative development sites for both the Transit Zoning Code as a whole, as well as for the Developer Project. The Draft EIR considered an alternative location to the overall project (refer to page 5-2 of Chapter 5 [Alternatives]) and rejected it. CEQA Guidelines section 15126.6(a) states that the rule of reason must be used by the lead agency in selecting a range of alternatives. If a lead agency rejects an alternative, it must explain its reasoning for so doing. Guidelines section 15126.6(c) lists several factors a lead agency may use to eliminate an alternative from detailed consideration in the EIR. These include: 1) failure to meet most of the basic objectives of the project, 2) infeasibility, or 3) inability to avoid significant environmental effects. Recirculated EIR Section 5.2 states:

Alternative Site – As the Transit Zoning Code (SD 84A and SD 84B) is designed to guide the development of a particular portion of the City through a plan that is aimed at developing transit-oriented development near existing and planned transit, an alternative site would not be appropriate as an alternative to the proposed project. Other land uses, such as all-residential, would not achieve the objectives of the proposed project and could result in incompatibility with adjacent land uses. All-residential development would not attract a wide range of activities to maintain a dynamic atmosphere for the Transit Zoning Code (SD 84A and SD 84B). In addition, an alternative site for the redevelopment of the Agency properties would not be possible because the land itself is located in a particular place and could not be moved. Therefore, these alternatives were rejected from further analysis in the EIR because they do not meet the objectives of the proposed project listed above.

Since the proposed project is a transit zoning code, its location must be near an existing and/or future transit station or hub, have existing employment options, and be an appropriate place for a mixture of uses and higher-density development. The proposed Transit Zoning Code is near the existing SARTC, is near an existing downtown employment center, and is in a place suited for a mix of uses and higher density. Therefore, an alternative site was rejected since it would not fulfill the basic project objectives or reduce a significant impact to less than significant levels.

Alternative sites for the Developer Project were not discussed in detail in the Draft EIR because locating the Developer Project on an alternative site would be infeasible. Currently the Agency owns a cluster of parcels in the proposed project area with other potential future acquisitions in the vicinity. It would not be practical or feasible to abandon plans for these parcels and begin new future acquisitions elsewhere. Further, comparable parcels within the entire Transit Zoning Code are limited by proposed future uses and incompatible existing surrounding uses. Therefore, the proposed site of the Developer Project is the only feasible location for this redevelopment project.

The commenter's final point requests that the City use existing vacant land for future affordable housing projects to reduce cost. This is not a comment on the Draft EIR and will be forwarded to decision-makers for their consideration prior to a final decision on the proposed project.

MAYOR  
Miguel A. Pulido  
MAYOR PRO TEM  
Claudia C. Alvarez  
COUNCIL MEMBERS  
P. David Benavides  
Carlos Bustamante  
Michele Martinez  
Vincent F. Sarmiento  
Sal Tinajero



CITY MANAGER  
David N. Ream  
CITY ATTORNEY  
Joseph W. Fletcher  
CLERK OF THE COUNCIL  
Maria D. Huizar

## CITY OF SANTA ANA

PLANNING & BUILDING AGENCY  
20 Civic Center Plaza (M-20)  
P.O. Box 1988 • Santa Ana, California 92702  
(714) 667-2700 • Fax (714) 973-1461  
www.santa-ana.org

Planning Commission meeting held on February 22, 2010 at City of Santa Ana, Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701

### Transit Zoning Code, Draft Environmental Impact Report No. 2006-02 PUBLIC COMMENTS

1. Good evening members of the Commission my name is Paul Cook-Giles, I as a resident of the historic French Park. And while I have spoken to you any number of times in the past as a historic preservationist or a citizen of Santa Ana, I am before you tonight as a member of the Board of Directors of Mercy House. Mercy House is working on the development of a project called Francis Xavier residence which would be relocated at 801-through 808 East Santa Ana Boulevard and 707 Garfield. I am here tonight to comment on the preservation component of the EIR as it affects the Mercy House project. I have read through the preservation component and it appears to me that it's efficient as it is addressing the parcels that Mercy House will be using. No one to my knowledge is asserting that the two houses and garage on that parcel are historically significant. Does not assert any historical or cultural significant features will be compromised with or impacted by the project. I think that the Planning language used to describe the document, is relevant and appropriate. Mercy House is an assembled team of financial donors, architects, builders and volunteers who work on this project which will benefit this area and the entire city. I am personally very excited about this project. It will be consistent with the community and will improve parcels that have long been derelict. Mercy House has a history in Santa Ana and in other cities of working in closely with neighborhood associations to aid it neighbors to ensure that there is minimal impact on the quality of life. As with any charitable effort of this magnitude we need to ensure that it moves expeditiously through to the commission. I encourage you to take action necessary to move forward with the construction of the Francis estate residence. Thank you very much, I will be happy to address any questions.
2. Good evening my name is Jackie Deter. I have a question about the industrial overlay zone on Section 3-10. It talks about the M1 and M2 zoning which will continue until such time that the owner chooses to apply the zones identified in the Transit Zoning Map. My question is: are we allowed to expand and/or improve under the existing provisions of the M1 and M2 zones? It is not very clear. And then the other question is, I assume this is a typo on 4-1-20 where it discusses the nine zones and it refers to the "manufacturing overlay zone" MO instead of the "industrial overlay zone" And then I would like to make a correction on 3-20. This is of historical significance as it discusses the Lacy Neighborhood and it talks about post war WWII family development. It talks about some industrial development that has been developed just in the eastern portions of the neighborhood and two single blocks that have constructed; the physical connections

PC1-1-1

PC1-2-1

PC1-2-2

PC1-2-3

between the neighborhoods and the nearby areas. The correction is that section has always been in industrial. It is a part of the Spurgeon land grant and has the existing rail yard ties that are still there so it has always been industrial and it has never been residential on that section. So I would like that correction made under the Lacy Neighborhood for the historical significance. That's in section 3-20. [A copy of Ms. Deter's proposed corrections was provided to the Planning Commission Secretary.]

↑  
PC1-2-3  
cont'd.

3. Good evening folks, my name is Sam Romero. I am the neighborhood representative to the Logan Neighborhood for the last 35 years. I am also a member of the SACReD organization that's been meeting for several weeks and months now trying to come up with a plan that would be fair, that the project that's requested and going to be built on Santa Ana Boulevard have a park, that there is adequate housing for the folks that were displaced there, that the income level that starts from extremely low income helps low level incomes. We've got to really have that. There are several folks that were kicked out of there. We should have some folks come back into that neighborhood. I also think we need some open space there; hopefully maybe Lot 5 and 6 would be great. That is going to be a lot of help for the community, for the children to play and the whole bit. So we really need that, real bad. Now as far as the Logan Neighborhood which I wonder if Mr. Trevino would give me a hand and pass these maps out. [Mr. Romero distributed a map exhibit. A copy was provided to the Planning Commission Secretary.] It has to do with the Logan Neighborhood and the surrounding area. Right now we are a little leery of this particular plan because you are looking at possibly five-stories surrounding the neighborhood where we have two-stories. Otherwise the neighborhood will be looking straight up and I don't think it's quite right. We want to improve the quality of life, not go backwards like it was 30-40 years ago when everything was going downhill for the neighborhood. We made great strides in the last 25-30 years. We want to continue to improve that neighborhood and certainly five-stories, looking straight up is not it. So, you will make a correction to the EIR to be zoned for no more than two-stories. Thank you.

↑  
PC1-3-1  
↑  
PC1-3-2

4. Pardon me for my late arrival, my name is Nick Spain. I am the director of The Grain Project, a local non-profit organization in Santa Ana. We offer the only community garden on public property within the City of Santa Ana at Jerome Park. I would like to follow on Mr. Romero's comments in his desire to see some open space within this plan. We at The Grain Project had an opportunity to make several comments when this was presented at the Santa Ana Renaissance Plan a couple of years ago. We were asked to provide a document, basically a proposal for this community garden within then Renaissance Specific Plan. This was a copy of that proposal that we were asked to prepare for the Planning & Building Agency that we did. We think it's a sound overall plan for not only including open space but including edible landscapes. That is in the context of neighborhood community based gardens. I won't go into the basic social and community background – the reasons that these are valuable landscapes to the community. I think you all understand the underlying aspects of that in the situation today in 2010 especially central Santa Ana area. So I would like to submit this document even though it is a little over two years old. It is quite relevant and we want to see that type of landscaping included in whether it's private or public space. There is a wide variety of opportunity to enhance the nutritional health of our residents and to help build a community within those neighborhoods. So again I would like to encourage the Commission to consider this strongly. We are available anytime to provide background

↑  
PC1-4-1  
↓

to these documents. May I submit this? [Mr. Spain provided a copy of the community garden proposal to the Planning Commission Secretary.]

↑ PC1-4-1  
cont'd.

5. Alfredo Amezcua - Mr. Chairman, members of the Commission, thank you very much for allowing me a couple of comments. First, and foremost, let me share with you that I am a little disappointed to the fact that the way that the process has essentially evolved when we look into the data in the plan. I don't know how many pages you count. Some of you may have gone through it. You talk about 340 pages, and some of the language that is used there for most people in our community that are going to be affected in that community, I think it's very difficult to understand. So, I would have hoped that our city, with the experience that we have had over years and seeing the demographic changes, that we would think outside of the box. That we develop a system by which we are able to portray an easy-to-understand, and possibly even use some common language so that the regular folks that have a computer at home and wish to participate, and see how this plan is going to be affecting them directly, will have an opportunity to respond and to provide some input. Please make a note of that ladies and gentlemen. Our community needs to be informed, needs to be a participant and hopefully needs to be at this table. The second thing is we have to understand, that once again, our community has changed over the years. So, if you want to make sure that that segment of the community, where this plan is being discussed, we need to also put it into more than one language. Ladies and gentleman, we need to have it in Spanish and possibly in Vietnamese language. So please, make a point of that. We need to make sure that if we want to become, and continue to be, an inclusive city; we need to make sure that we provide that kind of outreach. Now, specifically about the plan itself Mr. Chairman, many of us have worked together with a group called SACReD – Santa Ana Citizens for Responsible Development. Make sure that whatever development we have for our city, is going to affect, in the most positive way, the residents that reside in that area. One of the things that has already been referenced to, one of the things that a couple of speakers have spoken to, is the fact that we have needed over the years, and some of you have sat on this commission for many, many years, we have needed in that area, not only affordable housing, but housing that are going to be reflective to the needs of that segment of the community; but more importantly, open space. Some of you may have, being more experts than I am. If you take it into real analysis as to what kind of open space we need to have, in that high density area, you would find that we have one of the greatest needs, to have two or three parks in that area. As you know, we have participated with the city in several meetings. I'm sorry if this is read, but if I may. In fact, SACReD has conducted many community forums. One of the most interesting and eloquent voices have said to us, please, whatever you do I want to be able to have some space so my children will be able to play in. So my children don't have to go in the middle of the streets. So my children don't get kicked out of the apartment complexes of where I live. Ladies and gentlemen, that is so highly a desirable area. And, if by the end of the day, we are going to have a plan that is going be responsive to the needs of our city, to increase our tax base, which I understand that, but we also need to be responsive to the needs of our residents. And our residents have spoken out very loud and clear. We need open space, we need park land. We need to have a space where we can let our children play. We need to obtain affordable housing. So the housing element that we are bringing to the table, in this plan, should be, should be accessible by the residents of our city. And finally, in terms of the industry that we have, there is no way that we can erase or dismiss all the hard work that many people who have land in that particular area. I ask for that kind of

PC1-5-1

PC1-5-2



flexibility, so that if we have a lay-over approach, that kind of approach so that we can work with them to make the best use of our land. I would urge to consider that. And finally, if I may, I would hope that this review, that we're going through with this stuff, in this district, would have given us a little bit more time. Let us not make the mistake that was made a couple of years ago where we spent lots of money, close to half a million dollars, to put together a Renaissance Plan, that in fact, was totally rejected by our community. So I ask you, you that are sitting in this important commission, that provide the latitude, that provide the guidance, if we need to meet three or four times to reassess the situation, let's do it so we don't have to again lose money for our city, and not be responsive to the needs of our community. Thank you so very much.

↑ PC1-5-2  
cont'd.

PC1-5-3

6. Adolfo Lopez. Good evening gentlemen, this is my first appearance before this commission. I have been a businessman for the last 30 years in Santa Ana. I am here to support the project that the city of Santa Ana is going forward with, to upgrade all the properties around the downtown area. I understand and I can see the need for a whole bunch of stuff to do and please everybody around the area. But, as a business investor in the downtown area; I think the City is doing the right thing. I am here to support this project because it's going to change the face of Santa Ana. When it first started with the redevelopment in downtown, we had the same problems of trying to please everybody. Nobody wants to be moved, nobody wants to be touched. But, unfortunately, we cannot stop progress. I think Santa Ana is here for progress. I can understand, work with the neighborhoods and everything else, but we are going on and on with this project. So I am here to support the project and I can understand that everybody who is working hard to be the best in Santa Ana, are appreciated. On the other hand, we want to be a part of that success downtown; be here for the next 50 years. We want to see Santa Ana change and we need progress. I can understand everybody's feelings and I am here to support the project.

PC1-6-1



## ■ Response to Letter PC1: Planning Commission Meeting, February

### *Response to Commenter PC1-1 (Paul Cook-Giles)*

#### **Response to Comment PC1-1-1**

This comment has been noted. Refer to Section 10.2 (Master Response: Project Clarification) regarding analysis of the Mercy House project in the Draft EIR. The Draft EIR analyzed the demolition of the two structures located at 801 E. Santa Ana Blvd. and 707 N. Garfield St. on parcel “11” (refer to Figure 3-8 and Figure 5-1), which are currently owned by the City and may be transferred to the Agency for development of special needs housing by Mercy House. The potential historical significance of these structures is analyzed in Section 4.4 (Cultural Resources) under Impact 4.4-3. The commenter’s support for the project is noted and will be considered by the decision makers prior to a final decision on the proposed project.

### *Response to Commenter PC1-2 (Jackie Deter)*

#### **Response to Comment PC1-2-1**

As explained on pages 1-7 and 3-10 of the Draft EIR, properties zoned M1 and M2 would retain their existing zoning with implementation of the proposed project, but would be covered by an overlay zone that allows for the option of future mixed-use to be exercised at the discretion of the property owner. As such, existing uses on lands currently zoned M1 or M2 would be permitted to expand or improve consistent with the existing zoning code applicable to these zones (Santa Ana Municipal Code (SAMC 41, Article III, Divisions 18 and 19).

#### **Response to Comment PC1-2-2**

In response to this comment the text on page 4.1-20 of the Draft EIR has been revised as follows:

The proposed Transit Zoning Code (SD 84A and SD 84B) is divided into nine zones: Transit Village (TV) Zone, Government Center (GCD) District, Downtown (DT) Zone, Urban Center (UC) Zone, Corridor (CDR) Zone, Urban Neighborhood 2 (UN-2) Zone, Urban Neighborhood 1 (UN-1) Zone, ~~Manufacturing~~ Industrial Overlay (~~MOIO~~) Zone and Open Space (OS) Zone.

These changes are for clarification purposes and do not require further analysis nor create new impacts.

#### **Response to Comment PC1-2-3**

In response to this comment, the text on page 3-20 of the Draft EIR, under the Lacy Neighborhood heading, has been revised as follows:

The neighborhood connects with Downtown to the west and an industrial area to the east and is characterized by a variety of historic and relatively intense, post WW-II multi-family development up to four stories. While the area is predominantly residential, some long standing industrial development ~~has been established~~ remains in the eastern portions of the neighborhood consistent with the neighborhood's origins as a rail yard. Two super blocks exist and disrupt the physical connections between the neighborhood and nearby areas.

## ***Response to Commenter PC1-3 (Sam Romero)***

### **Response to Comment PC1-3-1**

Refer to Response Tustin-2 for a discussion of the public open space component of the proposed Transit Zoning Code. The open space could include a public park, including a public tot lot, and a community building. The project will also (at buildout) provide up to 4,075 new residential units.

### **Response to Comment PC1-3-2**

As summarized in Table 4.7-1 (Summary of Key Changes in Transit Zoning Code Area), existing building heights in the Logan Neighborhood range from one to two stories. With implementation of the proposed project, future allowable building heights would range from one to five stories; however five stories would only be allowed in limited locations along Santiago Street. While the Transit Zoning Code (SD 84A and SD 84B) would allow for building heights and intensities beyond those which currently exist, the Urban Standards portion of the Transit Zoning Code contains detailed design and development standards that thoroughly address the scale and compatibility of new development to ensure that any new development is respectful of the context, scale and form of existing neighborhoods. As such, future development would not degrade the quality of life in the Logan neighborhood as suggested by the commenter.

## ***Response to Commenter PC1-4 (Nick Spain)***

### **Response to Comment PC1-4-1**

The commenter suggests the community garden be developed within the Transit Zoning Code area. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project.

Refer to Response Tustin-2 for a discussion of the public open space component of the proposed project. The open space could include a public park, a public tot lot, and a 10,000 square foot community building.

## ***Response to Commenter PC1-5 (Alfredo Amezcua)***

### **Response to Comment PC1-5-1**

This comment contains opinion and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. The City complied with all noticing and circulation procedures required under CEQA in preparing the Draft EIR. In addition, the draft Transit Zoning Code and the Draft EIR were available on the City's website at [http://www.ci.santa-ana.ca.us/pba/planning/Transit\\_Zoning\\_Code.asp](http://www.ci.santa-ana.ca.us/pba/planning/Transit_Zoning_Code.asp). The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project.

### **Response to Comment PC1-5-2**

The commenter suggests that the EIR should be printed in Spanish and Vietnamese to reflect the changing community. As noted above, the City complied with all noticing and circulation procedures

required by CEQA in preparing the Draft EIR. The commenter's suggestion will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project.

### **Response to Comment PC1-5-3**

The commenter suggests that the approach taken in the proposed project should make the best use of the land in the Transit Zoning Area and affect the residents in a positive way. This would be accomplished, consistent with the commenter's opinion, through the provision of open space and affordable housing, among other concepts.

As described under Impact 4.10-5 on pages 4.10-26 and 4.10-27 of the Draft EIR, the proposed project would result in the construction of 1.5 acre of park as part of the redevelopment of the Agency properties. In addition, the Draft EIR assumes that approximately 15.6 acres of private open space would be provided at build out of the Transit Zoning Code. Furthermore, mitigation measure MM4.10-5 would require residential development projects to pay the City of Santa Ana Park Acquisition and Development fee which would ensure that additional parklands are acquired and developed to serve the needs of the community.

With regard to affordable housing, the Transit Zoning Code (SD 84A and SD 84B) would include affordable housing, consistent with the goals and policies of the City's Housing Element, in order to serve a spectrum of buyers and household types. The City would ensure that developers participate in helping the City meet its affordable housing goals by constructing inclusionary units, paying in-lieu fees, or other alternatives. The Developer project proposed for the Agency properties will include the construction of 220 housing units with an affordable component pursuant to the County of Orange's criteria for low-to-moderate income housing.

With regard to industrial uses within the project area, as described on page 3-10 of the Draft EIR, the Transit Zoning Code would apply an industrial overlay (IO) zone to areas currently zoned Light Industrial (M1) and Heavy Industrial (M2) within the planning area to allow the types of land use activity and development permitted by existing M1 and M2 zoning to continue until such time that the owner chooses to apply the new zones identified in the Transit Zoning Map (Draft EIR, Figure 3-4) to their parcel(s). Until the property is rezoned to the applicable classification (each of these as described above), property in the IO Zone shall be regulated by the existing provisions of the M1 and M2 zones contained within the Santa Ana Municipal Code (SAMC 41, Article III, Divisions 18 and 19), as applicable.

Commenter requests that additional community meetings are held to ensure that the proposed project is responsive to the community's needs. This comment is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project. Note that a Community Information and EIR Scoping Meeting for the proposed project was held on August 10, 2006, at Train Depot in Santa Ana at 1000 East Santa Ana Boulevard. Comments, both written and verbal, that were received during the public review period were incorporated into the analysis of the EIR. Then, due to the length of time the proposed project was dormant after it was placed on hold in 2007 to better respond to community input and detailed project information, the City held two community information meetings on January 14 and January 21, 2010. Comments from both scoping meetings, as well as those received via mail or email, were included in the Draft EIR. Additionally, a Public Meeting to discuss and take

public comment regarding the proposed project and the EIR took place on February 22, 2010, and another Public Meeting to discuss and take public comment on the recirculation of the Draft EIR took place on March 22, 2010. Further, during the last year, in conjunction with the Station District Development Project, City staff has held over 20 additional community outreach meetings and interviews. Finally, there will be additional opportunity for public comment at the Public Hearings that will take place in front of the Planning Commission and the City Council prior to a final decision on the proposed project.

***Response to Commenter PC1-6 (Adolfo Lopez)***

**Response to Comment PC1-6-1**

The commenter expresses his support for the proposed project and encourages “progress” in the City. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project.

MAYOR  
Miguel A. Pulido  
MAYOR PRO TEM  
Claudia C. Alvarez  
COUNCIL MEMBERS  
P. David Benavides  
Carlos Bustamante  
Michele Martinez  
Vincent F. Sarmiento  
Sal Tinajero



CITY MANAGER  
David N. Ream  
CITY ATTORNEY  
Joseph W. Fletcher  
CLERK OF THE COUNCIL  
Maria D. Huizar

## CITY OF SANTA ANA

PLANNING & BUILDING AGENCY  
20 Civic Center Plaza (M-20)  
P.O. Box 1988 • Santa Ana, California 92702  
(714) 667-2700 • Fax (714) 973-1461  
www.santa-ana.org

Planning Commission meeting held on March 22, 2010 at City of Santa Ana, Council Chambers located at 22 Civic Center Plaza, Santa Ana, CA 92701

### Transit Zoning Code, Recirculation of Draft Environmental Impact Report No. 2006-02 PUBLIC COMMENTS

1. Jeff Dickman, resident at 1218 North French Street, with the Friends of the Lacy Historic Neighborhood. Commented on a lawsuit against the City regarding the demolition and destruction of antique homes in the Lacy Neighborhood. Citizens concerned because there was no plan, no public notification of the environmental work that the City had been engaging in for a number of years. Residents decided that it was time to speak up and asked the City to halt its demolition work. We were appreciative that the City did that and, in addition, the City then decided to prepare an environmental impact report (EIR). Residents are concerned that the EIR did not include any preservation alternatives to reuse and perhaps rehabilitate the many houses that the City owned or wanted to buy and instead demolished. The City then re-circulated the EIR, which provided us a chance to present some comments. As part of our lawsuit, we really wanted to make evident to the City that we wanted to work with them on preserving these houses, define ways to reuse them, to list the houses on the City's Historical Register, to rehabilitate and sell them, maybe even make them into some small business. We would like to work with the City staff on that. We have proposed that to the City. We have had some discussions. We ask that you encourage the City to work with the Friends of the Lacy Neighborhood, also the SACReD organization; as members are here tonight and which I am a member of. We would also ask to work with the City, not only with the historic preservation, but also open space, parks, quality of life, and housing. This neighborhood wants to convey the issues of the local residents and their concerns. So in conclusion, if you could ask city staff to work with the Friends of Lacy, we would certainly entertain and look forward to the opportunity. Thank you very much.
2. Carolina Sarmiento, resident of Santa Ana and PhD student of Planning & Policy & Design Department at UCI. I am speaking tonight on behalf of the SACReD coalition; we want to bring forward some points for the record. As you are aware, SACReD is a community coalition composed of residents, community members, non-profit organizations, neighborhood associations and business leaders that want to see a positive development in the City of Santa Ana with real benefits for the entire community. We have worked with residents who will be directly impacted by the proposed development, as we all will be, and have identified five main objectives that we would like to see realized in all the projects that the Transit Code encompasses. These include the following: housing that is targeted to meet the needs of the local community;

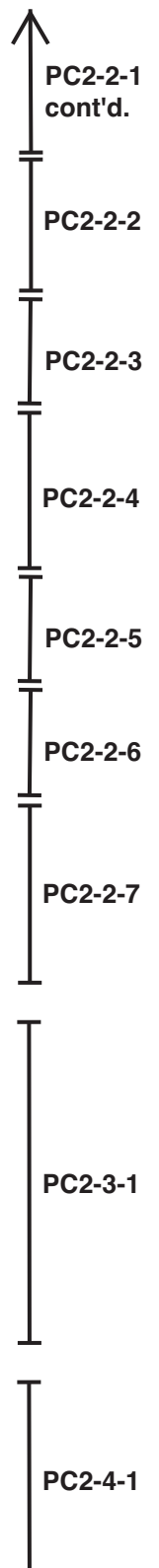
PC2-1-1

PC2-2-1

development that preserves and enhances the community, the history and cultural life of the community; public open space that serves the community and creates a central focus for the area; the protection for local small businesses and workers; planning and design that protects the safety of local residents and school children. So we want to make sure that this report highlights these five points. As you know, the need for affordable housing is very great in this city. This development is an opportunity to ensure that we meet some of the numbers that are laid out by the Regional Housing Needs Assessment which shows that the greatest need is for low and extremely low and we want to make sure that it is highlighted. Santa Ana has a rich history and vibrant culture and we want to see in the report that the face of Santa Ana is not changed but improved. The EIR lacks a discussion of the importance of the architecture and historical legacy of both the existing community and the vintage and historical cultural resources. We understand that the city is looking to secure the land for open space. As you know, this need is also great. Parks and open space are an important element to creating an active, healthy community and green space is much needed for the benefit of the environment. We would like to transfer the city's willingness to incorporate open space development into an actual agreement made with this community. Development is an opportunity to bring much needed jobs into this area. So we must ensure that jobs are provided for the local residents. And, that they are good jobs that pay enough to live in a very dignified way. Furthermore, the richness of Santa Ana includes its local small businesses; we need to support the needs of the businesses in the community. Lastly, we want to ensure that as plans are developed, we can incorporate the measures of "Complete Streets," as funds become available; of course, to incorporate lighting, landscape, and public art, complete sidewalks, cross walks, and more to ensure the safety of this community. In closing, we want to ensure this coalition advocates for the right of the people to be part of the decision-making process as it ultimately affects them. We advocate a Benefits Agreement that allows the community to be a part of creating a better future for our children and for our families. We are ready to see through a development project that will ensure that we are building a dignified community for all and we hope that this can be included, all of it, in the EIR report. Thank you.

3. Carmen Garcia, spoke with a Spanish translator, resident at 512 Porter #311, resident for five years. Five years may not have been long, but I have seen a lot of injustices to the residents of Santa Ana. I feel very sorry because many of our brothers have moved because they have been displaced. We would like to come to an agreement because of this injustice. We have a message, when you talk about this development; you're talking about my home, my family, my neighborhood and me. My experience has been what I have shared with you. I have come to state that we are ready to see a development plan for a dignified community for all. We need assurance of an agreement that provides benefits; so that we may have the tranquility and security with this development that will benefit all and bring us a better future.

4. Ramona M. Rivera, spoke with Spanish translator, 50-year resident at 607 E. Sixth Street, between Lacy and Minter, with SACReD coalition, commented on the unfairness of dislocation and impacts to the elderly. Having invested so long in her residence, paid taxes and insurance for so many years, then to be displaced is unjust especially during these economic times. Also, as stated by the SACReD coalition; would like to have benefits for low income families and wants to discontinue displacement.



5. Hermano Chuy, spoke with Spanish translator, resident at 702 Fifth Street, #16, member of SACReD coalition, came to comment on unfair displacement and that there be equality and assurance for unity; that you listen to the community. As we are being displaced, that the City provide a dignified place to live. Thank you.

PC2-5-1

6. Art Lomeli, thank you for the opportunity to address you tonight. I am a dentist in downtown Santa Ana and property owner for 20 years in Santa Ana; involved with SAMA, President for five years, continue working with the downtown business community. As a member of the SACReD coalition, would like to take this opportunity, as you have already heard the prior concerns, on behalf of the diversified stakeholders in the area, the non-profits, who are impacted by this development. We represent these groups who are loyal to Santa Ana. We want to be a part of the great things coming to Santa Ana that will benefit our city and families. We advocate for a benefits community agreement which is the best action that this city can take to commit to its residents' needs; ensuring a beneficial relationship for all. We are ready to receive a development. This is beneficial to all. Within the development, we would like to see housing that meets the needs of the community, cultural and historical preservation, parks and open space, protection for local businesses and workers, and safety for our residents. Our community is sacred. Our land is sacred. We are sacred and we want to assist you in building a dignified community for all. Thank you.

PC2-6-1

7. Sean Coolidge, thank you for the opportunity to speak; I live at the Santiago Street Lofts, involved with the SACReD group and fully support their interest and the community. I moved here because of the rich architectural history of the downtown area, the wonderful people who live here, like Jeff Dickman, who fight endlessly to preserve their community. There is a good sense of community here. Santa Ana has a lot to benefit from the steps that are being taken by the community. Just want to make sure that the community is being informed, ensure that there are no secrets, eminent domain, and everybody is on board. My biggest concern is that the community is going to get screwed out of open space. Also, with the mailing cards that went out regarding the PDF server on line, the URL was incorrect. We had to navigate through the city website, not the public website, to get information. Keep up the good work.

PC2-7-1

8. Phil Chinn, live at 2900 North Flower Street involved with SACReD for a couple of months, appreciate the great neighborhood enthusiasm, especially the young residents. Displacement is discussed in Chapter 5 – Alternatives, Figure 5-2; displace about 200 people which were part of the Redevelopment project. History of Station District was started 20 years ago, with city buying and having vacant property. There is a total cost to the Redevelopment Agency with the documented City cost at 24 million dollar. Developers are getting properties that the City owns. I think the citizens in these meetings are upset because they are not getting any of that money. I brought a copy of the Renaissance Plan, which is completely different than what you are looking at. This plan that was drafted four years ago, was not tearing down old buildings, rather was in the process of making streets available and trees. It was a good plan. It had a major park, some development centers, community centers and green spaces. It was a good plan that did not go through. What we have now with this alternative is that we're back to doing what we were doing all along; taking places out of production and leveling them out. The project is taking out 24 million dollars, lost taxes, since you don't pay more taxes; water is taken out, the people living there don't go out and shop. This type of thing is going out

PC2-8-1

and most cities don't have that anymore because we've taken out over two million dollars a year out of the Santa Ana economy. I guess you are going to have to prioritize the three alternatives before the historical district or the Broadway One project. The Broadway One project also had a financial report called the Haufman Report which detailed all of the finances. We have no finances; citizens have a lot of wishes. We have a lot of long-standing projects, like the Renaissance Plan, with plans for a park, and amenities. That kind of money is not in the plan and we don't know where it's coming from, except we have promises that some day we are going to get it. I think there are a lot of ways we can continue. Both the City and the developer refuse to talk about the Mello Roos type of action, which would give us some money to build those facilities while the maintenance districts maintain those districts. Otherwise we are going to put out 20,000 people with this development and we don't have the money. Money is going to have to come from citywide funding, to build those facilities in this neighborhood. I think the people should have that; the financial plan is not part of this plan. Thank you.



**PC2-8-1  
cont'd.**



## ■ Response to Letter PC2: Planning Commission Meeting, March

### *Response to Commenter PC2-1 (Jeff Dickman)*

#### **Response to Comment PC2-1-1**

The first part of this commentary is narrative on the events that led to the re-circulation of the Alternatives Section of the EIR. To clarify, during the 45-day public review period on the Draft EIR, which started on February 2, 2010, the City, in response to comments received, elected to revise the Alternatives Analysis (Chapter 5) to consider three new alternatives to the proposed project, each of which included some degree of rehabilitation, relocation and/or reuse of certain structures that would be demolished under the proposed project. The City then re-circulated the Alternatives Analysis and extended the review period to April 12, 2010.

The commenter request for the organization Friends of Lacy Neighborhood to be involved with future planning in the project area relating to historic preservation, open space, parks quality of life and housing. This comment has been noted, and will be forwarded to the decision makers for their consideration.

### *Response to Commenter PC2-2 (Carolina Sarmiento)*

#### **Response to Comment PC2-2-1**

The commenter lists five main objectives that should be realized through implementation of the Transit Zoning Code. They are: housing to meet the needs of the local community; development that preserves and enhances the history and cultural life of the community; public open space that serves the community and creates a central focus for the area; protection for local small business and workers; and planning and design that protects the safety of local residents and schoolchildren. Refer to Section 10.2 (Master Response: Project Clarification) for an explanation of the project objectives for the Transit Zoning Code and the proposed Developer Project, which include provision of a range of housing options, including affordable housing, preservation and reinforcement of the existing character of the City, and provision of additional public open space. Because this is not a direct comment on environmental issues or the content or adequacy of the Draft EIR no further response is necessary.

This comment has been noted and will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project.

#### **Response to Comment PC2-2-2**

The Transit Zoning Code (SD 84A and SD 84B) would include affordable housing, consistent with the goals and policies of the City's Housing Element, which would serve a spectrum of buyers and household types. The City would ensure that developers participate in helping the City meet its affordable housing goals by constructing inclusionary units, paying in-lieu fees, or other alternatives. The Developer project proposed for the Agency properties will include the construction of 220 housing units with an affordable component pursuant to the County of Orange's criteria for low-to-moderate income housing. For a discussion of SCAG's Regional Housing Needs Assessment (RHNA), as referenced by the commenter, and how it relates to the proposed project, refer to page 4.9-7 to 4.9-9 of the Draft EIR.

### Response to Comment PC2-2-3

The commenter suggests that the EIR lacks a discussion of the importance of the architectural and historical significance of the Transit Zoning Code area. Section 4.4 (Cultural Resources) of the Draft EIR is dedicated to the analysis of how the proposed project would impact both historical and cultural resources. The Draft EIR concluded that with adoption of the Transit Zoning Code, impacts on historical resources are considered *significant and unavoidable* even with the identified mitigation measures. Refer also to Responses to Comments from Jeff Dickman (JD) for a discussion of historical resources in the Transit Zoning Code Area and how the proposed project would impact these properties. Specifically, refer to Responses to Comments JD-23, JD-26, JD-33, and JD-34.

### Response to Comment PC2-2-4

The commenter requests an agreement between the community and the City relating to parks and open space that would and could be developed in the Transit Zoning Code area.

The programmatic analysis of the long-term implementation of the Transit Zoning Code, would be required to provide 19.88 acres of new parkland based on the City of Santa Ana parkland dedication requirements. The City of Santa Ana's parkland dedication requirements are contained within Santa Ana Municipal Code (SAMC) Chapter 34, Article VIII. Section 34-201 of this Article states that "As a condition of approval of a final subdivision map for any subdivision containing more than fifty (50) parcels proposed for residential use, the subdivider may be required to dedicate land for park and recreational purposes ...". The adoption of the Transit Zoning Code will not result in the subdivision of land and, as such, is not subject to the provisions of SAMC Chapter 34, Article VIII.

The Developer project also is not subject to the provisions of SAMC Chapter 34, Article VIII as it would not result in the creation of 50 new parcels. However, all projects, including the Developer project, would be required to comply with mitigation measure MM4.10-5, which requires compliance with the Santa Ana Municipal Code Chapter 35, Article IV, which requires payment into the Park Acquisition and Development Fund. Over and above the requirement for new development to pay into the Park Acquisition and Development Fund, the Redevelopment Agency is pursuing the acquisition and construction of a range of potential open space amenities within the Transit Zoning Code area, which could include a public park, new community center and a tot lot. Finally, the standards for private open space contained within the Transit Zoning Code are designed to ensure that new development provide open space and outdoor amenities on-site as part of the project design. Consequently, the provision of private open space within individual developments coupled with the payment of fees for the acquisition and development of public parks the impact is less than significant.

Because this is not a direct comment on environmental issues or the content or adequacy of the Draft EIR no further response is necessary. This comment has been noted. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project

### Response to Comment PC2-2-5

This comment is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project.

### **Response to Comment PC2-2-6**

Comment noted. This comment is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. However, as described in Draft EIR Section 4.1, the incorporation of new landscaping and streetscape within the Transit Zoning Code (SD 84A and SD 84B) area would provide an additional visual improvement to the City. New landscaping would occur as new developments are implemented throughout the Transit Zoning Code (SD 84A and SD 84B) area, and serve to soften and buffer views of the proposed structures. New landscaping features would include potted plants, mature trees, turf surfaces, outdoor furniture, decorative lighting, and other amenities intended to add variety and contribute to a sense of human scale. Other design guidelines and requirements in the Transit Zoning Code (SD 84A and SD 84B) area would help ensure maximum compatibility of design, minimization of light and glare, promote pedestrian-friendly entries and uses, and promote the use of compatible exterior materials. In general, the new development projects that could be constructed would serve to improve the aesthetic character of the Transit Zoning Code (SD 84A and SD 84B) area given the architectural design and development standards required for the new developments, the use of design elements, such as landscaped view corridors, and walkways; and the new landscape requirements. Additionally, supporting infrastructure, such as telecommunications equipment and utility lines, will be appropriately screened from view or placed underground. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project.

### **Response to Comment PC2-2-7**

This comment contains closing information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No further response is required. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project.

### **Response to Commenter PC2-3 (Carmen Garcia)**

#### **Response to Comment PC2-3-1**

The Draft EIR evaluated environmental and socio-economic impacts from displacement of people and housing in Section 4.9 (Population, Housing, and Employment) under Impact 4-9-2 beginning on page 4-9-19. As stated therein, to date, all properties acquired by the City have been acquired only by voluntary sales, and any tenants residing in the properties being considered for acquisition would be eligible for full relocation benefits and relocation assistance. Further, the potential demolition of existing (occupied) residential units would be subject to existing laws and regulations. For example, for those residential uses that are located within the Redevelopment Area of the proposed Transit Zoning Code (SD 84A and SD 84B) area, any project that requires the demolition of residential uses would be subject to the California Community Redevelopment Law (CRL). California CRL requires public agencies to provide relocation assistance and benefits to displaced residents and businesses. In addition, for those displaced residential units that are located outside of the Redevelopment Area, the California Relocation Assistance Law (California Government Code Section 7260 et seq.) requires the preparation of a Relocation Plan whenever residents are required to vacate property acquired by a public entity, or because of a project which receives assistance from a public entity. Further, if a public entity is not involved in the potential redevelopment of existing residential uses, the project would be funded through a private developer. If a private developer wishes to acquire an existing residential development, the

existing landowner would have the ultimate option of deciding whether to sell the property. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project.

***Response to Commenter PC2-4 (Ramona M. Rivera)***

**Response to Comment PC2-4-1**

Refer to Response to Comment PC2-3-1, above. The comment will be forwarded to the decision-makers for their consideration prior to approval or denial of the proposed project.

***Response to Commenter PC2-5 (Hermano Chuy)***

**Response to Comment PC2-5-1**

Refer to Response to Comment PC2-3-1, above. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the proposed project.

***Response to Commenter PC2-6 (Art Lomeli)***

**Response to Comment PC2-6-1**

The commenter requests the City enters into a Community Benefits Agreement to ensure that development would meet the needs of the community and result in a dignified community. This comment has been noted, and will be forwarded to decision makers for their consideration prior to approval or denial of the proposed project. Refer to Response to Comment PC1-5-3, submitted at the February 22, 2010 public meeting, for a response to the comment regarding housing, cultural and historic preservation, parks and open space, protection for local businesses and workers, and safety.

***Response to Commenter PC2-7 (Sean Coolidge)***

**Response to Comment PC2-7-1**

This comment consists of three points. The first point contains opinion and anecdotal information, and does not directly comment on environmental issues or the content or adequacy of the Draft EIR.

In the second point, the commenter makes a statement regarding the provision of open space and the concern over the potential lack thereof. Refer to Response to Comment 2-2-4 for a discussion of parks and open space.

As to the third point, the commenter stated that the mailing cards that the City sent out did not have the proper URL listed. The City included the URL as a navigation instruction, not as a direct link to the document. A direct link to the document was available by following the URL provided on the mailing cards. The Draft EIR was made available for public review at the following locations, as described on Draft EIR pages 2-2 and 2-3 of Chapter 2 (Introduction); the Santa Ana Public Library (26 Civic Center Plaza, Santa Ana); and the Planning and Building Agency (20 Civic Center Plaza, Santa Ana). The Draft EIR was also available for review on the City's website at [www.santa-ana.org](http://www.santa-ana.org).

## ***Response to Commenter PC2-8 (Phil Chinn)***

### **Response to Comment PC2-8-1**

The commenter is concerned with the economic impact and feasibility of the proposed project, as well as other projects occurring in the City. The commenter laments the fact that the City has not employed the use of Mello Roos to fund future community amenities. In addition, the commenter stated opinion that the Renaissance Specific Plan was superior to the Transit Zoning Code. The commenter also states that the proposed project would “put out 20,000 people with this development”. Assuming the commenter means that the proposed project would displace 20,000 people, that statement is incorrect. Impact 4.9-2 analyzed the displacement of persons or housing and found the impacts less than significant. In fact, the overall project is expected to net 4,075 residential units. Refer to Response to Comment PC2-3, above, regarding the analysis of displacement in the Draft EIR. As this comment is not a direct comment on environmental issues or the content or adequacy of the Draft EIR, no response is required. The decision makers will consider economic, social and housing factors in making a final decision on the proposed project.

