

TRANSIT ZONING CODE (SD 84A AND SD 84B) EIR

Findings of Fact/
Statement of Overriding Considerations

Prepared for
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May 25, 2010

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CHAPTER 1 Introduction

This document presents the Findings of Fact and Statement of Overriding Considerations that must be adopted by the City of Santa Ana (City) pursuant to the requirements of Sections 21081 and 21085 of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) and Sections 15091 and 15093, respectively, of the State Guidelines for the Implementation of CEQA (CEQA Guidelines) in conjunction with certification of the Transit Zoning Code (SD 84A and SD 84B) EIR (Proposed Project).

This document is organized as follows:

- Chapter 1** Introduction to the Findings of Fact and Statement of Overriding Considerations.
- Chapter 2** Presents the CEQA Findings of the Environmental Impact Report (EIR), including the identified significant impacts.
- Chapter 3** Presents the alternatives to the Proposed Project and evaluates them in relation to the findings contained in Section 15091(a)(3) of the CEQA Guidelines. The City must consider and make findings regarding alternatives when a project would involve environmental impacts that cannot be reduced to a less-than-significant level, or cannot be substantially reduced, by proposed mitigation measures.
- Chapter 4** Presents a Statement of Overriding Considerations that is required in accordance with Section 15093 of the CEQA Guidelines for significant impacts of the Proposed Project that cannot be mitigated to a less-than-significant level.

The Transit Zoning Code project area is located in the central urban core of the City of Santa Ana and comprises over 100 blocks and 450 acres. The proposed project is located in the area west of Interstate 5, north of First Street, and between Grand Avenue and Flower Street and south of Civic Center Drive in the City of Santa Ana in Orange County, California.

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 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, and provides an economic development stimulus.

Within the boundary of the Transit Zoning Code, the Redevelopment Agency (Agency) owns forty-nine parcels comprising approximately seven noncontiguous acres. The Agency/City is pursuing the potential acquisition of twenty additional properties within the immediate vicinity of the forty-nine parcels mentioned above for the purposes of completing the assemblage of properties on those blocks in which the Agency already has majority ownership, as well as to secure property to provide for additional open

space. The acquisition of these additional properties may lead to demolition and/or relocation of existing structures, as well as the potential relocation of any existing residents.

The Agency and the Developer propose to redevelop these properties. The Developer concept for these properties includes the development of a maximum of 155 rental units and a maximum of 65 for-sale units—a total of 220 new residential units. A component of this residential development will 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 that could include a public park, a public tot lot, and a 10,000 square foot community building. The redevelopment of these properties requires the demolition of approximately 30,243 square feet of building area, on fifteen Agency-owned properties.

The City will amend the current General Plan to permit these new land uses and amend the Zoning Code to establish development standards that implement the project. These amendments will allow the City to provide a framework for the development of compact, transit-oriented development that contains a mix of residential, commercial, and professional uses in order to address the City’s and the region’s goals of providing sites for housing in already urbanized locations that are adjacent to transit, thereby reducing vehicle trips, stimulating investment in underutilized land, and improving the jobs/housing balance within the City. This will lead to potential development of approximately 4,075 residential units, 387,000 sf of retail development, and an additional 15.5 acres of open space within the City. Adoption of this project would allow the City to consider subsequent actions consistent with these updates in the General Plan and Land Use designations. Table 3-1 (Summary of Transit Zoning Code [SD84A and SD84B] Development Potential) lists the overall potential net change that would occur as a result of the proposed project area.

In terms of net development, the Transit Zoning Code would allow for the potential development of approximately 351,000 square feet (sf) of retail development and the addition of new open space within the City. Creation of this Transit Zoning Code area would allow the City to consider subsequent actions consistent with these updates. Table 1-1 (Summary of Transit Zoning Code Potential Net Change) lists the overall potential net change that could occur as a result of any new construction built pursuant to the standards contained within the proposed Transit Zoning Code.

Table 1-1 Summary of Transit Zoning Code Potential Net Change			
<i>Land Use Type</i>	<i>Potential Gross Development</i>	<i>Existing Uses to be Converted</i>	<i>Potential Net Development</i>
Residential (units)	4,272	197	4,075
Retail (sf)	693,00	306,00	387,000
Industrial (sf)	90,000	1,080,000	(990,000)
Commercial (sf)	0	124,000	(124,000)
Civic (sf)	8,000	29,000	(21,000)
Open Space (sf)	680,000	0	680,000
Surface Parking Lot (sf)	67,000	1,839,00	(1,772,000)

The key procedural actions related to the Transit Zoning Code and CEQA include:

- Circulate Initial Study/Notice of Preparation (30 days) July 20, 2006-August 22, 2006
- Filed NOC and Circulated Draft EIR February 2, 2010
- Conducted Scoping Meeting at February 22, 2010 Planning Commission Meeting
- Re-Circulated Alternatives Section/extended DEIR review period, February 24, 2010- April 12, 2010
- Conducted Scoping Meeting at March 22, 2010 Planning Commission Meeting

CHAPTER 2 CEQA Findings

2.1 INTRODUCTION

This chapter presents the potential impacts that were identified in the EIR and the findings that are required in accordance with Section 15091 of the CEQA Guidelines. The possible findings for each significant and/or potentially significant adverse impact are as follows:

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

CEQA requires that the Lead Agency adopt mitigation measures or alternatives, where feasible, to avoid or substantially reduce significant environmental impacts that would otherwise occur as a result of a project. Project modification or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with some other agency (State CEQA Guidelines §15091(a)[2],[3]). Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” State CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* [*Goleta II*] [1990] 52 Cal.3d 553, 565 [276 Cal. Rptr. 410].)

Only after fully complying with the findings requirement can an agency adopt a Statement of Overriding Considerations (*Citizens for Quality Growth v. City of Mount Shasta* [1988] 198 Cal.App.3d 433, 442, 445 [243 Cal. Rptr. 727]). CEQA requires the Lead Agency to state in writing the specific rationale to support its actions based on the Final EIR and/or information in the record. This written statement is known as the Statement of Overriding Considerations. The Statement of Overriding Considerations provides the information that demonstrates the decision making body of the Lead Agency has weighed the benefits of the project against its unavoidable adverse effects in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.”

The California Supreme Court has stated that, “the wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Goleta II*, 52 Cal.3d 553, 576 [276 Cal. Rptr. 401]).

Table 2-1 (CEQA Findings) summarizes the potentially significant impacts of the EIR that were reduced to less-than-significant levels with mitigation as well as the significant and unavoidable impacts of the Proposed Project, as currently proposed for certification and adoption.

Additional facts that support the findings are set forth in the Final EIR, the staff reports to the Planning Commission and City Council, and the record of proceedings. Key discussions that support the Findings from the Final EIR are provided in “Evidence Supporting Finding.” However, other evidence may be contained in the overall record of the project to further support the finding.

The documents and other materials that constitute the record of proceedings on which the Project findings are based are located at the City of Santa Ana Planning and Building Agency, 20 Civic Center Plaza, M-20, Santa Ana, California 92702. The custodian for these documents is Lucy Linnaus. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and CEQA Guidelines §15091(e).

Table 2-1 CEQA Findings				
<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
AESTHETICS AND VISUAL QUALITY				
<p>Impact 4.1-3 Long-term cumulative development occurring pursuant to the Transit Zoning Code, and associated infrastructure improvements would result in new sources of increased daytime glare.</p>	<p>The City believes that compliance with MM4.1-1 which requires that design of the proposed structures primarily include the use of textured or other nonreflective exterior surfaces and nonreflective glass will reduce daytime light and glare.</p> <p>Discussion is provided on page 4.1-24 of the FEIR (Volume I).</p>	<p>MM4.1-1 Proposed new structures shall be designed to maximize the use of textured or other non-reflective exterior surfaces and non-reflective glass. Building materials shall be reviewed by the City of Santa Ana prior to issuance of building permits for each project.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>
<p>Impact 4.1-4 Long-term cumulative development occurring pursuant to the Transit Zoning Code would result in new sources of spillover light.</p>	<p>The City believes that compliance with MM4.1-2 and MM4.1-3, which require that exterior lighting (including signs) be directed on-site only and be shielded from off-site uses and also requires the submission of a lighting plan for approval by the City prior to the issuance of a building permit, will eliminate new sources of spillover light.</p> <p>Discussion is provided on page 4.1-25 and 26 of the FEIR (Volume I).</p>	<p>MM4.1-2 All exterior lighting and advertising (including signage) shall be directed onto the specific location intended for illumination (e.g., parking lots, driveways, and walkways) and shielded away from adjacent properties and public rights-of-way to minimize light spillover onto adjacent areas.</p> <p>MM4.1-3 Prior to issuance of a building permit for a specific development project, the applicant shall submit a lighting plan to the City for review and approval. The plan shall specify the lighting type and placement to ensure that the effects of security and other outdoor lighting are minimized on adjacent uses and do not create spillover effects. The plan shall specifically incorporate the following design features:</p> <ul style="list-style-type: none"> ■ All projects shall incorporate project design features to shield light and/or glare from vehicles entering or exiting parking lots and structures that face sensitive uses (e.g., schools, hospitals, senior housing, or other residential properties) 	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>

Table 2-1 CEQA Findings				
<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		by providing barriers so that light from vehicle headlights would not illuminate off-site sensitive uses. <ul style="list-style-type: none"> ■ All projects shall incorporate project design features to provide landscaping, physical barriers, screening, or other buffers to minimize project-generated illumination from entering off-site areas and to prevent glare or interference with vehicular traffic, in accordance with the City's Municipal Code. 		
Impact 4.1-5 Long-term cumulative development occurring pursuant to the Transit Zoning Code (SD 84A and SD 84B) would result in a substantial increase in shade/shadows over sensitive uses.	Potential development of future buildings within the Transit Village Zone (which allow building heights up to 20-stories) would cause significant impacts from shade/shadow. Due to the uncertainty of the exact design specifications of future buildings, it is possible that impacts would occur, even after the implementation of MM4.1-4. Therefore, this impact is considered significant and unavoidable. Discussion is provided on page 4.1-26 and 27 of the FEIR (Volume I).	MM4.1-4 For any proposed structure that would exceed four stories in height, applicants shall submit a site-specific shade/shadow report with renderings representing the level of shade/shadows associated with the proposed development at the following times: 9:00 A.M., 12:00 P.M., 3:00 P.M. PST for the both the winter and summer solstices. An additional rendering for the 5:00 P.M. PST time period shall be prepared for the summer solstice period. Typically, a variety of criteria are used to determine the significance of a shadow impact, including the following: <ul style="list-style-type: none"> ■ Affected land use (criticality of direct sunlight for the use) ■ Duration (hours per day in shadow) ■ Time of day (critical time period for direct sunlight) ■ Season (time of year use would be shadowed) ■ Extent (percentage of use that would be 	Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Specifically, MM4.1-4 would reduce shade/shadow issues through the feasible design recommendations set forth in required studies. Finding 3 Despite these changes, impacts would remain significant. The City finds that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce this impact.	Significant and unavoidable

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		shadowed) <ul style="list-style-type: none"> ■ Preexisting condition (shadow condition due to existing buildings, landscaping, or other features) ■ Type (solid or dapped shadow) The report shall include any feasible design considerations that would reduce the extent of shadows cast by a proposed structure. The analysis and the project design plans shall be forwarded to the Planning and Building Agency for review and approval.		
Air Quality				
<p>Impact 4.2-5 Construction activities associated with the construction of individual projects within the Transit Zoning Code area, including the Developer project, would contribute substantially to an existing or projected air quality violation for criteria air pollutants.</p>	<p>The City believes that the construction would generate air pollutant emissions, including CO, NO_x, and PM₁₀, for which the Basin is currently in nonattainment. The City further believes that the implementation of MM4.2-7 through MM4.2-20 will reduce the emissions of these pollutants but not a less than significant level.</p> <p>Discussion is provided on pages 4.3-3 through 4.2-28 to 33 of the FEIR (Volume I). In addition, Appendix B provides further evidence supporting this impact and its associated findings.</p>	<p>MM4.2-7 Project applicants shall require by contract specifications that all diesel-powered equipment used will be retrofitted with after-treatment products (e.g., engine catalysts) to the extent that they are readily available in the South Coast Air Basin. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit.</p> <p>MM4.2-8 Project applicants shall require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at the project site use low-NO_x diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California Air Resources Board diesel) in the South Coast Air Basin (this does not apply to diesel-powered trucks traveling to and from the project site). Contract specifications shall be included in project</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Specifically, MM4.2-7 through MM4.2-20 will reduce project impacts from the emission of air pollutants, although impacts will remain significant.</p> <p>Finding 3 The City finds that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce this impact.</p>	<p>Significant and unavoidable</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit.</p> <p>MM4.2-9 Project applicants shall require by contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) be utilized to the extent that the equipment is readily available and cost effective in the South Coast Air Basin. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit.</p> <p>MM4.2-10 Project applicants shall require by contract specifications that construction equipment engines be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit.</p> <p>MM4.2-11 Project applicants shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit.</p> <p>MM4.2-12 As required by South Coast Air</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>Quality Management District Rule 403— Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:</p> <ul style="list-style-type: none"> ■ Application of soil stabilizers to inactive construction areas ■ Quick replacement of ground cover in disturbed areas ■ Watering of exposed surfaces three times daily ■ Watering of all unpaved haul roads three times daily ■ Covering all stock piles with tarp ■ Reduction of vehicle speed on unpaved roads ■ Post signs on-site limiting traffic to 15 miles per hour or less ■ Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads ■ Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas ■ Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip 		

Table 2-1 CEQA Findings				
Impact Statement	Evidence/Rationale Supporting Findings	Mitigation Measures	Findings	Level of Significance after Mitigation
		<p>MM4.2-13 The developer shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds shall be turned off when not in use for more than 5 minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana.</p> <p>MM4.2-14 The developer shall require by contract specifications that construction parking be configured to minimize traffic interference during the construction period and, therefore, reduce idling of traffic. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana.</p> <p>MM4.2-15 The developer shall require by contract specifications that temporary traffic controls are provided, such as a flag person, during all phases of construction to maintain smooth traffic flow. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana.</p> <p>MM4.2-16 The developer shall require by contract specifications that construction activities that affect traffic flow on the arterial system by scheduled to off-peak hours</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>(9:00 A.M. to 3:00 P.M.). Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana.</p> <p>MM4.2-17 Upon issuance of building or grading permits, whichever is issued earliest, notification shall be mailed to owners and occupants of all developed land uses within ¼ mile of any project within the Transit Zoning Code (SD 84A and SD 84B) boundaries greater than four stories in height or 25,000 sf in area providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification will include the identification and contact number for a community liaison and designated construction manager that would be available on site to monitor construction activities. The construction manager shall be responsible for complying with all project requirements related to PM₁₀ generation. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contract information for the community liaison and construction manager will be located at the construction office, City Hall, the police department, and a sign on site.</p> <p>MM4.2-18 The developer shall require by contract specifications that the architectural coating (paint and primer) products used would have a VOC rating of 125 grams per liter or less. Contract specifications shall be</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana.</p> <p>MM4.2-19 The developer shall require by contract specifications that materials that do not require painting be used during construction to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana.</p> <p>MM4.2-20 The developer shall require by contract specifications that pre-painted construction materials be used to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana.</p>		
<p>Impact 4.2-6 Operation of the proposed project would exceed South Coast Air Quality Management District standards for VOC, NO_x, CO, and PM₁₀ and would result in a projected air quality violation.</p>	<p>The City believes that the future operation of the proposed project would generate emissions that exceed the thresholds of significance recommended by the SCAQMD for CO, NO_x, ROG, and PM₁₀. Implementation of MM4.2-21 through MM4.21-36 will reduce pollutant emissions but not below a level of significance. Said mitigation measures refer to stationary sources of pollution (through building energy efficiency). However, the substantial source of operational pollutants is emitted by mobile sources such as cars, truck, and delivery vehicles.</p> <p>Discussion is provided on pages 4.2-33 to</p>	<p>MM4.2-21 As individual components of the Transit Zoning Code (SD 84A and SD 84B) are implemented, an air quality impact analyses will be completed to determine their independent significance levels. Mitigation is to be incorporated at the individual component level to bring the individual components to less than significant on a site-by-site basis.</p> <p>MM4.2-22 Prior to issuance of a building permit, the applicant shall demonstrate that the design of the proposed buildings or structures exceeds current Title 24 requirements (Title 24, Part 6 of the California Code of Regulations; The Energy Commission adopted the 2008 Standards on</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR. Specifically, MM4.2-21 through MM4.21-36 will reduce pollutant emissions, but not below a level of significance.</p> <p>Finding 3 The City finds that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce this impact. The majority of the operational impact results from mobile sources such as cars, trucks, and delivery</p>	<p>Significant and unavoidable</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
	37 of the FEIR (Volume I). In addition, Appendices B, G, and I provide further evidence supporting this impact and its associated findings.	<p>April 23, 2008, and the Building Standards Commission approved them for publication on September 11, 2008. The 2008 Residential Compliance Manual was adopted by the Commission on December 17, 2008, and the 2008 Non-residential Compliance Manual was adopted January 14, 2009. Energy Efficiency Standards for Residential and Non Residential Buildings, as amended November 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 20 percent, subject to review by the County Building Official. Documentation of compliance with this measure shall be provided to the Planning Department and Building Official for review and approval prior to issuance of the permit. Installation of the identified design features or equipment will be confirmed by the County Building Official prior to certificate of occupancy. Any combination of the following design features may be used to fulfill this mitigation provided that the total increase in efficiency meets or exceeds 20 percent:</p> <ul style="list-style-type: none"> ■ Increase in insulation such that heat transfer and thermal bridging is minimized ■ Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption ■ Incorporate dual-paned or other energy efficient windows ■ Incorporate energy efficient space heating and cooling equipment ■ Incorporate energy efficient light fixtures 	vehicles. There are no trip reduction measures or advances in vehicle emission technology that could be implemented with effective and reliable results.	

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<ul style="list-style-type: none"> ■ Incorporate energy efficient appliances ■ Incorporate energy efficient domestic hot water systems ■ Incorporate solar panels into the electrical system ■ Incorporate cool roofs/light-colored roofing ■ Or other measures that will increase the energy efficiency of building envelope in a manner that when combined with the other options listed above exceeds current Title 24 Standards (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended November 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 20 percent. <p>MM4.2-23 Prior to issuance of a building permit, the applicant shall provide a landscape plan for the Project that includes shade trees around main buildings, particularly along southern elevations where practical, and will not interfere with loading dock locations or other operational constraints. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval.</p> <p>MM4.2-24 Prior to issuance of a building permit, the applicant shall demonstrate that the proposed building or structure designs incorporate exterior storage areas for recyclables and green waste and adequate</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>recycling containers located in public areas. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy.</p> <p>MM4.2-25 The applicant shall provide education and publicity about reducing waste and available recycling services to future tenants. The education and publicity materials shall be provided to the City for review and approval by the Planning Department.</p> <p>MM4.2-26 All showerheads, lavatory faucets, and sink faucets within the residential units shall comply with the California Energy Conservation flow rate standards.</p> <p>MM4.2-27 Low-flush toilets shall be installed within all commercial and residential (including Congregate Care) units as specified in California State Health and Safety Code Section 17921.3.</p> <p>MM4.2-28 All commercial/industrial/common area irrigation areas shall be capable of being operated by a computerized irrigation system which includes an onsite weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain, and wind. In addition, the computerized irrigation system shall be equipped with flow-sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks, and eliminating over-watering and flooding due to pipe and/or head breaks.</p> <p>MM4.2-29 Landscape designers shall ensure that Project landscaping of commercial/industrial/common areas uses drought-tolerant and smog-tolerant trees, shrubs, and groundcover to ensure long-term viability and conserve water and energy.</p> <p>MM4.2-30 Landscape designers shall ensure that the landscape plan includes drought resistant trees, shrubs, and groundcover within the parking lot and perimeter.</p> <p>MM4.2-31 Project designers shall ensure that design features incorporate light-colored roofing materials that will deflect heat away from the building and conserve energy.</p> <p>MM4.2-32 The Project designers shall ensure that designs include all illumination elements to have controls to allow selective use as an energy conservation measure.</p> <p>MM4.2-33 Prior to issuance of a building permit, the applicant shall demonstrate that measures have been included to promote ride sharing programs such as, but not necessarily including, publishing ride sharing information for all of the tenants, designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a website or message board for coordinating rides.</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy.</p> <p>MM4.2-34 Prior to issuance of a building permit, the applicant shall demonstrate that measures have been included to provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy.</p> <p>MM4.2-35 Prior to issuance of any certificate of occupancy, the applicant shall demonstrate that all interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting to the satisfaction of the City Building Official.</p> <p>MM4.2-36 Tenants shall be responsible to ensure that preferential parking spaces are allocated to ultra-low emission vehicles and alternative fueled vehicles to encourage the use of alternative fuels and ultra-low emission vehicles.</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
<p>Impact 4.2-7 Construction and operation of the proposed project would 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.</p>	<p>The City believes that both construction and operation of the proposed project would 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.</p> <p>The City further believes that the implementation of MM4.2-2 through MM4.2-39 will reduce the emissions of these pollutants but not a less than significant level.</p> <p>Discussion is provided on pages 4.2-37 and 38 of the FEIR (Volume I). In addition, Appendices B and G provide further evidence supporting this impact and its associated findings.</p>	<p>MM4.2-2 through MM4.2-39 would also apply to this impact.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p>Finding 3 The City finds that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce this impact. Since the region is in non-attainment for CO, NO_x, PM₁₀, and PM_{2.5} and the project exceeds SCAQMD daily thresholds for VOC, NO_x, CO, and PM₁₀ for construction and operation, it will make a cumulatively considerable impact.</p>	<p>Significant and unavoidable</p>
BIOLOGICAL RESOURCES				
<p>Impact 4.3-1 Long-term cumulative development occurring pursuant to the Transit Zoning Code would not result in a potential reduction in nesting opportunities for resident and migratory avian species of special concern.</p>	<p>The City believes that compliance with MM4.3-1, which requires that avian species of concern, protected migratory species (e.g., MBTA), or raptors species are not injured or disturbed by construction in the vicinity of nesting habitat, will reduce potential impacts to nesting, migratory, or protected birds.</p> <p>Discussion is provided on pages 4.3-16 and 17. 4.4-40 of the FEIR (Volume I). In addition, Appendix C provides further evidence supporting this impact and its</p>	<p>MM4.3-1 To ensure that avian species of concern, protected migratory species (e.g., MBTA), or raptors species are not injured or disturbed by construction in the vicinity of nesting habitat, the project applicant shall implement the following measures:</p> <ol style="list-style-type: none"> 1. Tree removal shall be restricted to the period between August 30 and February 15, to the extent feasible, to avoid the breeding season of any migratory species that could be using the area, and to discourage nesting in the vicinity of an upcoming construction area. 	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
	<p>associated findings.</p>	<p>If it is not feasible to remove trees outside this window then, prior to the beginning of mass grading, including grading for major infrastructure improvements, during the period between February 15 and August 30, all trees within 250 feet of any grading or earthmoving activity shall be surveyed for active nests by a qualified biologist no more than 30 days prior to disturbance. If active nests are found, and the site is within 250 feet of potential construction activity, a temporary fence shall be erected, where appropriate, around the tree(s) at a distance of up to 250 feet, depending on the species, from the edge of the canopy to prevent construction disturbance and intrusions on the nest area. The appropriate buffer shall be determined in consultation with the City of Santa Ana Park Naturalist or a designee.</p> <ol style="list-style-type: none"> 2. No construction vehicles shall be permitted within restricted areas (i.e., protection zones), unless directly related to the management or protection of the legally protected species. 3. If a legally protected species nest is located in a tree designated for removal, the removal shall be deferred until after August 30, or until the adults and young of the year are no longer dependent on the nest site as determined by a qualified biologist. 		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
CULTURAL RESOURCES				
<p>Impact 4.4-1 Long-term cumulative development occurring pursuant to the Transit Zoning Code could cause a substantial adverse change in the significance of an archaeological resource or disturb human remains.</p>	<p>Implementation of MM4.4-1(a) and MM4.4-1(b) will ensure that adverse impacts will not occur to archaeological resources and/or human remains since it involves pre-grading study as well provisions for handling remains or artifacts that are encountered unexpectedly.</p> <p>Discussion is provided on pages 4.4-19 and 20 of the FEIR (Volume I). In addition, Appendix D provides further evidence supporting this impact and its associated findings.</p>	<p>MM4.4-1(a) Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain an archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for Archaeology to determine if the project could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines or disturb human remains. The investigation shall include, as determined appropriate by the archaeologist and the City of Santa Ana, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS), updated Native American consultation, and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological resources within the development area and includes recommendations and methods for eliminating or avoiding impacts on archaeological resources or human remains. The measures shall include, as appropriate, subsurface testing of archaeological resources and/or construction monitoring by a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe (e.g., the Gabrieliño Tongva Nation) and/or the Native</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>American Heritage Commission. The methods shall also include procedures for the unanticipated discovery of human remains, which shall be in accordance with Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. The technical report or memorandum shall be submitted to the City of Santa Ana for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on archaeological resources identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain an archaeologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with MM4.4-2(b).</p> <p>MM4.4-1(b) If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity (“midden”),</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the City of Santa Ana shall be notified. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the SCCIC.</p>		
<p>Impact 4.4-2 Long-term cumulative development occurring pursuant to the Transit Zoning Code has the potential to directly or indirectly destroy a unique paleontological resource or unique geologic feature.</p>	<p>The City believes that through the potential grading for future project construction impacts would potentially occur to paleontological resources. However, implementation of MM4.2-2(a) and MM4.2-2(b) would reduce the impact to less than significant through pre-grading study as well as by providing provisions to preserve resources that are encountered unexpectedly.</p> <p>Discussion is provided on pages 4.4-20</p>	<p>MM4.4-2(a) Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain a professional paleontologist to determine if the project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The investigation shall include, as determined appropriate by the paleontologist and the City of Santa Ana, a paleontology records check and a pedestrian survey of the area proposed for development. The results of the investigation shall be</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than Significant</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
	and 21 of the FEIR (Volume I).	<p>documented in a technical report or memorandum that identifies the paleontological sensitivity of the development area and includes recommendations and methods for eliminating or avoiding impacts on paleontological resources or unique geologic features. The technical report or memorandum shall be submitted to the City for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on paleontological resources or unique geologic features identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain a paleontologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with MM4.4-3(b).</p> <p>MM4.4-2(b) Should paleontological resources (i.e., fossil remains) be identified at a particular site during project construction, the construction foreman shall cease construction within 100 feet of the find until a qualified</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>professional can provide an evaluation. Mitigation of resource impacts shall be implemented and funded by the project applicant and shall be conducted as follows:</p> <ol style="list-style-type: none"> 1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high 2. Assess effects on identified sites 3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted 4. Obtain comments from the researchers 5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible <p>In considering any suggested mitigation proposed by the consulting paleontologist, the City of Santa Ana staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, applicable policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.</p>		
<p>Impact 4.4-3 The adoption of the Transit Zoning Code (SD 84A and SD 84B) would</p>	<p>Summary: CEQA Guidelines Section 15064.5(b) states that "a project with an effect that may cause a substantial</p>	<p>MM4.4-3 Prior to development activities that would demolish or otherwise physically affect buildings or structures 50 years old or older or</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the</p>	<p>Significant and unavoidable</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
<p>result in substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.</p>	<p>adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Adoption of the Transit Zoning Code would enable new development that would result in demolition, relocation, or alteration of historical resources, including resources listed on the SARHP and within the Santa Ana Downtown Historic District. This impact is considered significant.</p> <p>Implementation of MM4.4-3 would require that if future development activities would require the potential demolition of a structure 50 years old or greater, the applicant will retain a professional architectural historian to document the structure and prepare a memorandum for submittal to the City, determining if the structure is considered historical per 15064.5 of the CEQA Guidelines.</p> <p>However, because neither existing City policies nor the proposed Transit Zoning Code require identification of potentially significant historical resources within areas proposed for development, and do not explicitly prohibit demolition of significant historical resources, it is possible that development activities resulting from implementation of the proposed Transit Zoning Code would cause a substantial adverse change in the significance of a known or previously undocumented historical resource.</p> <p>Despite existing City policies and the</p>	<p>affect their historic setting, the project applicant shall retain a cultural resource professional who meets the Secretary of the Interior’s Professional Qualifications Standards for Architectural History 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. The investigation shall include, as determined appropriate by the cultural resource professional and the City of Santa Ana, the appropriate archival research, including, if necessary, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) and a pedestrian survey of the proposed development area to determine if any significant historic-period resources would be adversely affected by the proposed development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any historical resources within the development area and includes recommendations and methods for eliminating or reducing impacts on historical resources. The technical report or memorandum shall be submitted to the City Santa Ana for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the</p>	<p>project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p>Finding 3</p> <p>The City finds that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, there is no additional mitigation available to reduce this impact to below the level of significance.</p>	

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
	<p>provisions within the Transit Zoning Code design and development standards requiring architectural compatibility, significant historical resources would be adversely impacted by future development plans that would require demolition of historic-age buildings and structures. Therefore, impacts are considered significant and unavoidable.</p> <p>Discussion is provided on pages 4.4-22 through 26 of the FEIR (Volume I). In addition, Appendix D provides further evidence supporting this impact and its associated findings.</p>	<p>technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or reducing impacts on historical resources identified in the technical report or memorandum. Such methods could include, but not be 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.</p>		
<p>Cumulative Paleontological Impacts</p>	<p>Summary: Because all cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base.</p> <p>Discussion is provided on page 4.4-27 of the FEIR (Volume I).</p>	<p>Refer to MM4.4-1(a), MM4.4-1(b), and MM4.4-3, above.</p>	<p>Finding 1</p> <p>The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p>Specifically, MM4.4-1(a), MM4.4-1(b), and MM4.4-3, which would require the Project Applicant to cease construction and consult with a qualified professional in the event a fossil or other cultural resource is found during construction would reduce adverse impacts.</p> <p>However, the loss of any one paleontological site affects all others in a region because these resources are best understood in the context of the entirety of the ancient ecologic system of which they formed a part. The boundaries of paleontologically important sites are not limited by property boundaries. In addition, since historic features in their context are finite</p>	<p>Significant and unavoidable</p>

Table 2-1 CEQA Findings				
Impact Statement	Evidence/Rationale Supporting Findings	Mitigation Measures	Findings	Level of Significance after Mitigation
			resources, the loss of one structure diminishes resources from the given context. Finding 3 Therefore, construction of the Proposed Project despite mitigation, along with other projects in the area could inadvertently impact previously unknown or undiscovered cultural resources. Therefore, this cumulative impact would remain significant and unavoidable. The City finds that specific economic, social, or other considerations make infeasible additional mitigation.	

HAZARDS AND HAZARDOUS MATERIALS

Impact 4.5-2 Construction activities associated with implementation of the proposed Transit Zoning Code (SD 84A and SD 84B) would result in the release of hazardous materials to the environment through reasonably foreseeable upset and accident conditions.	Future development under the project would involve the transportation, use, storage, and/or disposal of hazardous materials, such as diesel exhaust. Construction activities on existing sites documented as hazardous materials sites or requiring demolition of structures built prior to 1980 which may contain asbestos, lead or PCBs, would expose construction workers and the public to hazardous materials. However, Federal, state, and local regulations govern the disposal of wastes identified as hazardous, which would be produced at future development sites. Asbestos, lead, or other hazardous material encountered during demolition or construction activities would be disposed of in compliance with all applicable regulations for the handling of such waste. In addition, implementation of MM4.5-1 through MM4.5-3 would reduce these	MM4.5-1 When sites that are listed in the EDR Report initiate project development, the project applicant shall prepare a Phase I ESA for the proposed site. The Phase I ESA shall be prepared in accordance with ASTM E-1527-05 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” (November 1, 2006). The purpose of a Phase I ESA is to identify environmental conditions at a proposed project site that may suggest environmental contamination. The Phase I ESA report shall be prepared by a CA EPA Registered Environmental Assessor or similarly qualified individual prior to initiating any construction activities at the site. If recommended in the Phase I ESA, the project sponsor shall undertake (or require the responsible party to undertake) a Phase II ESA soil sampling plan; or if any environmental contamination is identified by	Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.	Less than significant
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Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
	<p>impacts. Discussion is provided on pages 4.5-15 to 17 of the DEIR (Volume I).</p>	<p>the Phase I ESA, the project sponsor shall implement (or require the responsible party to implement) the recommendations of the report to further investigate and to remove any soil contamination.</p> <p>MM4.5-2 In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction in the Transit Zoning Code (SD 84A and SD 84B) area, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such 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. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., Santa Ana Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to</p>		

Table 2-1 CEQA Findings

Impact Statement	Evidence/Rationale Supporting Findings	Mitigation Measures	Findings	Level of Significance after Mitigation
		<p>commencement of work in any contaminated area.</p> <p>MM4.5-3 Prior to the demolition of structures that were constructed before 1980, a thorough investigation shall be completed to determine if asbestos, lead, or PCBs exist on the site. All demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards.</p>		
<p>Impact 4.5-3 Construction activities associated with the implementation of the Transit Zoning Code would result in the handling of hazardous materials, substances, or waste within one-quarter mile of an existing school.</p>	<p>Two school facilities are located within the proposed Transit Zoning Code (SD 84A and SD 84B) area. Construction activities would result in diesel emissions associated with diesel-powered trucks and equipment and the potential for site contamination. However, compliance with all applicable State, and federal laws and regulations, regulate, control, or respond to hazardous waste, transport, disposal, or clean-up in order to ensure that hazardous materials do not pose a significant risk to nearby receptors. If ground contamination is found within close proximity to a school site before or during construction, further implementation of mitigation measures MM4.5-1 and MM4.5-2 would ensure the health and safety of all students.</p> <p>Discussion is provided on pages 4.5-17 of the DEIR.</p>	<p>MM4.5-1 and MM4.5-2 above, would apply to this impact.</p>	<p>Finding 1</p> <p>The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>
<p>Impact 4.5-4 The Transit Zoning Code (SD 84A and SD 84B) includes sites which are included on a list of</p>	<p>Implementation of the proposed project would lead to development of sites identified on various regulatory databases as being contaminated from release of</p>	<p>MM4.5-2 and MM4.5-3 listed above, would also apply to this impact.</p>	<p>Finding 1</p> <p>The City finds that changes or alterations have been required in, or incorporated into, the</p>	<p>Less than significant</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
<p>hazardous materials sites and as a result, would create a significant hazard to the public or environment.</p>	<p>hazardous substances in the soil, including underground storage tanks, and small-quantity generators of hazardous waste. However, implementation of mitigation measures MM4.5-1 and MM4.5-2 would ensure that contaminated sites undergo remediation activities prior to development activities, thus reducing the impacts below a level of significance.</p> <p>Discussion is provided on page 4.5-18 of the DEIR.</p> <p>For each of the parcels that are a proposed as part of the Developer Project, Phase I Environmental Site Assessments (ESAs) were conducted by Converse Consultants in April 2010 in accordance with ASTM Practice E1527-05 standards. The proposed project area was assessed by block; thirteen separate ESAs were prepared. The ESAs were prepared using and extensive record search as well as field reconnaissance surveys. The results of these ESA are summarized in the Chapter 2 of the Final EIR (Changes to the Draft EIR). The ESAs concluded that no further investigation was needed, with the exception of soil vapor surveys on Blocks 1 and 6. In accordance with mitigation measure MM4.5-1, the project Applicant would be required to undertake a Phase II ESA soil sampling plan to ensure that potential impacts remain less than significant.</p>		<p>project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	
<p>Impact 4.5-5 Construction activities associated with the</p>	<p>The Transit Zoning Code area is located in the John Wayne Airport (SNA) Planning</p>	<p>MM4.5-4 For development of structures that exceed 200 feet in height above ground level</p>	<p>Finding 1</p>	<p>Less than</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
<p>implementation of the Transit Zoning Code could result in a safety hazard for people residing or working in the project area.</p>	<p>Area and is subject to building height restrictions. Proposed structures could exceed the 200 foot height restriction, potentially resulting in a safety hazard to people residing or working in the project area. However, implementation of MM4.5-4 will require projects that exceed 200 feet to comply with Federal Aviation Administration (FAA) and Airport Land Use Commission (ALUC) regulations.</p>	<p>at a development site, applicants shall file a Notice of Proposed Construction or Alteration with the FAA (FAA Form 7460-1). Following the FAA's aeronautical evaluation of the project, projects must comply with conditions of approval imposed or recommended by the FAA. Subsequent to the FAA findings, the project shall be reviewed by the ALUC for consistency analysis.</p>	<p>The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>significant</p>
<p>Impact 4.5-6 The Transit Zoning Code could impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan resulting in a significant impact.</p>	<p>Roadway improvements and the potential extension of construction activities into the right-of-way during construction of future development could result in a reduction in the number of lanes or temporary closures of certain streets. Additionally, during the operation of future development, an increase in traffic on roads or the modification of existing transportation routes could occur. These changes could interfere with the response times of emergency vehicles. However, during future construction activities, mitigation measures MM4.5-5 and MM4.5-6 would require that temporary street closures would not affect emergency access in the vicinity of future developments through the preparation of a traffic plan and consultation with the Police Department. To reduce impacts during operation of the project, mitigation measures MM4.5-7 and MM4.5-8 would require the City to update their Emergency Preparedness Plan and require future projects to submit evacuation plans to be revised by City</p>	<p>MM4.5-5 Prior to initiation of construction activities, any development within the Transit Zoning Code (SD 84A and SD 84B) Area shall have a completed traffic control plan, prepared by the project proponent that will be implemented during construction activities. This may include, but is not limited to, the maintenance of at least one unobstructed lane in both directions on surrounding roadways. At any time if only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls to allow travel in both directions. If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating alternative routes.</p> <p>MM4.5-6 The City Public Works Department shall consult with the Santa Ana Police Department and the Santa Ana Fire Department to disclose temporary closures and alternative travel routes in order to ensure adequate access for emergency vehicles when construction of future projects</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
	Police and Fire Departments.	<p>would result in temporary land or roadway closures.</p> <p>MM4.5-7 The Santa Ana Fire Department, in consultation with other applicable City Departments (e.g., Police), shall update their Emergency Preparedness Plan prior to occupancy of the first project developed under the Transit Zoning Code (SD 84A and SD 84B), to address the potential for the accidental release of hazardous materials that may be used, stored, and/or transported in association with operation of project implementation.</p> <p>MM4.5-8 Project applicants shall submit evacuation plans on a project by project basis that shall be reviewed and approved by the City Police and Fire Departments.</p>		
HYDROLOGY AND WATER QUALITY				
<p>Impact 4.6-1 Implementation of the Transit Zoning Code would not violate water quality standards, waste discharge, or otherwise substantially degrade water quality.</p>	<p>Construction activities occurring in the Transit Zoning Code area would result in stormwater contamination and impact water quality. Runoff from construction sites which may include sediments, contaminants and other pollutants would result in stormwater contamination and degrade water quality.</p> <p>The operation of future developments in the Transit Zoning Code (SD 84A and SD 84B) area would result in the addition of contaminants into the stormwater runoff entering the City's drainage system, further degrading water quality. However, compliance with federal, state, and local regulations as well as the implementation</p>	<p>MM4.6-1 In order to comply with the current version of the DAMP, future development projects in the Transit Zoning Code (SD 84A and SD 84B) area shall prepare Storm Drain Plans, Stormwater Pollution Prevention Plans (SWPPP), and Water Quality Management Plans (WQMP) conforming to the current National Pollutant Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer or Environmental Engineer, shall be submitted to the Public Works Agency for review and approval.</p> <p>a. A SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of the development. The plan</p>	<p>Finding 1</p> <p>The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
	<p>of MM4.6-1, which requires the use of BMPs through the preparation of required water quality-related documents (SWPPP and WQMP), would reduce this impact to below the level of significance.</p>	<p>shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to eliminate polluted runoff until all construction work for the project is completed. The SWPPP shall include treatment and disposal of all dewatering operation flows, and for nuisance flows during construction. The SWPPP may include, but would not necessarily be limited to, the following applicable measures:</p> <ul style="list-style-type: none"> ■ Minimum required pavement widths for residential streets needed to comply with all zoning and applicable ordinances ■ Use permeable materials for private sidewalks, driveways, parking lots, or interior roadway surfaces ■ Reduce the overall imperviousness associated with parking lots by using pervious materials in spillover parking areas ■ Direct rooftop runoff to pervious areas and avoid routing rooftop runoff to the roadway or the stormwater conveyance system ■ Biofilters including vegetated swales and strips ■ Extended/dry detention basins ■ Infiltration basin ■ Infiltration trenches or vaults ■ Catch basin inserts ■ Continuous flow deflection/separation 		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		systems <ul style="list-style-type: none"> ■ Storm drain inserts ■ Media filtration ■ Foundation planting ■ Catch basin screens ■ Normal flow storage/separation systems ■ Clarifiers ■ Filtration systems ■ Primary waste water treatment systems ■ Dry Wells ■ Cistern b. A WQMP shall be prepared, maintained, and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall incorporate water quality measures for all improved phases of the project.		
<p>Impact 4.6-3 Development under the Transit Zoning Code (SD 84A and SD 84B) could alter the existing drainage pattern of the area and potentially result in erosion and siltation.</p>	<p>Future development in the Transit Zoning Code area would result in minor alterations to drainage, such as changes in ground surface permeability via paving, or changes in topography via grading and excavation. However, adherence to existing regulations and implementation of MM4.6-1 which requires future development to prepare a storm drain plan and WQMP would reduce the volume of sediment-laden runoff discharge from the sites within the project area. As such, because future projects would projects are</p>	<p>MM4.6-1 would also apply to this impact.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
	<p>not anticipated to substantially alter the drainage patten and future development would adhere to existing requirements which would reduce erosion and siltation during operation, the impact would be reduced to below the level of significance.</p>			
<p>Impact 4.6-4 Future development in the Transit Zoning Code (SD 84A and SD 84B) could alter the existing drainage pattern and potentially result in increased downstream flooding through the addition of impervious surfaces, or exceeding the capacity of existing or planned stormwater drainage systems.</p>	<p>Future development would consist primarily of infill and redevelopment which would not substantially alter drainage patterns because these areas are already developed with existing uses and impervious surfaces. However, development of land that is currently vacant and covered with permeable surfaces, would increase impervious surfaces and could in turn increase stormwater runoff in the project area. This increase in runoff could exceed capacity of existing and planned infrastructure and cause downstream flooding impacts.</p> <p>However, implementation of MM4.6-1 would reduce the volume of runoff generated and potential for flooding through incorporation of stormwater detention facilities. Mitigation measures MM4.6-2 through MM4.6-4 would address issues relating to existing storm drain system capacity through project design features, and by providing for project specific requirements.</p>	<p>MM4.6-2 Prior to issuance of grading permits for future development projects in the Transit Zoning Code (SD 84A and SD 84B) area, applicants shall submit site-specific Hydrology and Hydraulic Studies to the Public Works Department for review and approval. If existing facilities are not adequate to handle runoff that may be generated by the proposed development, then the applicant shall propose feasible remedies to assure that adequate drainage facilities will be available prior to issuance of occupancy permits. The applicant may propose storm drain improvements to be constructed in order to meet project needs. If necessary storm drain upgrades cannot be implemented prior to issuance of occupancy permits, on site detention facilities or other methods acceptable to the City shall be included with new development projects to ensure that post-construction runoff does not exceed pre-development quantities.</p> <p>MM4.6-3 During the design of individual projects, applicants shall minimize impervious area by incorporating landscaped areas over substantial portions of a proposed project area. Furthermore, impervious areas shall be directly connected to landscaped areas or bioretention facilities to promote filtration and infiltration of stormwater.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>MM4.6-4 During the design of individual projects, applicants shall control structural source through storm drain stenciling and signage, coverage of trash area to minimize direct precipitation, efficient irrigation to minimize runoff into stormwater conveyance system, slope and channel protection to decrease potentials for erosions of slopes, and use of deep-rooted, drought tolerant plant species for erosion control.</p>		

NOISE

<p>Impact 4.8-1 Construction activities associated with the proposed project would generate noise levels that exceed the noise standards established by the City of Santa Ana Municipal Code.</p>	<p>Construction activities associated with the proposed project may exceed permitted noise levels. However, adherence to the City's Noise Ordinance which restricts construction activities during certain hours and prohibits construction from occurring on Sunday, and implementation of mitigation measures MM4.8-1 through MM4.8-4 would ensure that impacts associated with construction-related noise would be minimized. Said mitigation measures would set forth BMPs that can help substantially reduce construction noise, in addition to the routing of trucks and grading equipment (to the extent feasible) away from sensitive receptors.</p> <p>These measures would require that the construction contractor for the Developer Project 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-</p>	<p>MM4.8-1 All construction activity within the City shall be conducted in accordance with Section 18-314(e) of the City of Santa Ana Municipal Code.</p> <p>MM4.8-2 Each project applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:</p> <p>Two weeks prior to the commencement of construction, notification must be provided to property owners within 300 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period</p> <p>Ensure that construction equipment is properly muffled according to industry standards and be in good working condition</p> <p>Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where</p>	<p>Finding 1</p> <p>The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>
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Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
	<p>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 during construction activities associated with the Developer Project. 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.</p>	<p>feasible</p> <p>Schedule high noise-producing activities between the hours of 8:00 A.M. and 5:00 P.M. to minimize disruption on sensitive uses</p> <p>Implement noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources</p> <p>Use electric air compressors and similar power tools rather than diesel equipment, where feasible</p> <p>Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes</p> <p>Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.</p> <p>Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.</p> <p>MM4.8-3 Each project applicant shall require by contract specifications that construction staging areas along with the operation of earthmoving equipment within the project area would be located as far away from</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>vibration and noise sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.</p> <p>MM4.8-4 Each project applicant shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.</p>		
<p>Impact 4.8-2 Operation of the proposed project could expose noise-sensitive land uses to noise levels that exceed the standards established by the City of Santa Ana General Plan.</p>	<p>Implementation of the proposed project would lead to the development of high-density residential uses in areas that currently exceed the 65 dBA CNEL “Desirable Maximum,” exposing noise-sensitive land uses to noise levels that exceed the standards established by the City of Santa Ana General Plan. However, implementation of mitigation measure MM4.8-5 would ensure that exterior living spaces, such as porches and patios, are constructed in a manner that noise levels do not exceed the 65 dBA CNEL. Further implementation of mitigation measure MM4.8-6 would ensure that interior living spaces of the residential units do not exceed 45 dBA CNEL. Mitigation measure MM4.8-7 would require shielding of new HVAC system to achieve suitable noise levels.</p>	<p>MM4.8-5 When residential uses would be located in areas with noise levels in excess of 60 dBA CNEL (either through conversion of use/structure or new construction), the project applicant shall provide noise barriers around private open space areas, including patios and balconies, as necessary. The height and density of the barriers shall be sufficient to reduce the exterior noise levels within private open space areas to a CNEL of 65 dBA or less.</p> <p>MM4.8-6 Prior to issuance of building permits, building plans shall specify the STC rating of windows and doors for all residential land uses. Window and door ratings shall be sufficient to reduce the interior noise level to a CNEL of 45 dBA or less, and shall be determined by a qualified acoustical consultant as part of the final engineering design of the project.</p> <p>MM4.8-7 Each project applicant shall provide</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
<p>Impact 4.8-8 Operation of the Southern California Regional Rail Authority's (SCRRA) rail line would potentially expose noise-sensitive land uses located within the Transit Zoning Code (SD 84A and SD 84B) area to noise levels that exceed the standards established by the City of Santa Ana General Plan.</p>	<p>Under the Transit zoning Code, sensitive uses, primarily residential structures would be located in close proximity to the SCRRA rail line. Operation of the SCRRA rail line would expose noise-sensitive land uses located within the project area to noise levels that exceed the standards established by the City of Santa Ana General Plan.</p> <p>Implementation of mitigation measures MM4.8-5 and MM4.8-6 would reduce noise levels at sensitive receptors associated with interior and exterior communal and private spaces. Additionally, MM4.8-8 would also reduce noise impacts by disclosing to future residents the types and level of noise that can be expected.</p> <p>However, these measures would not reduce impacts below the levels established in the City's Municipal Code.</p> <p>The City is currently pursuing the establishment of Quiet Zone within the City which would further reduce this impact, by preventing trains from using their horns at at-grade crossings, however this has not yet occurred.</p>	<p>proper shielding for all new HVAC systems used by the proposed residential and mixed use buildings to achieve an attenuation of 15 dBA at 50 feet from the equipment.</p> <p>MM4.8-8 The City shall provide a written statement to each applicant for projects located within 400 feet of the SCRRA tracks that shall be provided for each residential unit and resident, notifying them of potential noise and vibration issues associated with the railroad tracks, including the following:</p> <p>Notice of Disclosure Each owner's [or renter's] interest is subject to the fact that trains operate at different times of the day and night on the railway tracks immediately adjacent to a project site; and that by accepting the conveyance of an interest [or lease agreement] in that project, owner [or renter] accepts all impacts generated by the trains.</p> <p>Posting of Notice of Disclosure in each residential unit Prior to offering the first residential unit for purchase, lease, or rent, the property owner or developer shall post a copy of the Notice of Disclosure in every unit in a conspicuous location. Also, a copy of the Notice of Disclosure shall be included in all materials distributed for the Project, including but not limited to: the prospectus, informational literature, and residential lease and rental agreements.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p>Finding 3 The City finds that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, the City finds that no additional feasible mitigation measures exist that would avoid or substantially reduce this impact. Proximity to the SCRRA rail line will have noise impacts. One of the main benefits of living in transit-oriented developments is the proximity to transit, in this case heavy rail. The lifestyle choice associated with living in a transit oriented area means accepting higher than normal, intermittent noise levels.</p>	<p>Significant and unavoidable</p>

Table 2-1 CEQA Findings				
<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
<p>Impact 4.8-9 Construction activities associated with the proposed project would generate or expose persons or structures to excessive groundborne vibration.</p>	<p>Temporary construction-related vibration associated with future development would potentially result in high levels of vibration resulting in human annoyance and groundborne vibration associated with construction equipment would potentially damage historic structures. This would expose sensitive receptors in the project area to vibration impacts above the applicable threshold. Implementation of mitigation measures MM4.8-1 through MM4.8-4 would help to reduce this impact through the use of BMPs, but not to a less-than-significant level.</p>	<p>MM4.8-1 through MM4.8-4 listed above, would also apply to this impact.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p>Finding 3 The City finds that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, the City finds that no additional feasible mitigation measures exist that would avoid or substantially reduce this impact. The weight of construction equipment as well the specific work performed thereby cause temporary, unwanted vibration.</p>	<p>Significant and unavoidable</p>
<p>Cumulative Noise Impact</p>	<p>Vibration from future development would potentially combine with construction vibration of other projects to result in a potentially significant cumulative impact.</p> <p>Residential development associated with the proposed project and two related projects, located within close proximity to the SCCRA would expose residents to noise levels exceeding the “Desirable Maximum” standard. This is considered cumulatively considerable.</p>	<p>MM4.8-1 through MM4.8-4 listed above, would also apply to this impact.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p>Finding 3 The City finds that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, the City finds that no additional feasible mitigation measures exist that would avoid or substantially reduce this impact. The noise from heavy rail, vehicular traffic, construction equipment would be cumulatively significant.</p>	<p>Significant and unavoidable</p>

Table 2-1 CEQA Findings				
<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
PUBLIC SERVICES				
<p>Impact 4.10-1 Construction of new projects pursuant to the Transit Zoning Code (SD 84A and SD 84B) would increase the demand for fire protection services, but it would not require the construction of new or physically altered facilities to accommodate the increased demand or maintain acceptable response times.</p>	<p>Construction of new projects pursuant to the Transit Zoning Code would increase the demand for fire protection services, but it would not require the construction of new or physically altered facilities to accommodate the increased demand or maintain acceptable response times. However, implementation of the MM4.10-1 would ensure that appropriate steps are taken during project design such that all necessary fire safety features would be in place and available to the SAFD during a call for service. Additionally, individual projects would be required to pay Fire Facility Fee per the City's Municipal Code.</p>	<p>MM4.10-1 Prior to an issuance of a building permit, individual projects in the Transit Zoning Code (SD 84A and SD 84B) area shall perform a water supply, fire flow test and fire protection system design analysis to ensure that proposed projects are in accordance to meet standard fire protection design requirements.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>
<p>Impact 4.10-2 Operation of the proposed project would increase the demand for police services, thereby requiring additional staffing, although it would not require the construction of new or physically altered facilities or personnel to accommodate the increased demand.</p>	<p>The direct population increase associated with build out of the proposed project would increase the demand for police services, reducing the existing officer-to-citizen ratio and potentially resulting in the need for additional personnel and possibly equipment. Compliance with applicable regulations and guidelines and implementation of MM4.10-2 and MM4.10-3 would substantially reduce this impact to less than significant levels by requiring safety plan preparation and reserving emergency services frequency.</p>	<p>MM4.10-2 Any development that would exceed two stories in height shall submit site-specific security plans to the SAPD for review prior to issuance of a building permit.</p> <p>MM4.10-3 No developer within the Transit Zoning Code (SD 84A and SD 84B) boundaries shall utilize a frequency of 800 MHz, which is reserved for emergency services.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
Impact 4.10-3 Construction of new residential units within the project area would generate new students that could require the addition of new classroom facilities, thereby requiring new or physically altered facilities to accommodate additional students in Santa Ana Unified School District (SAUSD) schools.	The addition of new students to SAUSD schools as a result of population growth generated by new development would further contribute to the existing overcrowded conditions. However, payment of school impacts fees by individual project developers as required by MM4.10-4 would ensure that impacts are reduced to less than significant by allowing the school district to expand its resources as necessary.	MM4.10-4 Individual project developers shall pay school impact fees prior to the issuance of occupancy permits.	Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.	Less than significant
Impact 4.10-5 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) these new projects would generate a need for new or physically altered park facilities in order to maintain acceptable service ratios.	Population growth associated with full build out of the project would create additional demand on the existing parklands inventory. However, mitigation measure MM4.10-5 would require all future residential development projects to pay Park Acquisition and Development Fee which would ensure that demand on parklands is not exacerbated by providing funding for new park acquisition and construction based on future needs.	MM4.10-5 Prior to issuance of a building permit for a residential development project, or change of use from non-residential to residential within the Transit Zoning Code (SD 84A and SD 84B) area, project applicants shall pay to the City of Santa Ana the Park Acquisition and Development Fee.	Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.	Less than significant

TRANSPORTATION/TRAFFIC

Impact. 4.11-1 Operation of the proposed project would result in impacts related to neighborhood traffic in the adjacent residential areas to the Transit Zoning Code (SD 84A and SD 84B) area.	Operation of the proposed project would result in impacts related to neighborhood traffic in the adjacent residential areas of the project area. However, Mitigation measure MM4.11-1 would ensure that traffic calming measures are implemented during any roadway improvements that would occur in the project area, thus deterring cut-through traffic onto local	MM4.11-1 The City of Santa Ana shall, during any roadway improvement within the Transit Zoning Code boundaries, evaluate, consider, and implement as appropriate the traffic calming measure(s), including but not limited to the following: <ul style="list-style-type: none"> ■ Curb extensions at local intersections ■ Short medians at entries to wide streets 	Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.	Less than significant
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Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
	residential streets.	<ul style="list-style-type: none"> ■ Traffic circles at oversized intersections ■ Speed humps ■ Turn restrictions 		
<p>Impact 4.11-8 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>Under a full build-out scenario of the proposed project, the project would contribute to unacceptable levels of service at a number of intersections during AM and PM peak hours in both 2030 and 2035. Intersection improvements incorporated into the project as MM4.11-3 through MM4.11-15 which were developed and modeled by professional traffic engineers would ensure that all study area intersection would operate at acceptable levels under the 2030 and 2035 AM and PM peak hours</p>	<p>MM4.11-3 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>MM4.11-4 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> <p>A funding and improvement program should be established to identify financial resources adequate to construct all identified mitigation measures in a timely basis.</p> <p>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.</p> <p>The program should raise funds from full</p>	<p>Finding 1</p> <p>The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p>	<p>Less than significant</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>development of the Transit Zoning Code to fund all identified mitigation measures.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>until more program funds are available.</p> <p>MM4.11-5 <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>MM4.11-6 <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>MM4.11-7 <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>MM4.11-8 <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>MM4.11-9 <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>MM4.11-10 <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</p>		

Table 2-1 CEQA Findings

Impact Statement	Evidence/Rationale Supporting Findings	Mitigation Measures	Findings	Level of Significance after Mitigation
		<p>conditions.</p> <p>MM4.11-11 <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>MM4.11-12 <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>MM4.11-13 <i>Grand Avenue at Santa Ana Boulevard</i>—Construct a third southbound through lane and eastbound right-turn overlap signal phasing.</p> <p>MM4.11-14 <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>MM4.11-15 <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>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
<p>Impact 4.11-9 Long-term cumulative development under implementation of the Transit Zoning Code would result in impacts related to freeway ramps in the vicinity of the Transit Zoning Code area.</p>	<p>Under the full build-out scenario of the proposed project the northbound off-ramp at the I-5 Santa Ana Boulevard interchange would operate at an unacceptable level of service during 2035 PM peak hour. With implementation of mitigation measure MM4.11-16, the presence of two ramp lanes would improve the level of service of the northbound off-ramp to LOS C or better and result in a less than significant impact. However, the City, as the lead agency for this project, has no control over major freeway improvements. As such, unless permission is given from Caltrans, this traffic impact would remain unmitigated.</p>	<p>MM4.11-16 I-5 at Santa Ana Blvd.—Northbound Off-Ramp—The City of Santa Ana Department of Public Works shall coordinate with Caltrans for the installation of a second ramp lane for the I-5 northbound off ramp. The improvement shall be implemented to mitigate 2035 conditions.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p>Finding 2 The City finds that such changes or alterations are within the responsibility and jurisdiction of another public agency (Caltrans District 12) and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.</p>	<p>Significant and unavoidable</p>
<p>Cumulative Traffic Impact</p>	<p>The traffic analysis for the Proposed Project used a cumulative analysis to look at 2030 and 2035 traffic levels. The Proposed Project identified specific intersections that would require traffic improvements in order to reduce cumulative traffic impacts. All impacts would be reduced to a less than significant with implementation of mitigation measure proposed as part of the project, with the exception of the northbound off-ramp at the I-5 Santa Ana Boulevard interchange. As explained above, implementation of mitigation measure MM4.11-16, the presence of two ramp lanes would improve the level of service of the northbound off-ramp to LOS C or better and result in a less than significant impact. However, the City, as the lead agency for</p>	<p>Refer to MM4.11-1 through MM4.11-16.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p>Finding 2 The City finds that such changes or alterations are within the responsibility and jurisdiction of another public agency (Caltrans District 12) and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.</p>	<p>Significant and unavoidable</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
	this project, has no control over major freeway improvements. As such, unless permission is given from Caltrans, this traffic impact would remain unmitigated.			
UTILITIES AND SERVICE SYSTEMS				
Impact 4.12-4 Long-term cumulative pursuant to the Transit Zoning Code (SD 84A and SD 84B) could require the construction of new or expanded wastewater conveyance systems, the construction of which would not cause significant environmental effects.	New development within the project area would result in an incremental increase in sewer generation, potentially resulting in an exceedance of existing sewer conveyance capacity. However, implementation of mitigation measure MM4.12-2 which requires OCSD approval prior to the issuance of building permits and continued water conservation practices would ensure that impacts the wastewater conveyance system would be less than significant.	MM4.12-1 Individual project applicants shall prepare site-specific sewer evaluations, including flow monitoring and modeling, during the project design to determine the adequacy of the existing sewer pipe capacity in the affected project area lines. The evaluation shall be submitted to the City of Santa Ana or OCSD, as appropriate, for review and approval prior to issuance of building permits. Any recommendations made in the site-specific sewer evaluations shall be incorporated into the design of each individual project.	Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.	Less than significant
Impact 4.12-8 Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) would increase the demand for electricity and gas, but would not require or result in the construction of new energy production or transmission facilities, the construction of which could cause a significant environmental impact.	Implementation of future development under the proposed Transit Zoning Code would increase demand on electricity supply and delivery constraints, and for natural gas. However, compliance with energy conservation measures contained in Title 24 and implementation of MM4.12-3 and MM4.12-3 and MM4.12-4 would foster efficient energy use and sure that a less than significant impact remains with respect to energy.	MM4.12-2 Individual non-residential project applicants are encouraged to apply for Southern California Edison's "Savings By Design" program. The program is aimed at generating an overall reduction in energy use through design methods and incentive programs by maintaining a 15% or greater exceedance of Title 24. MM4.12-3 Individual development projects within the boundaries of the Transit Zoning Code (SD 84A and SD 84B) shall implement energy conservation measures (such as energy-efficient lighting and microprocessor controlled HVAC equipment) to reduce the demand for electricity and natural gas as part	Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.	Less than significant

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		of the project design. The energy conservation measures shall be subject to modification as new technologies are developed, or if current technology becomes obsolete, through replacement and shall be reviewed by the Planning and Building Agency prior to issuance of a building permit.		
GLOBAL CLIMATE CHANGE				
<p>Impact 4.13-1 Long-term cumulative development pursuant to the Transit Zoning Code at full build-out would result in significant localized air quality impacts for operational level emissions. As a whole, this impact is significant for operational emissions due to the size of the Transit Zoning Code (SD 84A and SD 84B) area.</p>	<p>The project will generate emissions from carbon dioxide, methane and nitrous oxide. Long-term cumulative development, and attendant construction activity, pursuant to the Transit Zoning Code at full build-out would generate GHG emissions during the construction period from operation of construction equipment.</p> <p>Long-term cumulative development pursuant to the Transit Zoning Code at full build-out would result in significant air quality impacts for operational level emissions.</p> <p>While implementation of mitigation measures MM4.13-1 through MM4.13-7 would reduce construction-related and operational emissions, they may not reduce these emissions to levels below the SCAQMD thresholds as the amount of emissions generated for each project would vary. Under these conditions, no further feasible mitigation measures are available and this impact would be considered significant and unavoidable.</p>	<p>MM4.13-1All diesel fueled construction equipment shall be classified EPA Tier II or better emission efficiencies.</p> <p>MM4.13-2All construction equipment shall be shut off when not in use and shall not idle for more than five minutes, unless actively engaged in construction activities.</p> <p>MM4.13-3Queuing of trucks on- and offsite shall be limited to periods when absolutely necessitated by grading or construction activities.</p> <p>MM4.13-4All on-road construction trucks and other vehicles greater than 10,000 pounds shall be shut off when not in use and shall not idle for more than 5 minutes.</p> <p>MM4.13-5To the extent feasible, all diesel- and gasoline-powered construction equipment shall be replaced with equivalent electric equipment.</p> <p>MM4.13-6Project plans and specifications shall include policies and procedures for the reuse and recycling of construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p>Finding 3 The City finds that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, the City finds that no additional feasible mitigation measures exist that would avoid or substantially reduce this impact. Technology does not yet exist in an economical fashion that would allow common use of zero emission vehicles or combustible fuels that generate substantially fewer carbon atoms or other greenhouse gas-causing substances.</p>	<p>Significant and unavoidable</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>MM4.13-7 Project plans and specifications shall include education for construction workers about reducing waste and using available recycling services.</p> <p>MM4.13-8 Prior to issuance of a building permit, the applicant shall demonstrate that the design of the proposed buildings or structures meets or exceeds the most recent Title 24 requirements (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings; Cool Roof Coatings performance standards), subject to review by the City Building Official. Documentation of compliance with this measure shall be provided to the Planning and Building Agency and Building Official for review and approval prior to issuance of the permit. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to certificate of occupancy. The following design features should be considered by the applicant as a way to achieve Title 24 compliance in excess of the minimum requirement:</p> <ul style="list-style-type: none"> ■ Increase in insulation such that heat transfer and thermal bridging is minimized ■ Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption ■ Incorporate dual-paned or other energy efficient windows ■ Incorporate energy efficient space heating and cooling equipment 		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<ul style="list-style-type: none"> ■ Incorporate energy efficient light fixtures ■ Incorporate energy efficient appliances ■ Incorporate energy efficient domestic hot water systems ■ Incorporate solar panels into the electrical system ■ Incorporate cool roofs/light-colored roofing <p>Or other measures that will increase the energy efficiency of building envelope in a manner that when combined with the other options listed above exceeds current Title 24 Standards (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended September 11, 2008; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 20 percent</p> <p>MM4.13-9 Prior to issuance of a building permit, applicants for individual projects shall provide a landscape plan that includes shade trees around main buildings, particularly along southern elevations where practical, and will not interfere with loading dock locations or other operational constraints. Documentation of compliance with this measure shall be provided to the Planning and Building Agency for review and approval.</p> <p>MM4.13-10 All showerheads, lavatory faucets, and sink faucets within the residential units, and where feasible within non-residential developments, shall comply with</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>the California Energy Conservation flow rate standards.</p> <p>MM4.13-11 Low-flush toilets shall be installed within all Congregate Care units as specified in California State Health and Safety Code Section 17921.3.</p> <p>MM4.13-12 Project designers should consider design features to incorporate light-colored roofing materials that will deflect heat away from the building and conserve energy.</p> <p>MM4.13-13 Landscape designers shall ensure that landscaping of common areas for Industrial/Commercial projects uses drought-tolerant and smog-tolerant trees, shrubs, and groundcover to ensure long-term viability and conserve water and energy.</p> <p>MM4.13-14 Landscape designers shall ensure that the landscape plan for Industrial/Commercial projects includes drought resistant trees, shrubs, and groundcover within the parking lot and perimeter.</p> <p>MM4.13-15 Individual project applicants shall ensure that designs for Industrial/Commercial projects include all illumination elements to have controls to allow selective use as an energy conservation measure.</p> <p>MM4.13-16 The applicant for Industrial/Commercial projects should promote ride sharing programs such as, but not necessarily including, publishing ride sharing information for all of the tenants, designating a certain percentage of parking spaces for ride sharing vehicles, designating</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a website or message board for coordinating rides. Prior to issuance of a building permit, the applicant shall demonstrate that measures have been included to provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience pursuant to SAMC Chapter 41 regarding bicycle parking standards and Chapter 16 of the Santa Ana Citywide Design Guidelines regarding Bikeway Support Facilities Guidelines . Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy.</p> <p>MM4.13-17 Prior to issuance of any certificate of occupancy, the applicant shall demonstrate that all Multi-family/Industrial/Commercial projects' interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting to the satisfaction of the Building Official.</p> <p>MM4.13-18 Applicants for Multi-family/Industrial/Commercial projects shall consider providing preferential parking spaces for ultra-low emission vehicles and alternative fueled vehicles to encourage the use of alternative fuels and ultra-low emission vehicles.</p> <p>MM4.13-19 Prior to issuance of a building permit, the applicant shall demonstrate that</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>the proposed Multi-family/Industrial/Commercial uses building or structure designs incorporate exterior storage areas for recyclables and green waste and adequate recycling containers located in public/common areas pursuant to the adopted standards. Documentation of compliance with this measure shall be provided to the Planning and Building Agency for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy.</p> <p>MM4.13-20 All common area irrigation areas for Multi-family/Industrial/Commercial projects shall consider systems that are capable of being operated by a computerized irrigation system which includes an onsite weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain, and wind. In addition, the computerized irrigation system shall also consider the ability to be equipped with flow-sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks, and eliminating over-watering and flooding due to pipe and/or head breaks.</p> <p>MM4.13-21 Consideration of installation of solar roofs on homes and businesses to offset</p>		

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
		<p>the increasing demand for energy and natural gas.</p> <p>MM4.13-22 Project applicants shall, where feasible, incorporate passive solar design features into the buildings, which may include roof overhangs or canopies that block summer shade, but that allow winter sun, from penetrating south facing windows.</p> <p>MM4.13-23 Use Energy Efficient Roofing Materials. All roofing materials used in commercial/retail buildings at the Mixed-Use Retail Development shall be Energy Star® certified. All roof products shall also be certified to meet American Society for Testing and Materials (ASTM) high emissivity requirements.</p> <p>MM4.13-24 All commercial/industrial projects shall, where feasible, include up to 10% renewable energy sources within the project.</p>		
<p>Impact 4.13-2 Long-term cumulative development pursuant to the Transit Zoning Code at full build-out has the potential to conflict with AB 32. The Project as a whole is significant for operational emissions due to the size of the Transit Zoning Code (SD 84A and SD 84B) area.</p>	<p>Based on a threshold of 30% reduction in greenhouse gas emissions over “business as usual,” the Project as a whole had significant impacts for operational emissions due to the size of the Transit Zoning Code area. While implementation of mitigation measures MM4.13-1 through MM4.13-7 would reduce construction-related and operational emissions on a project level basis, in the long-term cumulative basis would exceed thresholds.</p>	<p>MM4.13-1 through MM4.13-24 would also apply to this impact.</p>	<p>Finding 1 The City finds that changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effect as identified in the final EIR.</p> <p>Finding 3 The City finds that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, the City finds that no additional feasible mitigation measures exist that would avoid or substantially reduce this impact. Technology does not yet exist in an economical fashion that would allow common</p>	<p>Significant and unavoidable</p>

Table 2-1 CEQA Findings

<i>Impact Statement</i>	<i>Evidence/Rationale Supporting Findings</i>	<i>Mitigation Measures</i>	<i>Findings</i>	<i>Level of Significance after Mitigation</i>
			use of zero emission vehicles or combustible fuels that generate substantially fewer carbon atoms or other greenhouse gas-causing substances.	
GROWTH INDUCEMENT				
<p>In general, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the criteria identified below:</p> <ul style="list-style-type: none"> ■ The project removes an impediment to growth (e.g., the establishment of an essential public service, or the provision of new access to an area) ■ The project results in the urbanization of land in a remote location (leapfrog development) ■ The project establishes a precedent-setting action (e.g., a change in zoning or general plan amendment approval) ■ Economic expansion or growth occurs in an area in response to the project (e.g., changes in revenue base, employment expansion, etc.) 	<p>The proposed project includes potential change to a more mixed-use zoning designation. The proposed designations would be generally consistent with the nature of on-site and surrounding development. Implementation of the amendments would allow for continued use of industrial development, while also permitting mixed-use development to promote increased land use compatibility with surrounding uses and a more transit-supportive environment. However, due to the lack of an existing mixed-use land use and/or zoning designation within the City, the project would be considered growth inducing as a result of removing an impediment to growth or establishing a precedent-setting action.</p>	<p>No feasible mitigation measures exist that would reduce this impact.</p>	<p>Finding 3 The City finds that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, the City finds that no feasible mitigation measures exist that would avoid or substantially reduce the growth-inducing effect of the project.</p>	

CHAPTER 3 Findings Regarding Project Alternatives

3.1 INTRODUCTION

The EIR prepared for Transit Zoning Code considered six (6) alternatives to the Proposed Project. Pursuant to Section 15126.6(a) of the CEQA Guidelines, the primary intent of an alternatives evaluation is to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

This chapter describes the project objectives and design criteria used to develop and evaluate project alternatives presented in the Draft EIR. A description of the alternatives compared to the Proposed Project and the findings regarding the feasibility of adopting the described alternatives are presented below.

3.2 PROJECT OBJECTIVES

The project objectives of the proposed 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 project objectives of the proposed Developer Project 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

3.3 SELECTION OF ALTERNATIVES

The Draft EIR and Recirculated Draft EIR evaluated six (6) alternatives, including the No Project/No Development alternative, in Chapter 5.0. This evaluation compared the environmental advantages and disadvantages of each alternative to the Proposed Project. Alternative 1, 2, and 3 are primarily designed to address alternatives to the Transit Zoning Code as a whole. Alternatives 4, 5, and 6 present alternatives to the proposed Developer Project, and under each of these Alternatives, the proposed Transit Zoning Code would remain the unchanged.

The range of feasible alternatives was selected and discussed in a manner to foster meaningful public participation and informed decision-making. Among the factors that were taken into account when considering the feasibility of alternatives (as described in CEQA Guidelines Section 15126.6[f][1]) were environmental impacts, economic viability, availability of infrastructure, regulatory limitations, jurisdictional boundaries, and attainment of project objectives. As stated in Section 15126.6(a) of the CEQA Guidelines, an EIR need not consider an alternative whose effects could not be reasonably identified, whose implementation is remote or speculative, or one that would not achieve the basic project objectives. The analysis includes sufficient information about each alternative to provide meaningful evaluation, analysis, and comparison with the Proposed Project.

It should be noted that the Alternatives section of the DEIR was re-circulated due to the addition of three new alternatives (Alternatives 4, 5 and 6) which would lessen the impacts related to historic structures located within the proposed Developer Project area. The re-circulation of the Alternatives section concurrently extended the public comment period on the DEIR.

3.4 PROJECT ALTERNATIVE FINDINGS

3.4.1 Findings on Alternatives to the Proposed Transit Zoning Code Analyzed in the Draft EIR

Alternative 1, 2, and 3 are primarily designed to address alternatives to the Transit Zoning Code as a whole. The Lead Agency's findings on each alternative and the rationale behind each finding are set forth below.

■ Alternative 1: No Project/No Development Alternative

This alternative assumes a continuation of the City's existing General Plan and zoning designations to guide future growth and development within the Transit Zoning Code project area. The impacts of this alternative were analyzed under a maximum buildout scenario within the Transit Zoning Code area with the current allowed land uses and development standards designated in the existing General Plan and zoning designations. In addition, this alternative assumes that the proposed Developer Project would not go forward on the Agency-owned properties. Maintaining the existing General Plan and zoning

designations throughout the Transit Zoning Code area would result in impacts that are similar, for the most part, to those of the proposed Transit Zoning Code, although many of the significant impacts associated with aesthetics, air quality, climate change, and noise/vibration would be reduced as compared to the Proposed Project. A number of impacts would be greater under the No Project/No Development Alternative than under the proposed project due to the absence of mitigation measures that would be adopted as part of the proposed project, e.g., impacts from increased light and glare. Additionally, because the City's existing General Plan and zoning designations do not emphasize alternative modes of transportation and do not contain the development framework necessary to support the transit-oriented development, impacts to traffic/transportation would be greater under the No Project/No Development Alternative than under the proposed Transit Zoning Code.

Findings

The City hereby finds that specific economic, legal, social, technological, or other considerations make the adoption of the No Project/No Development Alternative infeasible.

Although Alternative 1 would moderately reduce some of the proposed project's significant impacts, it would not achieve most of the basic project objectives. Specifically, Alternative 1 would not provide zoning for the integration of new infill development into existing neighborhoods. It would not provide for a range of housing options, including affordable housing. It would not provide for the reuse of existing structures, allow the development of the Agency-owned properties, or strengthening urban form through improved development and design standards. Moreover, unlike the proposed project, it would not provide a transit-supportive, pedestrian-oriented development framework to support transit-oriented development, or encourage alternative modes of transportation.

As a result of its inability to meet the basic project objectives, the No Project/No Development Alternative would eliminate the opportunity to provide the numerous benefits of the proposed project, as set forth in the Statement of Overriding Considerations, including land use development that provides a better market for public transit, consistent with the goals of SB 375, California's Sustainable Communities and Climate Protection Act; providing strategic areas for infill, pedestrian friendly environments, and focusing housing and employment growth in transit-accessible locations through transit-oriented developments, consistent with the Southern California Association of Governments (SCAG) *2008 Regional Transportation Plan: Making the Connections* (RTP), and SCAG's *2008 Regional Comprehensive Plan: Helping Communities Achieve a Sustainable Future* (RCP) land use goals; and providing opportunities to meet the City of Santa Ana's share of the Regional Housing Needs Allocation (RHNA) for 2006-2014.

Additionally, Alternative 1 would not further the established Goals and Policies of the City's General Plan to the same extent as the proposed Transit Zoning Code. In particular, it would not further Housing Element Policies HE-2.1, 2.2, 2.3, 2.4, which support the goal of providing a diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and workforce of all household types, income levels, and age groups to foster an inclusive community to the same extent as the proposed Transit Zoning Code. Nor would it further Land Use Element policies LE-1.2, 1.3, 1.5, 1.6, 1.7, and 1.9, which promote a balance of land uses to address basic community needs, LE-2.4, 2.6, 2.8, 2.9, and 2.10, which promote land uses which enhance the City's economic and fiscal

viability, LE-4.3, 4.4, and 4.5, which support the goal of protecting and enhancing developments sites and districts which are unique community assets that enhance the quality of life, or LE-5.1, 5.2, 5.5, 5.7, 5.9, 5.10, and 5.11, which ensure that the impacts of development are mitigated to the same extent as the proposed Transit Zoning Code. (See Land Use Element; Draft EIR Table 4.7-3.) Similarly, it would not further the goals of the Urban Design Element (Goals 1-7) to the same extent as the proposed Transit Zoning Code. (See Urban Design Element; Draft EIR Table 4.7-3.) Moreover, the integrated and cohesive development standards that are proposed for the Transit Zoning Code area would not be implemented.

Lastly, Alternative 1 would increase impacts on transportation as a result of lack of emphasis on alternative modes of transportation in the current General Plan and zoning designations and the lack of a development framework to support transit-oriented development. For these reasons, the City rejects Alternative 1 as infeasible.

Alternative 2: Overall Reduced Density

The Overall Reduced Density Alternative would reduce the intensity of all anticipated land uses within the Transit Zoning Code (SD 84A and SD 84B) area by 25 percent. In general, this alternative would reduce the number of residences, including affordable housing, and reduce employment opportunities as a result of less commercial uses in the area. Specifically, this alternative would result in approximately 1,019 fewer residential units, and 96,750 fewer square feet of retail within the Transit Zoning Code (SD 84A and SD 84B) area. Specific development characteristics that would be allowed under this alternative relative to the proposed Transit Zoning Code (SD 84A and SD 84B) are specified in Table 3-1 (Alternative 2 and Proposed Transit Zoning Code [SD 84A and SD 84B] Characteristics).

Table 3-1 Alternative 2 and Proposed Transit Zoning Code (SD 84A and SD 84B) Characteristics			
Land Use Type	Alternative 2	Transit Zoning Code (SD 84A and SD 84B)	Difference
Residential (units)	3,056	4,075	(1,019)
Retail (sf)	290,250	387,000	(96,750)
Industrial (sf)	(990,000)	(990,000)	0
Commercial (sf)	(124,000)	(124,000)	0
Civic (sf)	(21,000)	(21,000)	0
Green (sf)	680,000	680,000	0
Parking	(1,772,000)	(1,772,000)	0

SOURCE: PBS&J 2010

Findings

The City hereby finds that specific economic, legal, social, technological, or other considerations make the adoption of this alternative infeasible.

Although Alternative 2 would somewhat reduce the significant impacts of the proposed Transit Zoning Code (SD 84A and SD 84B) on aesthetics, climate change, and transportation, it would not reduce any of those impacts to below the level of significance. In addition, Alternative 2 would not meet the housing and transit objectives of the Project to the same extent as the proposed project.

Alternative 2 would reduce housing by 25 percent, from 4,075 to 3,056 residential units. The potential number of affordable housing units would also be reduced by 25 percent. Providing 3,056 new units would not meet Santa Ana's Regional Housing Needs Assessment for 2006-2014, which calls for 3,393 total units, 1,248 of which must be affordable for low, very low, and extremely low income households. The City of Santa Ana has a great need for affordable housing; sixty percent of the households in Santa Ana have low, very low, and extremely low income. (City of Santa Ana General Plan Draft Housing Element 2006-2014, Appendix A, p. A-10.) Goal 2 of the Housing Element is to "provide a diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and workforce of all household types, income levels, and age groups to foster an inclusive community." Alternative 2 would not meet this goal, or the following Housing Element policies, to the same extent as the proposed project:

- HE-2.3 Rental Housing. Encourage the construction of rental housing for Santa Ana's residents and workforce, including a commitment to very low, low, and moderate income residents and moderate income Santa Ana workers.

- HE-2.4 Diversity of Housing Types. Facilitate and encourage a diversity and range in types, prices, and sizes of housing, including single family homes, apartments, town homes, mixed/multiuse housing, transit-oriented developments, and live/work housing.

Alternative 2 would not meet the project's transit oriented objectives to the same extent as the proposed project. Reducing the amount of housing and retail space would result in a failure to fully emphasize the use of the Santa Ana Regional Transportation Center (SARTC) for City residents. A mixed-use urban and transit-oriented neighborhood requires a critical mass and balance between residential and non-residential uses in order to succeed. (Draft EIR, Section 5.5.) Alternative 2 would not provide that critical mass and balance.

In addition, it would not implement established SCAG RTP or RCP policies, or General Plan Land Use Element policies 1.2, 1.3, 1.5, 1.6, 1.7, 1.9, 2.4, 2.6, 2.8, 2.9, 2.10, 4.3, 4.4, 4.5, 5.1, 5.2, 5.5, 5.7, 5.9, 5.10, and 5.11, or Urban Land Use Element Goals 1 through 7 to the same extent as the proposed project. (See Land Use Element; Urban Design Element; Draft EIR Table 4.7-3.) Specifically, the Alternative 2 would not meet the following SCAG RTP Land Use Goals to the same extent as the proposed project:

- Create mixed-use districts or "complete communities" in strategic growth areas through a concentration of activities with housing, employment, and a mix of retail and services, located in close proximity to each other. Focusing a mix of land uses in strategic growth areas creates complete communities wherein most daily needs can be met within a short distance of home, providing residents with the opportunity to patronize their local area and run daily errands by walking or cycling rather traveling by automobile.
- Intensify nodes along corridors with people-scaled, mixed-use developments. Many existing corridors lack the residential and commercial concentration to adequately support non-auto transit

uses, without which the existing transit system cannot fully realize its potential for accommodating additional trips and relieving the transportation system. These nodes along the corridor also create vibrant, walkable communities with localized access to amenities, further reducing reliance on the automobile for a variety of trips.

- Pedestrian-friendly environments and more compact development patterns in close proximity to transit serve to support and improve transit use and ridership. Focusing housing and employment growth in transit-accessible locations through this transit-oriented development approach will serve to reduce auto use and support more multimodal travel behavior.

Further, the large reduction in retail space would significantly reduce potential new employment opportunities and the economic benefits that accompany such opportunities, as compared to the proposed Transit Zoning Code. It would also reduce the amount of potential tax revenue that the City could use to reinvest and stimulate economic development.

On balance, reducing the development intensity by 25 percent under Alternative 2 would not provide any significant environmental benefits that outweigh the extent to which it would inhibit the City's ability to meet regional housing needs and its goal of establishing a transit-supportive, pedestrian-oriented development framework to support the new transit-infrastructure.

For these reasons, the City rejects Alternative 2 as infeasible.

■ **Alternative 3: Low-Rise Project**

This alternative is a low- to mid-rise version of the Transit Zoning Code (SD 84A and SD 84B), which would limit building heights in the Downtown and Transit Village Districts to four stories. Under Alternative 3, the Downtown and Transit Village Districts would be redeveloped according to the standards of the First Street Corridor District. The remaining districts of the Transit Zoning Code (SD 84A and SD 84B) area would be developed consistent with the proposed project. This would result in 2,049 fewer residential units and 36,000 fewer sf of retail uses. Because this alternative would allow building heights that are similar to existing buildings in the area, the alternative would ensure future development would have less shade/shadow impacts, as well as generate fewer automobile trips.

The anticipated mix of land uses would therefore be different than the proposed project, and a less residential based area would result. Specific development characteristics that would be allowed under this alternative relative to the proposed Transit Zoning Code (SD 84A and SD 84B) are specified in Table 3-2 (Alternative 3 and Proposed Transit Zoning Code [SD 84A and SD 84B] Characteristics).

<i>Land Use Type</i>	<i>Alternative 3</i>	<i>Transit Zoning Code (SD 84A and SD 84B)</i>	<i>Difference</i>
Residential (units)	2,026	4,075	(2,049)
Retail (sf)	351,000	387,000	(36,000)
Industrial (sf)	(990,000)	(990,000)	0
Commercial (sf)	(124,000)	(124,000)	0
Civic (sf)	(21,000)	(21,000)	0
Green (sf)	680,000	680,000	0
Parking	(1,534,000)	(1,772,000)	(238,000)

SOURCE: PBS&J 2010

Findings

The City hereby finds that specific economic, legal, social, technological, or other considerations make the adoption of Alternative 3 infeasible.

Although Alternative 3 would reduce a significant and unavoidable impact of the proposed project to aesthetics (shading and shadows) to a less than significant level, it would restrict development within the City to low- to mid-rise development, which would not meet project objectives to the same extent as the proposed project.

Specifically, this restriction would require a reduction in housing (including affordable housing) from 4,075 units to 2,026 units, which would not meet Santa Ana's Regional Housing Needs Assessment for 2006-2014, which call for 3,393 units, 1,248 of which must be affordable for low, very low, and extremely low income households. The City of Santa Ana has a great need for affordable housing – sixty percent of the households in Santa Ana have low, very low, and extremely low incomes. (City of Santa Ana General Plan Draft Housing Element, Appendix A, p. A-10.) Goal 2 of the Housing Element is to “provide a diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana’s residents and workforce of all household types, income levels, and age groups to foster an inclusive community.” Alternative 3 would not meet this goal to the same extent as the proposed project. Similarly, it would not meet Housing Element policy 2.2, set forth below, to the same extent as the proposed project:

- HE-2.2 District Centers. Create high intensity, mixed-use urban villages and 24-hour pedestrian-oriented experiences that support the mid-to high-rise office centers, commercial activity, and cultural activities in the varied District Centers.

Alternative 3 would also fail to implement the following Housing Element policies to the same extent as the proposed project:

- HE-2.1 Downtown. Strengthen Santa Ana’s core as a vibrant mixed-use and mixed-income environment by capitalizing on the government center, arts district, and historic downtown and facilitating transit-oriented development and diverse neighborhoods.

- HE-2.3 Rental Housing. Encourage the construction of rental housing for Santa Ana’s residents and workforce, including a commitment to very low, low, and moderate income residents and moderate income Santa Ana workers.
- HE-2.4 Diversity of Housing Types. Facilitate and encourage a diversity and range in types, prices, and sizes of housing, including single family homes, apartments, town homes, mixed/multiuse housing, transit-oriented developments, and live/work housing.

Alternative 3 would not meet the project’s transit oriented objectives to the same extent as the proposed project. Reducing the amount of housing and retail space would result in a failure to fully emphasize the use of the SARTC for City residents. A mixed-use urban and transit-oriented neighborhood requires a critical mass and balance between residential and non-residential uses. (Draft EIR, Section 5.5.) Alternative 3 would not provide that critical mass and balance.

Reducing housing and retail opportunities would result in a failure to fully benefit from the investment in the expansion of the transit system and would not adequately target growth in housing, employment, and commercial development within walking distance of the existing and planned transit stations. In addition, Alternative 3 would not implement SCAG RTP and RCP policies or established General Plan Land Use Element policies 1.2, 1.3, 1.5, 1.6, 1.7, 1.9, 2.4, 2.6, 2.8, 2.9, 2.10, 4.3, 4.4, 4.5, 5.1, 5.2, 5.5, 5.7, 5.9, 5.10, and 5.11, or Urban Land Use Element Goals 1 through 7 to the extent that the proposed project would. (See Land Use Element; Urban Design Element; Draft EIR Table 4.7-3.) Specifically, Alternative 3 would not meet the following SCAG RTP Land Use Goals to the same extent as the proposed project:

- Create mixed-use districts or “complete communities” in strategic growth areas through a concentration of activities with housing, employment, and a mix of retail and services, located in close proximity to each other. Focusing a mix of land uses in strategic growth areas creates complete communities wherein most daily needs can be met within a short distance of home, providing residents with the opportunity to patronize their local area and run daily errands by walking or cycling rather traveling by automobile.
- Intensify nodes along corridors with people-scaled, mixed-use developments. Many existing corridors lack the residential and commercial concentration to adequately support non-auto transit uses, without which the existing transit system cannot fully realize its potential for accommodating additional trips and relieving the transportation system. These nodes along the corridor also create vibrant, walkable communities with localized access to amenities, further reducing reliance on the automobile for a variety of trips.
- Pedestrian-friendly environments and more compact development patterns in close proximity to transit serve to support and improve transit use and ridership. Focusing housing and employment growth in transit-accessible locations through this transit-oriented development approach will serve to reduce auto use and support more multimodal travel behavior.

Additionally, the reduction in retail space under Alternative 3 would reduce potential new employment opportunities, and the economic benefits that accompany such opportunities, as compared to the proposed project. It would also reduce the amount of potential tax revenue that the City could use to reinvest and stimulate economic development.

On balance, the reduction in impacts to shading and shadows provided by this alternative do not outweigh the costs associated with the loss of housing and retail opportunities that would also occur under this alternative.

For these reasons, the City rejects Alternative 3 as infeasible.

3.4.2 Findings on Alternatives to the Proposed Transit Zoning Code Analyzed in the Draft EIR

Alternatives 4, 5, and 6, described below, present alternatives to the proposed Developer Project. Under each of these Alternatives, the proposed Transit Zoning Code would remain the unchanged. The Lead Agency's findings on each alternative and the rationale behind each finding are set forth below.

■ Alternative 4: No Demolition of Agency Properties/Rehabilitate in Place

Description

This alternative would eliminate the demolition of structures on the fourteen parcels within the Station District currently owned by the City of Santa Ana Redevelopment Agency that were slated for demolition under the proposed Developer Project (see Figure 5-1 [Demolitions]) and instead require that those properties be retained and rehabilitated in their current locations. Additionally, the City/Agency would not acquire any of the twenty parcels identified in Figure 5-2 [Potential New Santa Ana Redevelopment Agency Acquisitions]. Upon completion of rehabilitation, the rehabilitated houses would be offered for-sale as low or moderate income housing. The proposed Transit Zoning Code would remain the same under this Alternative.

In total, this Alternative would provide approximately 75 rental units and approximately 24 for sale units within the Station District, for a total of approximately 99 units. Of these, approximately 72 would be rented to low, very-low and extremely-low income households, approximately 19 would be offered for sale as low income units, and one would be offered for sale to those meeting the Orange County criteria for Moderate Income. (See EIR Appendix J (Updated) [Alternatives Testing: Financial Analysis], Table 1, Alternatives Analysis.) By contrast, approximately 124 units would be provided by the proposed Developer Project, of which 121 would be rented to low, very-low and extremely-low income households, and thirty two units would be offered for sale, of which six units would be offered for sale to those meeting the Orange County criteria for Moderate Income. (Id.)

Findings

The City hereby finds that specific economic, legal, social, technological, or other considerations make the adoption of this alternative infeasible.

Construction of affordable housing units is critical to meeting the City's Regional Housing Needs Assessment (RHNA) for 2006-2014. The City's RHNA calls for 3,393 units of new residential construction, 694 of which are to be affordable to very low income households, 574 of which are to be affordable to low income households, and 665 to be affordable to moderate income households (EIR, Section 4.9). Alternative 4 would provide 37 fewer units that would be affordable to very-low, low and

moderate income households than the proposed Developer Project. This reduction in the number of affordable housing units eliminates an opportunity to provide affordable housing in furtherance of meeting the City's RHNA. It also eliminates the opportunity to provide Special Needs housing through the Mercy House project.

Similarly, Alternative 4 does not to meet the City's policy of "maximiz[ing] affordable housing on Agency-owned properties that is of high quality, sustainable, and available to various income levels." (See Santa Ana Housing Element [2006-2014], Policy HE-2.8.) Nor does it go far enough to meet the City's policy to "encourage the construction of rental housing for Santa Ana's residents and workforce, including a commitment to very low, low and moderate income residents and moderate income Santa Ana workers" (Policy HE-2.3) or its policy to "facilitate and encourage a diversity and range in types, prices, and sizes of housing, including single-family homes, apartments, town homes, mixed/multiuse housing, transit-oriented developments, and live/work housing" (Policy HE-2.4). (See Santa Ana Housing Element [2006-2014].)

Further, the City of Santa Ana currently has a shortage of rental units appropriately sized to accommodate families. As stated in the City's 2006-2014 Housing Element, while multiple-family housing comprises 41% of all housing stock within the City, only 13% of multiple family and single-family rental units have three or more bedrooms. It is estimated that 45% of all families who rent have five or more members. This translates into a shortage of 12,000 large family rental units. The Developer Project contains 78 two-bedroom units (two of which are manager units) and 67 three-bedroom units. In addition, the Mercy House project would provide one three-bedroom, five-one bedroom and five two-bedroom units (exclusive of manager's unit) of special needs housing. These units are appropriately sized to meet Santa Ana's identified demographic needs. Implementation of Alternative 4 would not further the City's policies relating to the need for rental housing suitable for families, nor would it achieve the project objectives described above.

Moreover, the California Legislature has enacted Government Code section 65589.5, the "Housing Accountability Act," which restricts the City's ability to disapprove, or require density reductions, in certain types of residential projects. Specifically, the City may not disapprove a housing development project for very low, low-, or moderate-income households unless it makes certain findings set forth in Government Code section 65589.5, subsection (d). The City is unable to make any of these findings at this time. Therefore, disapproval of the proposed Developer Project is legally infeasible.

Additionally, Alternative 4 also affects the fixed ratio of construction costs but does not commensurately reduce construction costs. Therefore, although the total cost of this alternative to the City/Agency would be less than the proposed Developer Project, the cost/unit would be approximately \$26,000 higher than the proposed Developer Project. This is attributable to the fact that smaller apartment projects would be developed under this alternative, which generate a higher per unit financial gap, according to the financial analysis prepared by Keyser Marston Associates (KMA) for the City of Santa Ana (as updated on May 22, 2010) and included in Appendix J of the EIR. This is a significantly less efficient and effective way to spend the funds available for redevelopment of the Agency-owned parcels than the proposed Developer Project.

Further, under Alternative 4, the proposed park identified in the Developer Project would no longer be included as a project component. The park was one element of several in the overall vision for development of the Agency-owned properties. The selection of Alternative 4 effectively eliminates the ability to construct a park on the block on which it is currently envisioned given that the three structures currently located on the Agency-owned properties within that block would remain under Alternative 4, and the City/Agency under this scenario would be precluded from acquiring any additional properties.

Further, Alternative 4 would not meet the objective of the Developer Proposal to redevelop all of the Agency-owned properties, and, as explained above, it would not meet the objective of providing new affordable housing for families in furtherance of the City's affordable housing goals to the same extent as the proposed project. Also, it is unlikely that the City/Agency would be able to attract a quality developer to undertake a small scale scattered site development such as that which would be constructed under Alternative 4. This will seriously constrain the potential for providing economically viable redevelopment.

In light of these considerations, the City rejects this alternative as infeasible.

■ **Alternative 5: No Demolition of Agency Properties/Relocate to Agency-Owned Infill Sites/Rehabilitate in Place**

Description

This alternative would eliminate the demolition on the fourteen parcels within the Station District currently owned by the City of Santa Ana Redevelopment Agency that were slated for demolition under the proposed Developer Project (see Figure 5-1 [Demolitions]). Instead, those properties would be rehabilitated in place or moved to vacant lots and rehabilitated, with the exception of the property located at 611 N. Minter Street, which would be demolished. Of the properties identified for demolition on parcels currently owned by the Agency, and those that may potentially be acquired in the future, only one is currently listed on the Santa Ana Register of Historical Properties—the Whitson-Powelson House located at 501 E. Fifth Street. The remaining houses have primarily been the subject of “windshield” surveys to determine their potential eligibility for listing as a historic resource. (See EIR, Section 4.4 and Appendix D.) 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. Once moved and/or rehabilitated the houses would then be offered as for-sale affordable housing. The proposed Transit Zoning Code would remain the same under this Alternative.

In total, this Alternative would provide approximately 145 units (approximately 124 rental units and approximately 21 for sale units) on the Agency-owned parcels within the Station District. Of these, approximately 121 units would be rented to low, very-low and extremely-low income households. (See EIR Appendix J [Alternatives Testing: Financial Analysis], Table 1, Alternatives Analysis.) This is the same number of units that would be rented to low, very-low and extremely-low income households in the proposed Developer Project. (Id.) Alternative 5 would also offer for sale 16 low income units, one moderate income unit and four market rate units.

Findings

The City hereby finds that specific economic, legal, social, technological, or other considerations make the adoption of this alternative infeasible. Specifically, Alternative 5 would reduce the number of residential units by 11 and would increase costs to the Agency by approximately \$6.62 million, according to the financial analysis prepared by Keyser Marston Associates (KMA) for the City of Santa Ana (as updated on May 22, 2010) and included in Appendix J of the EIR. Additionally, this alternative would cost the Agency approximately \$56,800 more per unit than the proposed Developer Project, due primarily to the substantial rehabilitation and relocation costs that would be involved in this alternative. (See Appendix J (updated).) This represents a 39% increase in per unit costs. This is a significantly less efficient and effective way to spend the funds available for redevelopment of the Agency-owned parcels than the proposed Developer Project. The significant additional cost to the Agency of this Alternative renders it economically infeasible.

Further, under Alternative 5, the proposed park identified in the Developer Project would no longer be included as a project component. The park was one element of several in the overall vision for development of the Agency-owned properties. The selection of Alternative 5 effectively eliminates the ability to construct a park on the block on which it is currently envisioned given that the three structures currently located on the Agency-owned properties within that block would remain under Alternative 5.

Finally, Alternative 5 would not meet the objective of the Developer Proposal to redevelop all of the Agency-owned properties. Nor would it meet the objective of providing an economically viable redevelopment scenario for Agency-owned properties, as explained above.

In light of these considerations, the City rejects this alternative as infeasible.

■ Alternative 6: Rehabilitate 611 N. Minter Street in Place

Description

This alternative would be identical to the proposed Developer Project, with the exception that the bungalow court located at 611 N. Minter Street would be retained and rehabilitated. Once rehabilitated, the units at 611 N. Minter Street would be offered for rent to very-low and extremely-low income households. Alternative 6 would provide 88 rental units, of which 85 would be available to low, very-low and extremely-low income households, and would provide 32 ownership units, of which six units would be available for sale to households meeting the Orange County criteria for Moderate Income. In total, this Alternative would provide approximately 36 fewer low, very-low and extremely-low income units than the proposed Developer Project. (See EIR Appendix J (updated) [Alternatives Testing: Financial Analysis], Table 1, Alternatives Analysis.)

Findings

The City hereby finds that specific economic, legal, social, technological, or other considerations make the adoption of this alternative infeasible.

Specifically, as described above, construction of affordable housing units is critical to meeting the City's RHNA for 2006-2014. The location of the 611 N. Minter Street property at the southeast corner of

Minter Street and Santa Ana Boulevard serves as one of the primary foundations of both the architectural and engineering design of the largest component of the Developer Project. By eliminating this property from the overall site (identified as Rental Lot 1 on Figure 3-7) it forces a significant redesign of the multi-family development project proposed for this site and results in a significant reduction of units, all of which would be deed-restricted for long-term affordability.

Elimination of 36 affordable housing units from the proposed Developer Project inhibits the City's ability to meet its housing requirements. It also inhibits the City's ability to "maximize affordable housing on Agency-owned properties that is of high quality, sustainable, and available to various income levels" (Policy HE-2.8). (See Santa Ana Housing Element (2006-2014).) This alternative also does not go as far to "encourage the construction of rental housing for Santa Ana's residents and workforce, including a commitment to very low, low and moderate income residents and moderate income Santa Ana workers" (Policy HE-2.3) or to "facilitate and encourage a diversity and range in types, prices, and sizes of housing, including single-family homes, apartments, town homes, mixed/multiuse housing, transit-oriented developments, and live/work housing" (Policy HE-2.4). (Id.)

In addition to creating infeasibilities due to the reduction in total affordable housing yield, the proposal to rehabilitate the existing units contained within the 611 N. Minter Street bungalow court would not be consistent with the policies contained in the 2006-2014 Housing Element, which identifies the need to create rental units appropriately sized for large families. The existing bungalows at 611 N. Minter Street are currently configured as studio units. The sleeping area is comprised of a "Murphy-style" fold-out bed and the kitchen facilities are minimal. In addition, the property is severely deteriorated. The most likely rehabilitation scenario, which would require the consolidation of existing units, would result in the creation of one one-bedroom unit and six two-bedroom units. This is a much less desirable unit mix than that achieved by the Developer Project.

Moreover, the California Legislature has enacted Government Code section 65589.5, the "Housing Accountability Act," which restricts the City's ability to disapprove, or require density reductions, in certain types of residential projects. Specifically, the City may not disapprove a housing development project for very low, low-, or moderate-income households unless it makes certain findings set forth in Government Code section 65589.5, subsection (d). The City is unable to make any of these findings at this time. Therefore, disapproval of the proposed Developer Project is legally infeasible.

Alternative 6 also affects the fixed ratio of construction costs but does not commensurately reduce construction costs. Specifically, although the total cost of this alternative to the City/Agency would be slightly less than the proposed Developer Project, the cost/unit would be approximately \$40,000 higher. (Appendix J (updated).) This is a significantly less efficient and effective way to spend the funds available for redevelopment of the Agency-owned parcels than the proposed Developer Project.

Finally, Alternative 6 would not meet the objective of the Developer Proposal to redevelop all of the Agency-owned properties, and it would not meet the objective of providing new affordable housing for families in furtherance of the City's affordable housing goals to the same extent as the proposed project. Also, it is unlikely that the City/Agency would be able to attract a quality developer to undertake a small scale scattered site development such as that which would be constructed under Alternative 6. This will seriously constrain the potential for providing economically viable redevelopment.

In light of these considerations, the City rejects this alternative as infeasible.

3.4.3 Findings on Alternatives that were Considered but Eliminated from Detailed Analysis in the Draft EIR

In addition to the six alternatives evaluated in the Draft EIR, the Lead Agency considered two other alternatives, both of which it eliminated from detailed analysis in the EIR either because it did not meet most of the basic project objectives, would not reduce or avoid significant impacts of the project as proposed, and/or is not feasible. These alternatives are discussed below.

■ Alternative Site

This alternative would use an alternative site from that proposed for the Transit Zoning Code and Developer projects.

Findings

The City hereby finds that specific economic, legal, social, technological or other considerations make the adoption of an Alternative Site alternative infeasible. The Transit Zoning Code is designed to guide development near existing and planned transit and is therefore dependant on the location described for the proposed project. An alternative site for the Transit Zoning Code project would not locate development or provide the framework for development near existing or planned transit infrastructure. Therefore, it would not be able to fulfill the basic project objectives of providing a transit-supportive, pedestrian-oriented development framework to support the addition of new transit infrastructure, nor would it encourage alternative modes of transportation, or increase access to the rail system that connects San Diego to Los Angeles. Failure to meet these key project objectives renders an alternative site infeasible.

It would also be infeasible to develop the proposed Developer Project in an alternative location. Currently the Redevelopment Agency owns a cluster of parcels in the proposed project area and is considering the acquisition of other properties in the vicinity of these Agency-owned parcels. The proposed Developer Project is designed and proposed to redevelopment these specific properties. It would not be practical or feasible to abandon plans for these parcels and begin new future acquisitions elsewhere, and doing so would fail to meet most of the basic project objectives of the Developer Project. Specifically, an alternative location would not result in redevelopment of the Agency-owned properties, would not 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, and would not provide an economically viable redevelopment scenario for the Agency-owned properties. 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.

■ Rehabilitation of Potential New Acquisitions Alternative

In this alternative, the Redevelopment Agency would acquire properties within the Developer Project in order to complete blocks where the Agency already has an ownership interest, as it would under the proposed Developer Project. However, instead of demolishing these structures, the Redevelopment Agency would rehabilitate them in place.

Findings

The City hereby finds that specific economic, legal, social, technological or other considerations make the adoption of this alternative infeasible. This alternative would prevent redevelopment of Agency-owned properties, a key project objective of the Developer Project. It would also substantially limit the opportunity to 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. Further it would not 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. Nor would it secure provision of public open space or facilitation of a joint use arrangement with SAUSD for a new community center. Finally, it would not provide an economically viable redevelopment scenario for the Agency-owned properties. Additionally, it would result in the elimination of an opportunity to provide new quality housing. As a result, if demolition of the properties that may be acquired by the Agency were precluded, the Redevelopment Agency would not pursue their acquisition, and the benefits of the Developer Project, including the creation of new public open space, the elimination of blight, and an enhancement of the streetscape, would not be realized.

3.4.4 Additional Findings

■ Findings Related to Clarifications and Updates to the Draft EIR

Chapter 3 of the Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines § 15088(b). Additionally, as a result of refinements to the proposed Developer Project since publication of the Draft EIR, the allocation of rental of units and for sale units that would be constructed under the proposed Developer Project and under Alternatives 4, 5 and 6 has been slightly modified. The February 23, 2010 financial analysis prepared by Keyser Marston Associates that was included as Appendix J to the EIR has been updated to reflect these modifications. The updated financial analysis, dated May 22, 2010, is included as Appendix J to the Final EIR.

Findings

Responses to comments made on the Draft EIR and revisions to the Final EIR merely clarify and amplify the analysis presented in the EIR and do not trigger the need to recirculate per CEQA Guidelines §15088.5(b). Similarly, the refined reallocation of rental and for sale residential units that would be provided by the Developer Project and the updates to the Keyser Marston Associates financial analysis

merely clarify and amplify the analysis presented in the EIR and do not trigger the need to recirculate per CEQA Guidelines §15088.5(b).

■ Findings on Measures Suggested in Comments on the Draft EIR

Several mitigation measures and alternatives were proposed in public comments on the Draft EIR. Findings for these mitigation measures and alternatives are provided below.

Findings on Mitigation Measures Proposed to Reduce Impacts to Cultural Resources

- **Proposed Mitigation Measure.** Make the Lacy Neighborhood a special district based on its historical character and proposed a Historic Neighborhood District, Conservation or Preservation Overlay for the Lacy Neighborhood. (See Final EIR Chapter 3 (Responses to Comments), Letter from Jeff Dickman (JD), comments JD-24, -27, -35, and -45.)

Finding. The City finds that specific economic, legal, social, technological, or other considerations make this mitigation measure infeasible.

Rationale. The Lacy neighborhood has not been designated as historic, and there is no evidence that the creation of a historic district within the Lacy Neighborhood would reduce the significant impacts of the proposed project. Further, the creation of a historic district within the City is a separate process requiring adoption of a local preservation ordinance and cannot be accomplished through the CEQA process for the proposed project. (See Santa Ana Municipal Code, Part II, Chapter 30.) Therefore, it is not feasible to adopt and implement this measure as part of the project.

- **Proposed Mitigation Measure.** Create a “Master Plan for the Preservation of Cultural Resources in the Transit Zoning Code Area” that identifies properties expected to be impacted by the project, the type of impact expected, and mitigation measures to reduce impacts to and avoid demolition of historic properties. (See Final EIR Chapter 3 (Responses to Comments), Letter from Jeff Dickman (JD), comment JD-26.)

Finding. The City finds that specific economic, legal, social, technological, or other considerations make this mitigation measure infeasible.

Rationale. Identification of the properties that would be impacted by the project, identification of the type of impact expected, and identification of mitigation measures to reduce impacts and avoid demolition of historic properties has already been conducted in the EIR. Specifically, Table 4.4-2 (as modified in Final EIR Chapter 2) lists all properties proposed for demolition under the proposed Developer Project, and the analysis under Impact 4.4-3 explains that multiple studies have been completed that address many of the historic-age properties within the project area. In 2006, HRG conducted a reconnaissance-style survey and historic research project in support of the Santa Ana Renaissance Specific Plan prepared by Moule & Polyzoides (HRG 2006). This project aimed to provide recommendations for historic preservation planning on about 400 acres, including many of the properties found within the Transit Zoning Code (SD 84A and SD 84B) project area. Subsequent property-specific studies were conducted by Jones and Stokes (2006 and 2007), which resulted in the full recordation and evaluation of many of the properties within the Transit Zoning Code (SD 84A and SD 84B) project area. These evaluations included determinations of eligibility for the NRHP, CRHR, and the Santa Ana Register of Historic Properties (SARHP). An additional historic resources memorandum for the record was then prepared for several properties in Santa Ana by Sapphos Environmental, Inc. This memorandum provided recommendations about the eligibility of 30 properties for inclusion in the SARHP.

(Refer to DEIR, Appendix D.) Table 4.4-1 lists all properties listed on the SARHP that could be impacted by the proposed Transit Zoning Code, and Figure 4.4-1 shows all of these properties on a map of the Transit Zoning Code area and the surrounding areas.

The EIR then identifies Mitigation Measure MM4.4-3 to reduce impacts to historic 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.

- **Proposed Mitigation Measure.** Preserve historic properties in the Lacy Neighborhood. (See Final EIR Chapter 3 (Responses to Comments), Letter from Jeff Dickman (JD), comment JD-28.)

Finding. The City finds that specific economic, legal, social, technological, or other considerations make this mitigation measure infeasible.

Rationale. There are a very limited number of designated historic resources in the Lacy Neighborhood (see Draft EIR Figure 4.4-1 [Santa Ana Register of Historical Properties within the Transit Zoning Code Area]), and the neighborhood itself has not been designated as historic. Mitigation measure MM4.4-3 would reduce impacts to historic resources throughout the Transit Zoning Code Area to the extent feasible. Preservation of all historic properties in the Lacy Neighborhood is not feasible because it may inhibit the City's ability to meet its affordable housing goals. Construction of affordable housing units is critical to meeting the City's Regional Housing Needs Assessment (RHNA) for 2006-2014, and the City has an adopted policy to "maximize affordable housing on Agency-owned properties that is of high quality, sustainable, and available to various income levels." (See Santa Ana Housing Element [2006-2014], Policy HE-2.8.) Additionally, preservation of certain properties within the Lacy Neighborhood may inhibit the City's ability to "encourage the construction of rental housing for Santa Ana's residents and workforce, including a commitment to very low, low and moderate income residents and moderate income Santa Ana workers" (Policy HE-2.3) and to fulfill its policy to "facilitate and encourage a diversity and range in types, prices, and sizes of housing, including single-family homes, apartments, town homes, mixed/multiuse housing, transit-oriented developments, and live/work housing" (Policy HE-2.4). (See Santa Ana Housing Element [2006-2014].)

Further, preservation of all historic properties within the Lacy Neighborhood would be inconsistent with the objectives of the proposed Developer Project to "redevelop all of the Agency-owned properties" and "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."

- **Proposed Mitigation Measure.** In-place rehabilitation, residential and business re-use, and/or relocation of historic properties to vacant land within the Lacy Neighborhood. (See Final EIR Chapter 3 (Responses to Comments), Letter from Jeff Dickman (JD), comments JD-34, 38.)

Finding. The City finds that specific economic, legal, social, technological, or other considerations make this mitigation measure infeasible.

Rationale. Funding for development of the Agency-owned properties within the Lacy Neighborhood is contingent upon these funds being spent on residential uses. Therefore, use of these funds for non-residential adaptive re-use is prohibited. Accordingly, commercial re-use of historic properties on the Agency-owned parcels within the Lacy Neighborhood is legally infeasible.

Additionally, in-place rehabilitation and/or relocation and rehabilitation of properties proposed for demolition on Agency-owned parcels within the Lacy Neighborhood are evaluated in Recirculated Draft EIR (Chapter 5.0). 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. Please see Chapter 5.0 for additional details about these Alternatives.

- **Proposed Mitigation.** Creation of a community park within the Lacy Neighborhood by taking the following actions:
 - > 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.
 - > 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.
 - > Acquire 617 E. Sixth for park purposes. Salvage the wood components from this structure before demolition.
 - > Preserve in place 701 and 713 E. Fifth Street.

(See Final EIR Chapter 3 (Responses to Comments), Letter from Jeff Dickman (JD), comment JD-39.)

Finding. The City finds that specific economic, legal, social, technological, or other considerations make this mitigation measure infeasible.

Rationale. Closing a portion of Sixth Street between Porter and Lacy is not feasible because it would severely limit future transit planning within the City and would be inconsistent with the Transit Zoning Code objective of “providing a transit-supportive, pedestrian-oriented development framework to support the addition of new transit infrastructure.” Further, street closures are, in general, counter to the policies and design standards contained within the proposed Transit Zoning Code. Maintaining a fine-grained, gridded street network allows for increased pedestrian and vehicular accessibility which serves to disperse traffic throughout the area. In addition, maintaining the existing street grid allows for greater opportunities for future transportation alignments.

Similarly, building a single row of new housing along the south side of Santa Ana Blvd. and using the remainder of the land south of this single row of new housing to create another segment of the suggested park is infeasible because it would be inconsistent with the Developer Project objective of “enhancing 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.”

It would also result in the loss of units that would otherwise be rented to low, very-low and extremely-low income households. Construction of affordable housing units is critical to meeting the City’s Regional Housing Needs Assessment (RHNA) for 2006-2014, and the loss of such units would be inconsistent with the City’s adopted policy to “maximize affordable housing on Agency-owned properties that is of high quality, sustainable, and available to various income levels.” (See Santa Ana Housing Element [2006-2014], Policy HE-2.8.) Additionally, the loss of affordable

housing units would be inconsistent with the City’s policy to “encourage the construction of rental housing for Santa Ana’s residents and workforce, including a commitment to very low, low and moderate income residents and moderate income Santa Ana workers” (Policy HE-2.3) and its policy to “facilitate and encourage a diversity and range in types, prices, and sizes of housing, including single-family homes, apartments, town homes, mixed/multiuse housing, transit-oriented developments, and live/work housing” (Policy HE-2.4). (See Santa Ana Housing Element [2006-2014].)

Further, the City of Santa Ana currently has a shortage of rental units appropriately sized to accommodate families. As stated in the City’s 2006-2014 Housing Element, while multiple-family housing comprises 41% of all housing stock within the City, only 13% of multiple family and single-family rental units have three or more bedrooms. It is estimated that 45% of all families who rent have five or more members. This translates into a shortage of 12,000 large family rental units. The Developer Project contains 78 two-bedroom units (two of which are manager units) and 67 three-bedroom units. In addition, the Mercy House project would provide one three-bedroom, five-one bedroom and five two-bedroom units (exclusive of manager’s unit) of special needs housing. These units are appropriately sized to meet Santa Ana’s identified demographic needs. Reducing the number of units that could be provided by the proposed Developer Project would not further the City’s policies relating to the need for rental housing suitable for families

Moreover, under Health and Safety Code section 33334.2, in redevelopment project areas, not less than 20 percent of the gross tax increment generated from a project must be used by the redevelopment agency to increase and improve the community’s supply of affordable housing. Therefore, the use of funds for community serving infrastructure on the Agency-owned properties must be related and proportional to development of affordable housing. There is no evidence that funds need to construct the community park suggested by the commenter would be proportional to the provision of affordable housing. Without such proportionality, it would be legally infeasible to use the Agency’s set-aside funds to construct the park suggested by the commenter.

Finally, the EIR analyzed numerous alternatives to the proposed project that would reduce impacts to historic resources. (See Recirculated EIR Chapter 5.0.) 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 suggestion to preserve in place 701 and 713 E. Fifth Street is within the range of alternatives already analyzed in Chapter 5.0. In addition, CEQA does not require alternatives to individual project components. 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.

Findings on Mitigation Measures Proposed to Reduce Impacts to Transportation/Traffic

- **Proposed Mitigation Measure.** Add language to the proposed project zoning code that includes measures for planned safety near rail crossings and suggested mitigation measures that include grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings, and continuous vandal resistant fencing or other appropriate barriers to limit access of trespassers onto the railroad right-of-way. (See Final EIR Chapter 3 (Responses to Comments), Letter from California Public Utilities Commission (CPUC), comment PUC-2.)

Finding. The City finds that specific economic, legal, social, technological, or other considerations make this mitigation measure infeasible.

Rationale. The project would not have any significant impacts on safety at railroad crossings. Therefore, mitigation measures that would require grade separations on project area roadways to reduce potential auto/train conflicts are not required. Orange County Transportation Authority (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. In addition to these project components, the Transit Zoning Code will be amended to include policy language in the Street and Network Concepts section that states: “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.”

- **Proposed Mitigation Measure.** Identify improvements and/or funding mechanisms to mitigate the project’s traffic impacts. (See Final EIR Chapter 3 (Responses to Comments), Letter from City of Tustin (TUS), comment TUS-5.)

Finding. The City finds that specific economic, legal, social, technological, or other considerations make this mitigation measure infeasible.

Rationale. The DEIR 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.) The mitigation measures suggested by the City of Tustin are already included in the project and will not provide meaningful additional mitigation beyond the measures that are adopted.

Findings on Mitigation Measures Proposed to Reduce Impacts to Public Services

- **Proposed Mitigation Measure.** Require the application of parkland in-lieu fees in conjunction with development of the project. (See Final EIR Chapter 3 (Responses to Comments), Letter from City of Tustin (TUS), comment TUS-2.)

Finding. The City finds that specific economic, legal, social, technological, or other considerations make this mitigation measure infeasible.

Rationale. Development under the Transit Zoning Code project and Developer Project is required to comply with mitigation measure MM4.10-5, which requires payment into the Park Acquisition and Development Fund pursuant to Santa Ana Municipal Code Chapter 35, Article IV. 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 impact of the project on park facilities is less than significant and no further mitigation is needed.

CHAPTER 4 Statement of Overriding Considerations

4.1 INTRODUCTION

Section 15093 of the CEQA guidelines states:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reason to support its actions based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

This Statement of Overriding Considerations describes the anticipated economic, social, and other benefits or other considerations of the Proposed Project to support the decision to proceed with the project even though not all of the identified impacts are mitigated to a less-than-significant level.

4.2 UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

Even with mitigation measures identified in the EIR for the project, the following significant impacts are unavoidable because no feasible mitigation is available to further reduce the impacts to a less-than-significant level. Refer to Chapter 2 (CEQA Findings) for further clarification regarding the impacts listed below.

Aesthetics

Impact 4.1-5 Long-term cumulative development occurring pursuant to the Transit Zoning Code (SD 84A and SD 84B) would result in a substantial increase in shade/shadows over sensitive uses.

Cumulative As noted in the discussion for Impact 4.1-5, new sources of increased shade would likely result from new development under the proposed Transit Zoning Code (SD 84A and SD 84B). Since there is typically no feasible mitigation available to reduce to less than significant or eliminate shading impacts, significant and unavoidable shading impacts would result from the proposed Transit Zoning Code (SD 84A and SD 84B). Cumulative development of additional medium- and

high-rise buildings would lead to additional shade impacts to various shade-sensitive uses throughout the City. Therefore, cumulative shading impacts from future projects in the Transit Village (TV) and Downtown (DT) Zones constructed pursuant to the Transit Zoning Code would make a considerable contribution to this significant cumulative impact.

Air Quality

- Impact 4.2-5 Construction activities associated with the construction of individual projects within the Transit Zoning Code area, including the Developer project, would contribute substantially to an existing or projected air quality violation for criteria air pollutants.
- Impact 4.2-6 Operation of the proposed project would exceed South Coast Air Quality Management District standards for VOC, NO_x, CO, and PM₁₀ and would result in a projected air quality violation.
- Impact 4.2-7 Construction and operation of the proposed project would 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.
- Cumulative As the Basin is currently in nonattainment for ozone, CO, NO_x, PM₁₀, and PM_{2.5}, cumulative development would violate an air quality standard or contribute to an existing or projected air quality violation. Therefore, this is considered to be a significant cumulative impact within the Basin. Construction under the proposed project would make a cumulatively considerable contribution to this significant impact. In addition, as discussed in Impact 4.2-6, operation at full buildout of the proposed project would result in quantities of air emissions that exceed the SCAQMD thresholds for VOC, NO_x, CO, and PM₁₀, and would create a cumulatively considerable contribution to this significant impact.

Cultural

- Impact 4.4-3 The adoption of the Transit Zoning Code (SD 84A and SD 84B) would result in substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.
- Cumulative The cumulative analysis for impacts on cultural and paleontological resources considers a broad regional system of which the resources are a part. The cumulative context for the cultural and paleontological resources analysis is Orange County as a whole. While the project impact analysis for cultural resources necessarily includes separate analyses for historic-period resources and archaeological resources, the cumulative analysis combines these resources into a single, non-renewable resource base and considers the additive effect of project-specific impacts to significant regional impacts on cultural resources. Because all cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. Federal, state, and local laws protect cultural resources in most instances. Even so, it is not always feasible to protect cultural resources, particularly when preservation in

place would frustrate implementation of projects. For this reason, the cumulative effects of development in the Orange County region are considered significant. However, because it is currently infeasible to determine whether future development under the proposed Transit Zoning Code would result in demolition or removal of historical resources within the project boundaries, the project's incremental contribution to these cumulative effects would be cumulatively considerable (i.e., the project would contribute to the loss of historical resources in Orange County).

Noise

Impact 4.8-8 Operation of the Southern California Regional Rail Authority's (SCRRA) rail line would potentially expose noise-sensitive land uses located within the Transit Zoning Code (SD 84A and SD 84B) area to noise levels that exceed the standards established by the City of Santa Ana General Plan.

Impact 4.8-9 Construction activities associated with the proposed project would generate or expose persons or structures to excessive ground borne vibration.

Cumulative Construction of individual projects pursuant to the Transit Zoning Code would produce temporary vibration impacts. As discussed in Impact 4.8-9, the construction vibration impact would be significant and unavoidable. As individual development projects under the Transit Zoning Code (SD 84A and SD 84B) area may be constructed concurrently with each other or other related projects, it is possible that intense construction from two or more projects would simultaneously occur at distances of 50 feet or less from existing nearby receptors. Therefore, vibration from future development would potentially combine with construction vibration of other projects to result in a potentially significant cumulative impact.

Cumulative The proposed project is located within close proximity to the Southern California Regional Rail Authority's (SCRRA) rail line. Sensitive receptors, including residential uses with exterior uses such as communal areas consisting of pocket parks or pedestrian walkways and private balconies, may or may not be shielded from noise generated by railroad operations. As a result, noise levels within these areas may exceed the 65 dBA CNEL "Desirable Maximum" standard.

Transportation

Impact 4.11-9 Long-term cumulative development under implementation of the Transit Zoning Code would result in impacts related to freeway ramps in the vicinity of the Transit Zoning Code area.

Cumulative As identified in Impact 4.11-8, 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.

Climate Change

- Impact4.13-1 Long-term cumulative development pursuant to the Transit Zoning Code at full build-out would result in significant localized air quality impacts for operational level emissions. As a whole, this impact is significant for operational emissions due to the size of the Transit Zoning Code (SD 84A and SD 84B) area.
- Impact 4.13-2 Long-term cumulative development pursuant to the Transit Zoning Code at full build-out has the potential to conflict with AB 32. The Project as a whole is significant for operational emissions due to the size of the Transit Zoning Code (SD 84A and SD 84B) area.

■ Short-Term Impacts

Of the sixteen significant unavoidable impacts directly attributable to the Proposed Project and associated cumulative impacts, as identified above, four would be classified as short-term. These short-term impacts are related to construction activities and their temporary effect on air quality and groundborne vibration. Once the various construction projects are complete, these impacts would no longer exist.

■ Long-Term Impacts

Of the sixteen significant unavoidable impacts directly attributable to the Proposed Project and associated cumulative impacts, as identified above, twelve of the aforementioned impacts are considered long-term.

4.3 OVERRIDING CONSIDERATIONS

The City hereby finds that economic, legal, social, technological or other benefits of the proposed project outweigh the significant and unavoidable impacts identified in the EIR. In making this finding, the City has balanced the benefits of the project against its unavoidable significant impacts and has indicated its willingness to accept those adverse impacts. The Santa Ana City Council finds that the following benefits of the Proposed Project warrant approval of the Proposed Project notwithstanding its significant, unavoidable environmental impacts.

The project objectives of the Transit Zoning Code component of the Proposed Project 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 component of the Proposed Project 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

Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the proposed Project against the proposed Project's significant and unavoidable impacts, the City hereby finds that its benefits outweigh and override its significant unavoidable impacts for the reasons stated below. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every unavoidable impact.

■ Project Benefits

- a. The Transit Zoning Code component of the Proposed Project provides a framework for the development of compact, transit-oriented development that contains a mix of residential, commercial and professional uses in order to address the City's and the region's goals of providing sites for housing in already urbanized locations that are adjacent to transit, thereby reducing vehicle trips and related greenhouse gas emissions, as well as stimulating investment in underutilized land, and improving the jobs/housing balance within the City. According to a study published by the Southern California Association of Governments entitled "The New Economy and the Jobs/Housing Balance in Southern California," the Los Angeles and Orange Counties regions have a higher proportion of jobs to housing than do those areas in the Inland Empire. Due to a lack of readily available land for new housing construction in these jobs-rich areas, workers are required to drive farther and farther distances in order to find affordable housing. A situation that exacerbates this lack of available land for new housing is the over-zoning of land for commercial uses, which cities have historically done in order to increase sales tax revenues following the adoption of Proposition 13 in 1978. The Transit Zoning Code would re-zone property, either through standard zoning tools or through overlay zones, that was not historically zoned for residential use, thereby increasing the land available for residential development and providing more housing in an already urbanized, jobs-rich environment (*The New Economy and the Jobs/Housing Balance in Southern California*, Southern California Association of Governments, April 2001. Los Angeles, CA.)
- b. The Transit Zoning Code area is ideally located for increased growth by its proximity to major transit systems and its adjacency to existing residential communities and an established gridded street network. The proposed Transit Zoning Code supports the existing transportation network, and creates amenity-enriched connections between the Government Center and Rail Station, and improves area-wide walkability.

- c. The Transit Zoning Code allows land uses and land densities that will provide transit-supportive development necessary to generate adequate ridership on the proposed Santa Ana Fixed Guideway transit system which will serve Santa Ana Regional Transit Center (“SARTC”).
- d. The Transit Zoning Code provides zoning which would allow for the integration of new infill development into existing neighborhoods.
- e. The Proposed Project is consistent with and furthers the goals, policies and objectives of the Southern California Association of Governments (“SCAG”) *2008 Regional Transportation Plan: Making the Connections* (RTP), and SCAG’s *2008 Regional Comprehensive Plan: Helping Communities Achieve a Sustainable Future* (RCP) land use goals. The RTP’s goals include identifying strategic areas for infill, pedestrian friendly environments, and focusing housing and employment growth in transit-accessible locations through transit-oriented developments (EIR, Section 4.7 [Land Use], and RTP, pp. 90-91). The RCP includes similar strategies, such as establishment of mixed-use clusters and other transit oriented development around transit stations and along transit corridors (RCP, pp. 15-17).
- f. Development of the Transit Zoning Code will result in fewer traffic impacts than the No Project/Reasonably Foreseeable Development (Table 5-3). This result is consistent with and furthers the implementation strategies detailed in the California Resources Board Climate Change Scoping Plan (Scoping Plan). AB 32 directed the California Air Resources Board (ARB) to develop a Scoping Plan with actions to reach the target. The *Scoping Plan’s* proposed strategies for local governments include a greenhouse gas (GHG) reduction measure of “infill, affordable and transit-oriented housing development and the land use changes necessary to increase such development.” (*Scoping Plan*, Vol. 1, C-76.)
- g. The Transit Zoning Code plays a critical role in achieving targets under SB 375, California’s Sustainable Communities and Climate Protection Act. The ARB *Scoping Plan* cites the key role of SB 375 in implementing AB 32, noting SB 375 “reflects the importance of achieving significant additional reductions of greenhouse gas emissions from changed land use patterns and improved transportation to help achieve the goals of AB 32.” (*Scoping Plan*, p. 47.) The role of local governments is also recognized in reaching SB 375 targets. “Local Governments have the ability to directly influence both the siting and design of new residential and commercial developments in a way that reduces greenhouse gases associated with vehicle travel, as well as energy, water, and waste. . . . Enhanced public transit service combined with incentives for land use development that provides a better market for public transit will play an important role in helping to reach regional targets.” (*Scoping Plan*, p. 48.) The AB 32 implementation strategy for SB 375 includes the following measure: “Enhanced public transit service combined with incentives for land use development that provides a better market for public transit will play an important role in helping to reach regional targets.” (*Scoping Plan*, p. 48.)
- h. The City of Santa Ana currently has a shortage of rental units appropriately sized to accommodate families. As stated in the City’s 2006-2014 Housing Element, while multiple-family housing comprises 41% of all housing stock within the City, only 13% of multiple family and single-family rental units have three or more bedrooms. It is estimated that 45% of all families who rent have five or more members. This translates into a shortage of 12,000 large family rental units. The Developer Project contains 77 two-bedroom units and 68 three-bedroom units. In addition, the Mercy House project will provide one three-bedroom and five two-bedroom units. These units are appropriately sized to meet Santa Ana’s identified demographic needs.
- i. The City currently suffers from a shortage of affordable housing. As set forth in the City’s certified Housing Element (2006-2014), the City of Santa Ana’s share of the Regional Housing Needs

Allocation (RHNA) for 2006-2014 3,393 units of new residential construction, 694 of which are to be affordable to very low income households, 574 of which are to be affordable to low income households, and 665 to be affordable to moderate income households (EIR, Section 4.9). State law mandates that in order to satisfy its RHNA requirement the City create opportunities for new housing, particularly affordable housing, through the application of zoning which allows for increased density. The existing maximum density allowed under the current zoning within the area covered by the Transit Zoning Code is 15 dwelling units per acre, though there are projects within the area that were constructed prior to the establishment of the current zoning that exceed the 15 dwelling units per acre. The State Department of Housing and Community Development (HCD) requires that cities provide zoning that allows for residential construction at a minimum density of 30 dwelling units per acre in order to meet the density criteria that HCD has established as being supportive of affordable housing production. The City's Housing Element identified the Renaissance Specific Plan area, which shares the same geographic boundary as the Transit Zoning Code area, as one that has the potential to provide a new source of residential in-fill development and, as such, was used to partially satisfy the City's RHNA requirement. During the planning period covered by the Housing Element (2006-2014) it is estimated that the City could anticipate up to 238 units of new residential development. Throughout the life of the Transit Zoning Code (a planning horizon of 20 to 30 years) it is estimated that there could be as many as 4,075 new residential units, a portion of which could be expected to meet affordability requirements. The Proposed Project implements the Housing Element and provides the zoning necessary to stimulate new affordable housing production.

- j. The Developer Project component of the Proposed Project and the Mercy House project will provide up to 220 new residential units. As currently designed these projects will provide 121 rental units affordable to those meeting the Orange County criteria for Low, Very-Low and Extremely Low Income, three market rate rental units, six for-sale units affordable to those meeting the Orange County criteria for Moderate Income, and 26 market-rate for-sale units. This creates a combined total of 156 new residential units. Of these, 127 will be deed-restricted affordable housing and will be counted towards the City's RHNA requirement. These 127 affordable units represent 53% of all new units estimated to be constructed within the 2006-2014 planning horizon of the Housing Element for the Transit Zoning Code area and represent 10% of the City's total RHNA requirement for Very Low and Low Income housing (1,268 units – City of Santa Ana Housing Element 2006-2014 Table 4). This is a significant contribution to meeting both the State mandated requirements for affordable housing production, as well as meeting a real need for the residents of Santa Ana. In addition, the Mercy House project (12 of the 127 previously described units) meets the City's criteria for Special Needs housing, also identified as a need in the Housing Element. Failure to approve the Developer Project and the Mercy House project will eliminate an important new source of affordable housing and special needs housing.
- k. The Proposed Project furthers the City's policy of "maximiz[ing] affordable housing on Agency-owned properties that is of high quality, sustainable, and available to various income levels." (See Santa Ana Housing Element [2006-2014], Policy HE-2.8.) It meets the City's policy to "encourage the construction of rental housing for Santa Ana's residents and workforce, including a commitment to very low, low and moderate income residents and moderate income Santa Ana workers" (Policy HE-2.3) and its policy to "facilitate and encourage a diversity and range in types, prices, and sizes of housing, including single-family homes, apartments, town homes, mixed/multi-use housing, transit-oriented developments, and live/work housing" (Policy HE-2.4). (See Santa Ana Housing Element [2006-2014].) The Transit Zoning Code component of the Proposed Project accomplishes this by creating zoning and affordable housing incentives that supports the

development of new affordable housing by allowing for densities which provide the economies of scale necessary to allow for below-market construction. The Transit Zoning Code also provides for a wide variety of housing types which includes everything from single-family detached houses to high-rise mixed-use development. By allowing for a mixture of uses both horizontally on single properties, and vertically within single buildings, the Transit Zoning Code provides opportunities for a diverse mix of housing in furtherance of the City's Housing Element. The Developer Project component of the Proposed Project accomplishes this by providing 124 new rental units and 32 new for-sale units. Of these units, 127 will be deed restricted to ensure their long-term affordability. This new housing is comprised of a variety of product types including courtyard housing, townhomes and row houses in furtherance of the provisions of the Housing Element and the Transit Zoning Code.

- l. The Transit Zoning Code provides for a planning and zoning framework to allow for the redevelopment of the Agency-owned properties, thereby eliminating blight and providing for new property tax generation. The Agency-properties are, for the most part, vacant land in the ownership of a public agency and, as such, do not currently generate any property tax revenue. The Proposed will allow for the redevelopment of these properties and their return to economic use. The adoption of the Transit Zoning Code also allows for the future development of other vacant and underutilized properties currently in private or public ownership in other parts of the project area. One such example is the current County of Orange Operations Yard. The Operations Yard comprises approximately 9.5 acres of underutilized land as the County of Orange continues to consolidate their fleet and maintenance operations in other facilities. Adoption of the Transit Zoning Code provides for the zoning framework and environmental analysis necessary to allow these properties to transition into more economically productive uses and to potentially generate new property and sales tax revenues. Many areas within the Transit Zoning Code suffer from a lack of modern infrastructure and are in need of new street and sidewalk improvements. The additional tax revenues generated by new development within the Transit Zoning Code area will allow for reinvestment in public infrastructure and new investment that will stimulate the economy of this area.
- m. The Proposed Project furthers the Project Objectives set forth above, incorporated in full by this reference.