

## 5.16 Mandatory Findings of Significance

### 5.16.1 SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS

Section 15126.2(b) of the CEQA Guidelines requires an EIR to describe “any significant impacts, including those which can be mitigated but not reduced to a level of insignificance.” Potential environmental effects of the proposed Project and mitigation measures are discussed in detail throughout Chapter 5 of this EIR.

#### Air Quality

As detailed in Section 5.1, *Air Quality*, implementation of the proposed Project would result in short-term emissions of criteria air pollutants during Project construction and long-term emissions of criteria air pollutants from vehicular emissions, natural gas consumption, landscaping, applications of architectural coatings, and use of consumer products during operation. The emissions from the proposed Project are primarily from vehicle trips and use of consumer products. As described in Section 5.13, *Transportation*, Phase 1 of the proposed Project would generate 4,167 “net” daily trips, with 545 “net” trips in the AM peak hour and 359 “net” trips in the PM peak hour. Phase 2 of the proposed Project is forecast to generate 3,241 “net” daily trips, with 293 “net” trips in the AM peak hour and 271 “net” trips in the PM peak hour. Phase 3 of the proposed Project is forecast to generate 80 fewer “net” daily trips, with 381 “net” trips in the AM peak hour and 58 “net” trips in the PM peak hour. Operation of all 3 Phases at buildout of the proposed Project is anticipated to generate 7,328 net daily trips, including 1,219 AM peak hour and 688 PM peak hour trips.

As shown in Table 5.1-9 in Section 5.1, *Air Quality*, emissions from construction of Phase 1 of the proposed Project would exceed the threshold for significance of NO<sub>x</sub>. The majority of NO<sub>x</sub> emissions during construction of Phase 1 would be derived from equipment and truck exhaust related to earthwork, excavation, and export of soils. Despite implementation of GPU FEIR Mitigation Measure AQ-1 and Project-specific Mitigation Measure AQ-2, emissions of NO<sub>x</sub> would remain over the significance threshold for construction of Phase 1. Therefore, Project construction emissions would be significant and unavoidable.

Table 5.1-19 shows that overlapping emissions from operation of Phase 1 and construction of Phase 2 would exceed SCAQMD thresholds for ROG after implementation of Project-specific Mitigation Measures AQ-1 through AQ-6. The majority of the proposed Project’s ROG emission exceedances are from consumer products that the City and Project Applicant cannot control emissions of and therefore cannot feasibly be reduced below the SCAQMD thresholds. As a result, impacts from overlapping emissions of Phase 1 operations and Phase 2 construction would be significant and unavoidable.

Likewise, with the addition of Phase 3 construction, Table 5.1-21 shows that overlapping emissions from operation of Phase 1 and Phase 2 with construction of Phase 3 would exceed SCAQMD thresholds for ROG and NO<sub>x</sub> after implementation of Project-specific Mitigation Measures AQ-1 through AQ-6. As detailed previously, the majority of the proposed Project’s emission exceedances are from consumer product and mobile sources and cannot feasibly be reduced below the SCAQMD thresholds by either the City or Project Applicant. Emissions from both consumer products and motor vehicles are controlled by state and federal standards and the City and Project Applicant have no control over these standards. Therefore, impacts from overlapping emissions of Phases 1 and 2 operations and Phase 3 construction would be significant and unavoidable. In addition, as shown in Table 5.1-22, emissions from buildout of the proposed Project would exceed SCAQMD thresholds for ROG despite implementation of Mitigation Measures AQ-1 through AQ-6. Therefore, impacts from operation of the proposed Project would be significant and unavoidable.

Further, because the emissions would exceed thresholds, the proposed Project would result in a conflict with implementation of the AQMP and impacts related to the AQMP would also be significant and unavoidable.

In addition, per SCAQMD's methodology, if an individual project would result in air emissions of criteria pollutants that exceeds the SCAQMD's thresholds for project-specific impacts, then it would also result in a cumulatively considerable net increase of these criteria pollutants. Due to the proposed Project exceedance of the NO<sub>x</sub> and ROG thresholds, impacts would be cumulatively considerable and significant and unavoidable.

### Parks and Recreation

As detailed in Section 5.12, *Parks and Recreation*, the City currently has approximately 1.2 acres of public park and/or recreational space per every 1,000 residents which is below the City's GPU policy of 3 acres of parkland per 1,000 residents. Based on the City's General Plan policy to attain 3 acres of public park and/or recreational space per 1,000 residents, buildout of the proposed Project results in a need for approximately 27.7 additional acres of parkland to serve the 9,238 new residents of the Project site. The 13.1 acres of public park within a required 17.21 acres of common or private open space provided by the proposed Project would be approximately 10.49 acres less than the City's parkland standard, which would contribute to the existing citywide parkland deficiency. Although the proposed Project and cumulative projects would be required to provide park and recreational facilities, private open space, and/or pay in-lieu fees as required by the Municipal Code, the proposed Project's impacts related to the amount of parkland within the City would be significant and unavoidable and cumulatively considerable. Cumulative impacts related to parks and recreational facilities would be significant and unavoidable.

## 5.16.2 GROWTH INDUCEMENT

This section analyzes the growth inducement potential of the proposed Project and the associated secondary effects of growth the proposed Project might permit. As required by CEQA Guidelines Section 15126.2(d), an EIR must:

"Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a recycled water plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."

Thus, based on the CEQA Guidelines, a project could have a direct effect on population growth, for example, if it would involve construction of substantial new housing. A project could also have indirect growth-inducement potential if it would:

- Establish substantial new permanent employment opportunities (e.g., commercial, industrial, governmental, or other employment-generating enterprises) or otherwise stimulate economic activity such that it would result in the need for additional housing, businesses, and services to support increased economic activities;
- Remove obstacles to growth, e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area, or would add substantial capacity that could accommodate additional unplanned growth;

- Remove obstacles to growth through changes in existing regulations pertaining to land development;
- Result in the need to expand one or more public service facilities to maintain desired levels of service; or
- Involve some other action that could encourage and facilitate other activities that could significantly affect the environment.

CEQA Guidelines Section 15126.2(d) states that growth-inducing effects are not to be construed as necessarily beneficial, detrimental or of little significance to the environment. Therefore, the following is provided as additional information on ways in which the proposed Project could contribute to significant changes in the environment beyond the direct consequences of developing the land use concepts examined in the preceding sections of this EIR.

**Establish substantial new permanent employment opportunities or otherwise stimulate economic activity such that it would result in the need for additional housing, businesses, and services to support increased economic activities.**

The Project site consists of 41.13 gross acres of land that is currently developed with 16 commercial buildings totaling 465,063 SF with various commercial tenants. The site has large areas of surface parking and drive-aisles that surround the existing buildings on the site.

The proposed Project would redevelop the Project site to provide 3,750 multi-family residential units, 350,000 SF of commercial retail space, 250 hotel rooms, and a 200-room senior/continuum of care facility. As detailed in Section 5.10, *Population and Housing*, this is anticipated to generate approximately 1,092 employees at full occupancy, which would be approximately 14 percent of the GPU projected increase in employment from buildout of the South Bristol Street Focused Area; and therefore, would not result in unplanned employment growth.

Commercial spaces developed as part of the proposed Project could be utilized by current commercial tenants that occupy the Project site. In addition, the jobs that would be created by the proposed Project would provide new employment opportunities to existing residents of Santa Ana and the surrounding cities. It is anticipated that many of the new jobs that would be created by the proposed Project would be positions that do not require a specialized workforce. Thus, it is anticipated that these jobs could be filled by people who would already be living within Santa Ana, Tustin, Irvine, and surrounding communities and would not induce an unanticipated influx of new labor into the region. Thus, impacts related to increased growth through the provision of employment opportunities would be less than significant.

Overall, the Project site has historically provided employment opportunities and economic activity. The proposed Project would provide for a different variety of employment opportunities and economic activities that are consistent with development occurring and planned for in the Project vicinity. As detailed in Section 5.10, *Population and Housing*, the Project would result in a slight improvement in the jobs-housing balance and the residents and employees of the site would have convenient access to sustainable multimodal transportation that would allow for walking, biking, and the use of existing transit, which could reduce vehicular trips and would reduce the effects of travel (such as traffic, air quality, greenhouse gas emissions, and noise impacts), which would be an indirect physical benefit of the proposed Project. In addition, the proposed Project includes the development of 3,750 multi-family units. Thus, the proposed Project provides housing and would not result in the need for additional housing. Therefore, the economic effects of the proposed Project would not result in the need for additional development to support the proposed Project and would not result in a substantial impact on the environment.

**Remove obstacles to growth, e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area or would add substantial capacity that could accommodate additional unplanned growth.**

The elimination of a physical obstacle to growth is considered to be a growth inducing impact. A physical obstacle to growth typically involves the lack of public service infrastructure. The proposed Project would induce growth if it would provide public services or infrastructure with excess capacity to serve lands that would otherwise not be developable or to expand the development potential of redevelopment areas.

**Water and Sewer Infrastructure.** As described in Section 5.15, *Utilities and Service Systems*, the proposed Project would install a new onsite water infrastructure system that would connect to water pipelines adjacent to the site. The onsite improvements include construction of a 12-inch water main in Bristol Paseo and replacement of the existing 12-inch water line in Callen's Common with a new 12-inch main and connection of the new onsite infrastructure to the replacement line. The proposed Project also includes offsite infrastructure improvements that would replace a portion of the existing 12-inch water main in South Plaza Drive from MacArthur Boulevard to Sunflower Avenue with a 12-inch water main. The 12-inch water mains in Sunflower Avenue from South Plaza Drive to Bristol Street and Bristol Street from MacArthur Boulevard to Sunflower Avenue would be replaced "in-kind" with new 12-inch water mains. The water line improvements are consistent with conveyance needs for the area to improve aged existing infrastructure and does not expand water facilities in a manner that could accommodate additional unplanned growth.

The proposed Project would install a new onsite sewer system that would connect to the existing 78-inch Orange County Sanitation District (OCSD) sewer main in Sunflower Avenue, and no expansions to the offsite wastewater infrastructure would occur.

**Drainage Infrastructure.** As detailed in Section 5.15, *Utilities and Service Systems*, the proposed Project would install a storm drain system within the onsite roadways to convey the stormwater to proposed vegetated biotreatment systems on the site and then to the existing or improved City storm drain systems in MacArthur Boulevard, South Plaza Drive, Sunflower Avenue, and Bristol Street. The proposed Project would result in a reduction in stormwater drainage. However, the Project includes improvements to replace the existing 54-inch reinforced concrete pipe (RCP) in Sunflower Avenue to a 72-inch RCP for 2,230 linear feet and replace the existing 42-inch RCP in South Plaza Drive to a 60-inch RCP for 320 linear feet. These improvements would replace existing storm drain lines and would convey existing stormwater volumes and would not provide additional capacity to extend services or accommodate unplanned growth.

Overall, the proposed Project would redevelop the existing onsite infrastructure systems and replace multiple water and storm drainage lines during roadway improvements that are occurring as part of the Project. The new infrastructure would not provide additional capacity beyond what is needed to serve the proposed Project or was previously planned for by the City. In addition, because the proposed Project is within a developed area that is receiving services from existing infrastructure and would connect to the existing infrastructure, development of the proposed Project would not result in an expansion of overall capacity, extension of infrastructure, or provision of services in areas or an unserved area. Therefore, infrastructure improvements would not result in significant growth inducing impacts.

**Remove obstacles to growth through changes in existing regulations pertaining to land development.**

The Project site is located within the South Bristol Street Focus Area and has a General Plan land use designation of District Center-High (DC-5) and zoning designation of General Commercial (C-2) north of Callen's Common, and Commercial Residential (CR) and General Commercial (C-2) south of Callen's Common. A project could directly induce growth if it would remove barriers to population growth such as changes to a jurisdiction's general plan and zoning code, which allows new development to occur in underutilized areas.

The proposed Project would be consistent with the DC-5 General Plan land use designation and would include zoning amendments to replace the existing C-2 and CR zoning of the Project site with Related Bristol Specific Plan District, which would define the allowable uses and development standards within its boundaries and would provide the processes and procedures for the review and approval of development within the Specific Plan area.

The proposed Project is redevelopment of an already developed area that has been used for urban uses since the 1970s and is surrounded by urban development. The proposed Project would involve a change to development regulations and would result in onsite residents and additional onsite employees. However, the zoning and land use changes are parcel specific and would not result in growth outside of the Project site, because the areas are either completely developed or within development land use plans. Further the zoning changes to Related Bristol Specific Plan District would implement and be consistent with the DC-5 General Plan land use designation for the site. Changes to the Project site's zoning designations would not result in removing an obstacle to growth within the Project vicinity.

In addition, SCAG policies concerning regional growth-inducement are included as part of Section 5.8, *Land Use and Planning*, and Section 5.10, *Population and Housing*. As described in those sections, the growth anticipated by SCAG's projections are consistent with the increases in population (9,238 residents) and employees (1,092 employees) anticipated at full buildout and capacity of the proposed Project. Therefore, impacts related to growth from changes in existing regulations pertaining to land development would be less than significant.

#### **Result in the Need to Expand One or More Public Service Facilities to Maintain Desired Levels of Service**

The proposed Project is expected to incrementally increase the demand for fire protection and emergency response, police protection, school services, and recreational facilities and would not increase demand beyond that assumed for buildout of the South Bristol Street Focus Area within the GPU FEIR. However, as described in Section 5.11, *Public Services*, the proposed Project would not require development of additional facilities or expansion of existing facilities, with the exception of development of a Santa Ana Police Department substation onsite, to maintain existing levels of service. Impacts related to the construction and operation of the substation proposed onsite are included throughout this EIR analysis. Based on service ratios and build out projections, the proposed Project would not create a demand for services beyond the capacity of existing facilities. Therefore, an indirect growth inducing impact as a result of expanded or new public facilities that could support other development in addition to the proposed Project would not occur. The proposed Project would not have significant growth inducing consequences that would require the need to expand public services to maintain desired levels of service.

#### **Involve Some Other Action that Could Encourage and Facilitate Other Activities that Could Significantly Affect the Environment**

The proposed Project involves amendments to the City of Santa Ana Zoning Ordinance, but those amendments are specific to the allowable land uses on the Project site itself. The proposed Project does not propose changes to any of the City's building safety standards (i.e., building, grading, plumbing, mechanical, electrical, or fire codes). The proposed Project would comply with all applicable City plans, policies, and ordinances. In addition, Project features and mitigation measures have been identified within this EIR to ensure that the proposed Project minimizes environmental impacts. The proposed Project would not involve any precedent-setting action that could encourage and facilitate other activities that significantly affect the environment.

## Environmental Impacts of Induced Growth

All physical environmental effects from construction of the proposed Project have been analyzed in all technical sections of this EIR. For example, activities such as excavation, grading, and construction as required for the proposed mixed uses were analyzed in Sections 5.1, *Air Quality*, 5.5, *Greenhouse Gas Emissions*, 5.9, *Noise*, and 5.13, *Transportation*. Therefore, construction and operation of the proposed Project has been analyzed in this EIR and would be adequately mitigated, with the exception of air quality and recreation impacts, either through implementation of existing regulations and/or mitigation measures contained within Chapter 5 of this EIR. As discussed above, development of the Project site would result in significant and unavoidable impacts related to exceedance of SCAQMD criteria pollutant thresholds during both Project construction and operation and significant and unavoidable impacts related to parks and recreational facilities.

### 5.16.3 SIGNIFICANT IRREVERSIBLE EFFECTS

State CEQA Guidelines require the EIR to consider whether “uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely.... Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.” (CEQA Guidelines Section 15126.2(c)). “Nonrenewable resource” refers to the physical features of the natural environment, such as land, waterways, mineral resources, etc. These irreversible environmental changes may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses.

Generally, a project would result in significant irreversible environmental changes if:

- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve a large commitment of nonrenewable resources;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The proposed irretrievable commitments of nonrenewable resources is not justified (e.g., the project involves the wasteful use of energy).

The proposed Project would result in or contribute to the following irreversible environmental changes:

- Lands in the Project area that are currently developed with commercial retail uses would be committed to multi-family residential and commercial uses once the proposed buildings are constructed. Secondary effects associated with this irreversible commitment of land resources include:
  - Increased vehicle trips on surrounding roadways during operation of the proposed Project (see Section 5.13, *Transportation*).
  - Emissions of air pollutants associated with Project construction and operation (see Section 5.1, *Air Quality*).
  - Consumption of non-renewable energy associated with construction and operation of the proposed Project due to the use of automobiles, lighting, heating and cooling systems, appliances, and the like (see Section 5.3, *Energy*).
  - Increased ambient noise associated with an increase in activities and traffic from the Project (see Section 5.9, *Noise*).
- Construction of the proposed Project as described in Section 3.0, *Project Description*, would require the use of energy produced from non-renewable resources and construction materials.

In regard to energy usage from the proposed Project, as demonstrated in the analyses contained in Section 5.3, *Energy*, the proposed Project would not involve wasteful or unjustifiable use of non-renewable resources, and conservation efforts would be enforced during construction and operation of proposed development. The proposed development would incorporate energy-generating and conserving project design features, including those required by the California Building Code, California Energy Code Title 24, which specify green building standards for new developments. Further, the multi-family units would not include natural gas connections in compliance with Mitigation Measure GHG-2, which requires the proposed Project to meet CALGreen Tier 2 voluntary energy efficiency standards. In addition, as listed in Section 3.0, *Project Description* and Section 5.3, *Energy*, the proposed Project includes project design features that result in additional energy-efficiency. Project specific information related to energy consumption is provided in Section 5.3, *Energy*, of this EIR.

#### 5.16.4 EFFECTS FOUND NOT TO BE SIGNIFICANT

CEQA Guidelines Section 15126.2(a) states that “[a]n EIR shall identify and focus on the significant effects on the environment”. However, CEQA Guidelines Section 15128 requires that an EIR contain a statement briefly indicating the reasons that various possible effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. The following environmental issue areas would not be potentially impacted by the proposed Project, as detailed below.

##### **Aesthetics**

In 2013, the state of California enacted Senate Bill 743 (SB 743), which made several changes to CEQA for projects located in areas served by transit. Specifically, Public Resources Code Section 21099 provides that “aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” Public Resources Code Section 21099 defines a “transit priority area” as an area within one-half mile of a major transit stop that is “existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.” Public Resources Code Section 21064.3 defines “major transit stop” as “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” Public Resources Code Section 21099 defines an infill site as a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. This state law supersedes the aesthetic impact thresholds set forth in CEQA Guidelines Appendix G.

The Project proposes a mixed-use infill development located in a TPA on an urban and developed site in the City of Santa Ana. As discussed in Section 5.13, *Transportation*, the City of Santa Ana Traffic Impact Study Guidelines Appendix A identifies that the Project site is located within a TPA. The Project area is served by six OCTA routes: Routes 55, 57, 76, 86, 150, and 553. Specifically, OCTA Route 57 serves as a high-quality bus stop with headways of 15 minutes or less during weekday peak commute hours. OCTA Bus Route 553 connects to the Anaheim Regional Transportation Intermodal Center and OCTA Bus Route 86 connects to the Irvine Train Station. In addition, as shown on Figure 5.13-3, SCAG identifies that the Project site is within a High Quality Transit Area. As such, the proposed Project is located on an infill site within a TPA as defined under Public Resources Code Section 21099.

Thus, the proposed Project's aesthetic (and parking) impacts are not considered significant on the environment pursuant to Public Resources Code Section 21099. Therefore, an assessment of the proposed Project's potential aesthetic impacts is not required.

### **Agriculture and Forestry Resources**

**a) Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

The Project site is developed for urban uses and located in an area that is completely developed for urban uses. The California Department of Conservation Important Farmland mapping identifies the Project site as Urban and Built-Up land (CDC 2023). No areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be affected by the proposed Project or converted to a non-agricultural use. Thus, impacts would not occur.

**b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

The Project site is developed for urban uses and located in an area that is completely developed for urban uses. The Project site is zoned General Commercial (C-2) north of Callen's Common and Commercial Residential (CR) and General Commercial (C-2) south of Callen's Common, is not in a Williamson Act contract, and vicinity is void of agricultural uses. Thus, impacts would not occur.

**c) Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

The Project site is developed for urban uses and located in an area that is completely developed for urban uses. The Project site and vicinity is void of forest land or timberland. Thus, impacts would not occur.

**d) Would the Project result in the loss of forest land or conversion of forest land to non-forest use?**

The Project site is developed for urban uses and located in an area that is completely developed for urban uses. The Project site and vicinity is void of forest land or timberland. Thus, impacts would not occur.

**e) Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

As the Project site and vicinity do not include agricultural or forest resources, no other changes to the existing environment would occur from implementation of the proposed Project that could result in conversion of farmland to nonagricultural use or forest/timberland land to non-forest or non-timberland use. Thus, impacts related to agriculture and forestry resources would not occur.

### **Biological Resources**

**a) Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**



The Project site is developed with 16 commercial buildings that are surrounded by paved surfaces. Grass turf, ornamental landscaping, and trees exist along the Project boundaries. Limited landscape trees are scattered throughout parking areas. The Project site is located within an urbanized area. No endangered, rare, threatened, or special status plant species (or associated habitats) or wildlife species designated by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), or California Native Plant Society (CNPS) are known to occur on or adjacent to the site. As such, no impacts to candidate, sensitive, or special status species would occur.

**b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?**

Riparian habitats are those occurring along the banks of rivers and streams. Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies, known to provide habitat for sensitive animal or plant species, or known to be important wildlife corridors. As described above, the Project site is heavily disturbed, graded, and consists of 16 commercial buildings and associated parking. According to the National Wetlands Inventory managed by the USFWS, the Project site does not contain riparian habitat (USFWS 2023). There are no riparian habitat or other sensitive natural communities as identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Therefore, no impact would occur.

**c) Would the Project have a substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal, pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Wetlands are defined under the Federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs. According to the National Wetlands Inventory managed by the USFWS, the Project site does not contain federally protected wetlands (USFWS 2023). In addition, the Project site does not contain any jurisdictional areas that would be subject to Section 404 of the Clean Water Act, and the proposed Project does not involve any hydrological interruption on any existing water resources. Therefore, the redevelopment of the Project site would not result in impacts to wetlands.

**d) Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Wildlife corridors are linear features that connect areas of open space and provide avenues for the migration of animals and access to additional areas of foraging. The Project site does not contain, or is not adjacent to, any wildlife corridors. The Project site is surrounded by roadways and developed areas. Areas of commercial, residential, public institutional, and additional roadways are located beyond the roadways adjacent to the site. Development of the site would not result in impacts related to established native resident or migratory wildlife corridor.

The Project site contains ornamental trees that would be removed during redevelopment of the site. Although the trees are mainly ornamental and nonnative, they may provide suitable habitat, including nesting habitat, for migratory birds. The Migratory Bird Treaty Act of 1918 (MBTA) implements the United States' commitment to four treaties with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. The USFWS administers permits to take migratory birds in accordance with the MBTA. The City requires that all projects comply with the MBTA by either avoiding grading activities

during the nesting season (typically February 15 to August 15) or conducting a site survey for nesting birds prior to commencing grading activities. Redevelopment of the site under the proposed Project would be required to comply with the provisions of the MBTA. Adherence to the MBTA regulations would ensure that if construction occurs during the breeding season, appropriate measures would be taken to avoid impacts to any nesting birds if found. With adherence to the MBTA requirements, less than significant impacts would occur.

**e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Development within the Project site would be required to comply with the City's Municipal Code, including Article VII, Regulation for the Planting, Maintenance, and Removal of Trees. As part of the proposed Project, existing trees around the perimeter of the Project site and throughout the existing parking lot areas of the Project site would be removed and replaced with a variety of trees and ornamental landscaping. Therefore, the proposed Project would not conflict with the City's tree policy and impacts would be less than significant.

**f) Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

The Project site does not contain any natural lands that are subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. As such, impacts would not occur.

### **Mineral Resources**

**a) Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

No active or inactive mines exist in the City of Santa Ana. The mapping by the California Geological Survey indicates that the Project site has a mineral resource zone designation of MRZ-3, meaning the significance of mineral deposits in the area cannot be evaluated from available data. Despite the data gap, the Project area is developed with urban uses and has no history of mining. Therefore, implementation of the proposed Project would not cause the loss of availability of mineral resources valuable to the region or state, and no impact would occur.

**b) Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on the general plan, specific plan or other land use plan?**

No known valuable mineral resources exist on or near the Project site, and no mineral resource extraction activities occur on the site. In addition, the Project site is currently developed with commercial buildings and paved parking lots. Therefore, no impacts related to the loss of availability of a locally important mineral resource recovery site, as delineated on a local general plan, specific plan, or other land use plan, would occur as a result of Project implementation.

### **Wildfire**

**a) Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?**

According to the CAL FIRE Fire Hazard Severity Zone map, the Project site is not within an area identified as a Fire Hazard Area that may contain substantial fire risk or a Very High Fire Hazard Severity Zone (VHFHSZ) (Cal Fire 2023). The proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. As stated in Section 5.6, *Hazards and Hazardous Materials*, of

this EIR, the proposed Project would not physically interfere with an adopted emergency response plan or emergency evacuation plan. Further, the proposed Project would not obstruct or alter any transportation routes that could be used as evacuation routes during emergency events. In addition, during the operational phase of the proposed Project, site access would be required to comply with standards established by the City and OCFA. Additionally, the proposed Project does not include any characteristics (e.g., permanent road closures or long-term blocking of road access) that would substantially impair or otherwise conflict with an emergency response plan or emergency evacuation plan. Further, access to and from the Project site for emergency vehicles would be reviewed and approved by OCFA and the City as part of the Project approval process to ensure the proposed Project is compliant with all applicable codes and ordinances for emergency vehicle access. Therefore, the impacts related to emergency response and evacuation plans associated with construction of the proposed Project would be less than significant.

**b) Would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

As stated previously, the Project site is not located within a VHFHSZ. Additionally, the Project site and surrounding area are currently developed, and therefore, lack the combustible materials and vegetation necessary for the uncontrollable spread of a wildfire.

The Project site is relatively flat and there are limited elevation changes in the Project vicinity. The Project proposes a mixed-use development in an area characterized by existing commercial, institutional, and residential uses. As such, the proposed Project itself would not exacerbate wildfire risks as compared to existing conditions because it is representative of the existing development in the area and is replacing existing commercial uses. Thus, no impact related to other factors that would expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire would occur from the Project.

**c) Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

As stated previously, the Project site is not located within a VHFHSZ. The proposed Project does not require the installation or maintenance of associated infrastructure (including roads, fuel breaks, emergency water sources, power lines, or other utilities) that would exacerbate fire risk or that would result in impacts to the environment. Although the proposed Project includes driveways and improvements to South Plaza Drive, MacArthur Boulevard, Bristol Street, Sunflower Avenue, and Callen's Common, these changes to public roadways would not exacerbate fire risk or result in ongoing impacts to the environment besides impacts discussed throughout this Draft EIR. Although utility improvements, including domestic water, recycled water, sanitary sewer, and storm drain lines proposed as part of the Project would be extended throughout the Project site, these utility improvements would be underground and would not exacerbate fire risk. Project design and implementation of utility improvements would be reviewed and approved by the City as part of the Project approval process to ensure the proposed Project is compliant with all applicable design standards and regulations. Therefore, the proposed Project would not include infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities), that would exacerbate fire risk or that would result in impacts to the environment.

**d) Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

As stated previously, the Project site is not located within a VHFHSZ. According to the FEMA FIRM for the Project area (06059C0279J), the Project site is located within “Zone X,” which is an area determined to be outside of the 0.2 percent annual chance flood. Therefore, there is a low potential for onsite flooding to occur.

Implementation of the proposed Project would result in a decrease of impermeable surfaces from 90 percent of the site to 86 percent of the site. Also, the proposed Project would maintain the existing drainage pattern; and drainage would be accommodated by vegetated biotreatment systems that have been sized to accommodate the DAMP required design storm. Therefore, the proposed Project would not result in impeding or redirecting flood flows by the addition of the impervious surfaces. As detailed previously, the City’s permitting process would ensure that the drainage system specifications adhere to the existing MS4 permit and DAMP regulations, and compliance with existing regulations would ensure that impacts would be less than significant.

### 5.16.5 DEGRADATION OF THE ENVIRONMENT

CEQA Guidelines Section 15065(a) requires a finding of significance if a project “has the potential to substantially degrade the quality of the environment.” In practice, this is the same standard as a significant effect on the environment, which is defined in CEQA Guidelines Section 15382 as “a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.”

This Supplemental EIR, in its entirety, addresses and discloses all potential environmental effects associated with construction and operation of the proposed Specific Plan, including direct, indirect, and cumulative impacts to all the resources listed in the CEQA Guidelines Appendix G Checklist. As summarized in Table 1-2, *Summary of Impacts, Mitigation Measures, and Level of Significance*, this Draft Supplemental EIR discloses all potential environmental impacts, the level of significance, and requirements that are required by law, are incorporated as part of the Project Description, or mitigation measures. As described previously in Section 5.16.1, *Significant and Unavoidable Environmental Impacts*, the proposed Project would result in significant and unavoidable impacts related to conflict with an AQMP, regional air quality emissions, and parks and recreation. These impacts are consistent with those identified by the GPU FEIR.

### 5.16.6 IMPACTS ON SPECIES

CEQA Guidelines Section 15065(a)(1) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to (1) substantially reduce the habitat of a fish or wildlife species; (2) cause a fish or wildlife population to drop below self-sustaining levels; or (3) substantially reduce the number or restrict the range of an endangered, rare, or threatened species. As described previously within Section 5.16.4, *Effects Found Not To Be Significant*, potential impacts related to the reduction of the fish or wildlife habitat, the reduction of fish or wildlife populations, and the reduction or restriction of the range of special-status species would not occur as a result of Project implementation. The Project site is located within an urbanized area and no endangered, rare, threatened, or special status plant or animal species occur or have the potential to occur within the Project site. Hence, no substantial evidence related to impacts on special status plant or animal species has been identified.

### 5.16.7 IMPACTS ON HISTORIC RESOURCES

CEQA Guidelines Section 15065(a)(1) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to

eliminate important examples of a major period of California history or prehistory. CEQA Guidelines Section 15065(a)(1) amplifies Public Resources Code Section 21001(c) by requiring preservation of major periods of California history for the benefit of future generations. It also reflects the provisions of Public Resource Code Section 21084.1 in requiring a finding of significance for substantial adverse changes to historical resources. CEQA Guidelines Section 15064.5 establishes standards for determining the significance of impacts to historical resources and archaeological sites that are a historical resource.

Section 5.2, *Cultural Resources*, of this Draft Supplemental EIR fully addresses impacts related to California history and prehistory, historic resources, and archaeological resources. As detailed, the existing structures on the Project site were constructed between 1972 and 2004, and that although seven of the buildings are over 45 years old, they do not consist of historic resources. As detailed in Section 5.2, *Cultural Resources*, none of the existing buildings onsite meet any of the historic resource criteria and do not meet the definition of a historical resource pursuant to CEQA or the City of Santa Ana. In addition, it was determined that the site is not adjacent to any historic resources. Thus, impacts related to historic resources would not occur.

In addition, Section 5.2, *Cultural Resources*, describes that no archaeological resources have been identified within or immediately adjacent to the proposed Project site. However, due to the Holocene age of onsite soils, the presence of known archaeological and historical resources within 0.5-mile from the Project site, and the former presence of agricultural-related structures onsite, the Project area is sensitive for prehistoric and historic-period archaeological deposits. Therefore, the proposed Project would be required to implement GPU FEIR Mitigation Measures CUL-6 for an archaeologist to be retained for monitoring throughout Project ground disturbing activities, and Project-specific Mitigation Measures CUL-1 and CUL-2 that provide requirements for monitoring activities, which would reduce potential impacts to archaeological resources to a less than significant level.

### 5.16.8 LONG-TERM IMPACTS

CEQA Guidelines Section 15065(a)(2) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. Previous Section 5.16.3, *Significant Irreversible Effects*, addresses the short-term and irretrievable commitment of natural resources to ensure that the consumption is justified on a long-term basis. In addition, Section 5.16.1, *Significant and Unavoidable Environmental Impacts* and Table 1-2 identify all significant and unavoidable impacts that could occur, thereby creating a long-term impact on the environment. Lastly, previous Section 5.16.2, *Growth Inducement*, identifies any long-term environmental impacts caused by buildout of the proposed Specific Plan with respect to economic and population growth.

### 5.16.9 CUMULATIVE IMPACTS

CEQA Guidelines Section 15065 states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects that are individually limited but cumulatively considerable. As defined in CEQA Guidelines Section 15065(a)(3), cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” Cumulative impacts are addressed in Section 5.0, *Environmental Impact Analysis*, and within each of the environmental topical analysis sections (Sections 5.1 through 5.15) of this Draft Supplemental EIR. As described in Section 5.1, *Air Quality*, and Section 5.12, *Parks and Recreation*, impacts related to conflict with an AQMP, regional air quality emissions, and citywide park acreage would be cumulatively considerable, and significant and unavoidable after implementation of mitigation measures.

### 5.16.10 IMPACTS ON HUMAN BEINGS

As required by CEQA Guidelines Section 15065(a)(4), a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, parks and recreation, transportation, and utilities and service systems, which are addressed in Section 5.1, *Air Quality*, Section 5.4, *Geology and Soils*, Section 5.5, *Greenhouse Gas Emissions*, Section 5.6, *Hazards and Hazardous Materials*, Section 5.7, *Hydrology and Water Quality*, Section 5.9, *Noise*, Section 5.10, *Population and Housing*, 5.11 *Public Services*, Section 5.12, *Parks and Recreation*, Section 5.13, *Transportation*, and Section 5.15, *Utilities and Service Systems*.

## REFERENCES

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