



CITY OF ANAHEIM

ENVIRONMENTAL CHECKLIST FORM

SUBJECT 39 Commons Phase I (Residential Component)
CASE NO. DEV 2019-00120, CUP 2019-06032, SUBTM 19021, and VAR 2020-0514
ADDRESS 208-224 North Beach Boulevard, Anaheim, CA 92801
APN 258-011-17, 258-031-05
LOCATION The project is located on the north side of Lincoln Avenue, approximately 300 feet east of the centerline of Beach Boulevard.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

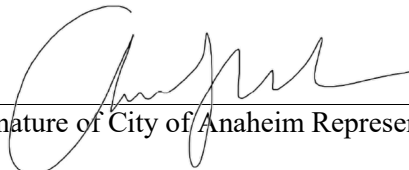
The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural & Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology / Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resource |
| <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Paleontological Resources | <input checked="" type="checkbox"/> Population / Housing |
| <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation / Traffic |
| <input checked="" type="checkbox"/> Tribal Cultural Resources | <input checked="" type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire |
| <input checked="" type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION: (To be completed by the City)

On the basis of this initial evaluation:

- ☐ I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☒ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects 1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and 2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.


Signature of City of Anaheim Representative

Andy Uk, Associate Planner
Printed Name, Title

08/10/2020

Date

(714) 765-5238
Phone Number

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as Project-level, indirect as well as direct, and construction as well as operational impacts.
- 2) A list of “Supporting Information Sources” must be attached and other sources used or individuals contacted should be cited in the Narrative Summary for each section.
- 3) Response column heading definitions:
 - a) **Potentially Significant Impact** is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an Environmental Impact Report (EIR) is required.
 - b) **Potentially Significant Unless Mitigation Incorporated** applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact”. The mitigation measures must be described, along with a brief explanation of how they reduce the effect to a less than significant level.
 - c) **Less Than Significant Impact** applies where the Project creates no significant impacts, only “Less Than Significant impacts”.
 - d) **No Impact** applies where a Project does not create an impact in that category. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to Projects like the one proposed (e.g., the Project falls outside of a fault rupture zone). A “No Impact” answer should be explained where it is based on Project-specific factors as well as general standards (e.g., the Project will not expose sensitive receptors to pollutants, based on a Project-specific screening analysis).
- 4) Earlier analyses may be used where, pursuant to a tiering, program EIR, Master EIR, or other California Environmental Quality Act (CEQA) process, an effect has been adequately analyzed in an earlier EIR or negative declaration (§ 15062(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated”, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the Project.
- 5) Incorporate into the checklist any references to information sources for potential impacts (e.g., the General Plan, zoning ordinance). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 6) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

Project Setting/Background

The 39 Commons Phase I (Residential Component) Project (the “Project”) is located within the area of the City subject to the Beach Boulevard Specific Plan (BBSP). The Project Site is located on 3.63 acres designated for Mixed-Use Medium land use by the General Plan. The Project Site is within the Mixed-Use Medium (MU-M) Development Area of the Beach Boulevard Specific Plan No. 2017-1 (SP 2017-1) Zone (BBSP), as shown on the BBSP Development Areas Map. The Mixed-Use Medium Development Area allows flexibility in zoning for parcels that could transition from strip commercial uses to residential or a mix of residential, commercial, and office development. The designation allows residential in either a standalone or mixed-use configuration at a density of up to 36 dwelling units per acre. A mix of commercial uses would continue to allow for a range of community-serving retail, office, and service commercial uses. The non-residential component of mixed-use development has a maximum floor area ratio of 0.35. The Anaheim Municipal Code (AMC or Code) includes the Zoning and Development Standards for the BBSP in Chapter 18.122. The underlying AMC base zone is the “MU” Mixed Use Overlay Zone. If the standards in the BBSP are silent on a particular topic, the MU Overlay Zone shall apply.

On July 30, 2019, the City Council approved a Disposition and Development Agreement (DDA) pertaining to an approximate 30-acre vacant property located on the northeast corner of Beach Boulevard and Lincoln Avenue, which includes the Project Site. The DDA initiated the development four separate components referred to as the Residential Component (Phase 1), the Retail Component (Phase 2), the Grocery Component (Phase 3), and the Mixed Use Commercial Component (Phase 4). The proposed Project is the Residential Component (Phase 1). The Council’s approval of the DDA included a determination that there would be no new environmental impacts associated with the DDA beyond those identified in the previously approved Final Environmental Impact Report for the BBSP (EIR No. 350).

A mix of land uses surrounds the Project site, as shown on the Aerial Photograph of the Project site. Directly adjacent to the north of the site is a vacant parcel, formerly used for the former landfill, this parcel is also a part of the DDA. Further north is an America’s Best Value Inn & Suites hotel in the City of Anaheim and single-family homes in the City of Buena Park. The remaining surrounding properties, to the east, south and west, are within the City of Anaheim. Directly adjacent to the east of the site are two multi-family apartment complexes. Directly adjacent to the east of the site are single-family homes. A service station is located on the northeast corner of Lincoln Avenue and Beach Boulevard, adjacent to the Project site. To the south of the site, across Lincoln Avenue, there is a service station, a restaurant, a vacant retail building, and two small commercial centers. To the west, across Beach Boulevard are a large commercial center with a Walmart Neighborhood Market, Rally’s fast-food restaurant, and the 102-unit Anacapa attached residential planned unit development. A small commercial center is located southwest of the intersection of Beach Boulevard and Lincoln Avenue. All surrounding properties, with the exception of the single-family homes within the City of Buena Park, are within the area guided and regulated by the BBSP.

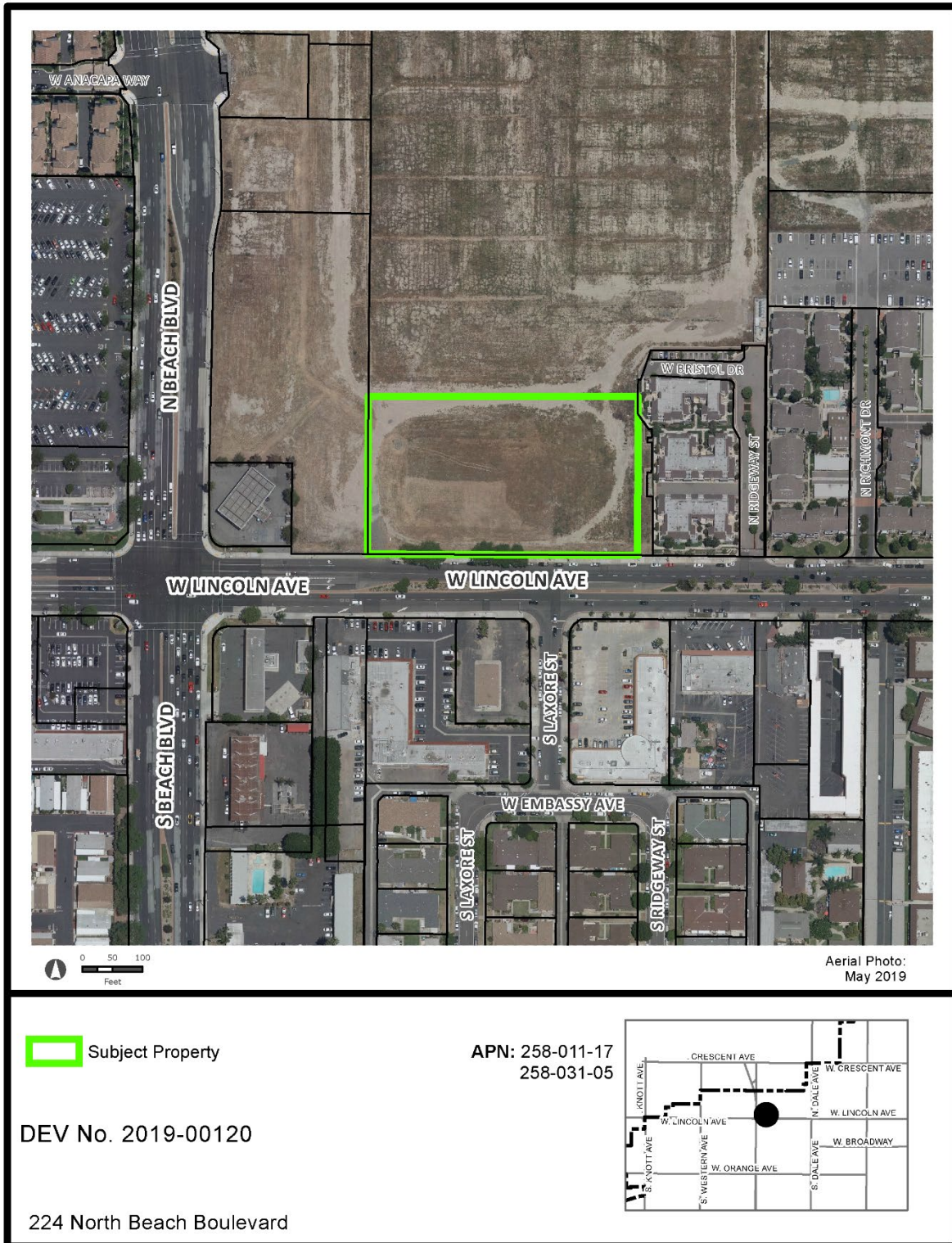
Project Description

The Project Applicant proposes to construct 65 townhomes (proposed Project) on the Project Site. Development of the proposed Project would be in accordance with the BBSP. The following Site Map (Figure 1) depicts the Project Site. The proposed Project would be subject to the approval of a Final Plan, Conditional Use Permit (CUP), Variance and a Tentative Tract Map (TTM). The Applicant proposed to develop the Project Site in a series of 4-plex to 9-plex buildings that would be approximately 45 feet in height, or three-stories tall. The proposed Project amenities would include an interior community gathering space with tot lot, barbeque, and picnic tables. The proposed Project would provide vehicular ingress and egress to the Project Site with a single, private drive that connects to Lincoln Boulevard on

the south side of the Project site. The proposed Project would assign the townhomes, also referred to in this document as dwelling units (du), two garage bays to each unit. The proposed Project includes 130 garage parking spaces and 63 open parking stalls. The total number of parking spaces required by the Code is 193 parking spaces including 63 open guest parking spaces. Therefore, the proposed Project meets the AMC parking requirements. Additionally, the Applicant is requesting a Variance in order to install an 8-foot vinyl perimeter fence on the interior property lines where the Code requires a decorative masonry wall.

The proposed Project would implement the 39 Commons DDA and the BBSP. Pursuant to AMC Section 18.122.020 (Development Review and Permits), development applications for projects that comply with the vision of the BBSP and the Zoning and Development Standards of Chapter 18.122 are subject to the review and approval of a Final Plan to determine compliance with the BBSP. The Planning and Building Director (Director) has approval authority over the Final Plan. However, for uses requiring discretionary review, the Code requires the Applicant to submit the Final Plan for consistency with the BBSP in conjunction with the processing of the other project entitlements. The Planning Commission will review the Final Plan in conjunction with its review of the CUP, Variance and TTM.

Figure 1 – Site Map



Beach Boulevard Specific Plan (BBSP)

The BBSP guides the future development of approximately 283 acres along a 1.5-mile portion of the Beach Boulevard (State Route 39 [SR-39]) in the City of Anaheim, Orange County. Beach Boulevard is an eight-lane divided highway that connects the cities of Huntington Beach, Westminster, Garden Grove, Stanton, Anaheim, Buena Park, Fullerton, La Mirada, and La Habra. The BBSP is a community-driven vision for Beach Boulevard and the properties adjacent to this transportation corridor. The BBSP supports this vision through the implementation of development standards, permitted and prohibited uses, design guidelines, sustainable practices, economic development incentives, and capital improvements that improve the quality of life for all future users of the corridor.

The City of Anaheim received funding for the BBSP through the California Strategic Growth Council's Sustainable Communities Planning Grant and Incentives Program. Implementation of the BBSP will strengthen the West Anaheim community and meet the Strategic Growth Council's goals to help local governments address the challenges of land use planning and transforming communities for long-term prosperity. The Strategic Growth Council defines a sustainable community as one that promotes equity, health, and safety and strengthens the economy while protecting the environment. The City anticipates that the BBSP will promote revitalization of this corridor by implementing market-driven land use changes to encourage infill development of currently vacant or underutilized properties. The BBSP allows for the development of vacant parcels and the adaptive reuse or redevelopment of existing uses. At buildout, implementation of the BBSP would result in a maximum of 5,128 dwelling units and 2,189,445 square feet of nonresidential development, as shown in Table 1-1.

In addition to revitalizing the corridor with new development, use types, and adaptive reuse, the BBSP would also facilitate and encourage use of multiple modes of transportation by improving pedestrian amenities, and access to Orange County Transit Authority Route 29 (La Habra to Huntington Beach), Route 42 (Seal Beach to Orange), and Route 46 (Los Alamitos to Orange). Within the City of Anaheim, Beach Boulevard (SR-39) is a California state highway that travels through Orange and Los Angeles counties. In order to have greater control over all infrastructure, which includes roadway, landscaping, medians, pedestrian access ramps and driveway entrances, the City may seek relinquishment of Beach Boulevard from the California Department of Transportation (Caltrans) to the City of Anaheim.

The BBSP also proposes other improvements within the public realm including urban amenities and improvements to public rights-of-way, including key intersections, streets, alleys and drives, parks, plazas, and gateways. The BBSP identifies public street design elements, landscaping, intersection enhancements, entry treatments, public open space, right-of-way detail, and other unique public realm features within the proposed Development Areas. Other improvements include the undergrounding of utilities and removal of utility poles.

As previously noted, the 3.63-acre project site is within the Mixed Use Medium Development Area. This designation allows residential in either a standalone or mixed-use configuration at a density of up to 36 du per acre. The BBSP would allow development of the site with up to 130 du, in addition to commercial development at a floor area ratio (FAR) of 0.35; the Project Applicant is proposing to construct 65 du of the Project Site.

Table 1-1 Beach Boulevard Specific Plan Buildout Statistical Summary

Development Areas	Acreage	Units/Acre	Units	Population	FAR	Non-Res. SF	Employment
Flood Control Channels	4.2	-	-	-	-	-	-
Low-Medium Residential	44.8	18	806	2,621	-	-	-
Medium Residential	49.4	36	1,778	5,781	-	-	-

Mixed-Use High ¹	32.3	60	1,938	6,300	0.35	492,446	1,231
Mixed-Use Medium ²	16.8	36	605	1,966	0.35	210,575	526
Neighborhood Commercial	22.6	-	-	-	0.35	344,560	861
Office	2.2	--	--	--	0.50	47,916	168
Public-Recreational	27.9	--	--	--	0.10	121,532	304
Regional Commercial ³	27.4	-	-	-	0.35	380,000	950
Right of Way	41.6	-	-	-	-	-	-
Semi-Public ⁴	13.6	-	--	--	1.00	592,416	1,481
Total⁵	282.8	-	5,128	16,669⁶	-	2,189,445	5,522⁷
Existing	-	-	1,477	-	-	1,282,124	-
Net New	-	-	3,651	-	-	907,321	-

Source: PlaceWorks, 2018.

¹ Mixed-Use High buildout includes 54,000 SF of hotel/motel (108 rooms) and the following assumptions for other non-residential uses: 20% service, 20% office, 20% restaurant, and 40% retail.

² Mixed-Use Medium buildout includes 140,000 SF of hotel/motel (280 rooms) and following assumptions for other non-residential uses: 25% service, 10% office, 25% restaurant, and 40% retail.

³ Regional Commercial buildout includes 35,000 SF of hotel/motel (70 rooms).

⁴ The West Anaheim Medical Center provides 219 hospital beds.

⁵ Hotels were included in the buildout assumptions for Commercial, Mixed-Use Medium, and Mixed-Use High uses. Hotels were estimated at approximately 500 gross SF per room (including walls, elevators, stairways, corridors, storage, mechanical areas, etc.). (De Roos 2011)

⁶ Population estimates are based on a citywide 3.44 persons per household factor published in the City of Anaheim 2014-2021 Housing Element.

⁷ Employment estimates are City of Anaheim General Plan Employment Generation Rates of 400 SF per employee for Commercial uses, 285 SF per employee for Office uses, and 400 SF per employee for Mixed-Use uses.

Previously-Certified Environmental Impact Report No. 2017-00350

On November 20, 2018, the City Council certified Environmental Impact Report No. 2017-00350 (EIR No. 350), including the adoption of Findings of Fact and a Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program No. 342 (MMRP No. 342), and a Water Supply Assessment. The certification of EIR No. 350 was in conjunction with the Council's approval of amendments to the General Plan and Zoning Code (zoning text and zoning map); and, adoption the BBSP. EIR No. 350 was prepared as a Program EIR.

The legally required contents of a Program EIR are the same as for a Project EIR; however, Program EIRs are typically more conceptual than Project EIRs, with a more general discussion of impacts, alternatives, and mitigation measures. According to Section 15168 of the CEQA Guidelines, a Program EIR may be prepared on a series of actions characterized as one large Project. Use of a Program EIR gives the lead agency an opportunity to consider broad policy alternatives and program-wide mitigation measures, as well as greater flexibility to address Project-specific and cumulative environmental impacts on a comprehensive scale. Agencies prepare Program EIRs for programs or a series of related actions linked geographically; logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program; or individual activities carried out under the same authority and having generally similar environmental effects, mitigated in similar ways.

Once a Program EIR has been prepared, the City as the Lead Agency must evaluate subsequent activities within the program to determine whether an additional CEQA document is necessary. However, if the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities may be within the Program EIR's scope, and additional environmental documents may not be required (Guidelines § 15168[c]). When a lead agency relies on a Program EIR for a subsequent activity, it must incorporate feasible mitigation measures and alternatives from the Program

EIR into the subsequent activities (Guidelines § 15168[c][3]). If a subsequent activity would have effects outside the scope of the Program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, Mitigated Negative Declaration, or an EIR. Even in this case, the Program EIR still serves a valuable purpose as the first-tier environmental analysis. The CEQA Guidelines encourage the use of Program EIRs, citing five advantages:

1. Provide a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR;
2. Focus on cumulative impacts that might be slighted in a case-by-case analysis;
3. Avoid continual reconsideration of recurring policy issues;
4. Consider broad policy alternatives and programmatic mitigation measures at an early stage when the agency has greater flexibility to deal with them;
5. Reduce paperwork by encouraging the reuse of data (through tiering). (Guidelines § 15168[h])

In addition, Guidelines § 15182, Projects Pursuant to a Specific Plan, allows an exemption for a residential project implementing a specific plan, subject to the following [Guidelines § 15182 (c)]:

1. Eligibility. Where a public agency has prepared an EIR on a specific plan after January 1, 1980, a residential project undertaken pursuant to and in conformity to that specific plan is exempt from CEQA if the project meets the requirements of this section. Residential projects covered by this section include but are not limited to land subdivisions, zoning changes, and residential planned unit developments.
2. Limitation. If after the adoption of the specific plan, an event described in Section 15162 occurs, the exemption in this subdivision shall not apply until the city or county which adopted the specific plan completes a subsequent EIR or a supplement to an EIR on the specific plan. The exemption provided by this section shall again be available to residential projects after the Lead Agency has filed a Notice of Determination on the specific plan as reconsidered by the subsequent EIR or supplement to the EIR.
3. Statute of Limitations. A court action challenging the approval of a project under this subdivision for failure to prepare a supplemental EIR shall be commenced within 30 days after the lead agency's decision to carry out or approve the project in accordance with the specific plan.

As described above the proposed Project meets the eligibility requirement of Guidelines § 15182 (c) in that the proposed Project is pursuant to a specific plan with an EIR prepared after January 1, 1980. In addition, none of the following events described in Guidelines § 15162 have occurred:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The following analysis confirms that the proposed Project is consistent with development assumptions analyzed by EIR No. 350 for the Project site. The mitigation measures set forth in MMRP No. 342 address any significant impacts, with the exception of those impacts (Air Quality, Greenhouse Gas Emissions, and Transportation and Traffic) described in the Findings of Fact and Statement of Overriding Considerations adopted in conjunction with the certification of EIR No. 350. The City, as the Lead Agency, will apply all applicable mitigation measures to the proposed Project.

I. AESTHETICS -- Except as provided in Public Resources Code Section 21099, would the Project:					
	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway or local scenic expressway, scenic highway, or eligible scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the aesthetic impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.1.</p> <p>According to EIR No. 350, the area regulated by the BBSP consists of a variety of uses, including residential, commercial, mixed-use, office, and public-recreational developments and is not located on a scenic resource or vista. The area regulated by the BBSP (depicted in the previous three maps) is generally flat in topography. The proposed Project would be a 65-unit single-family attached residential development, implementing Phase I of the 39 Commons DDA. The Project Site does not have a substantial adverse effect on any scenic vista. No impact is anticipated and no mitigation measures are required.</p>					

Beach Boulevard (SR-39), is not a state-designated scenic highway. Moreover, the area regulated by the BBSP consists of a variety of uses, including residential, commercial, mixed-use, office, and public-recreational developments, and no trees, rock outcroppings, or historic buildings within a state scenic highway would be damaged due to construction of the proposed Project. Impacts associated with state scenic highways would be less than significant and no mitigation measures are required.

The BBSP allows for the redevelopment of existing uses, resulting in new development that differs from existing land uses in height, scale, mass, and character. Implementation of the BBSP would have the potential to alter the visual character area to provide a more consistent and cohesive design character. The Project Site is currently a vacant lot. The proposed Project would implement Phase I of the 39 Commons DDA and would create a more visually cohesive and appealing environment and impacts would be less than significant with implementation of the recommended mitigation program.

The area regulated by the BBSP consists of a variety of uses, including residential, commercial, mixed-use, office, and public-recreational developments and include existing sources of light include street lights, vehicle headlights, building and security lights, and parking lot lights. The BBSP allows for intensification of existing land uses and new development with associated lighting. Therefore, new sources of light and glare could increase levels of light and glare above existing conditions, potentially resulting in adverse impacts to day or nighttime views.

The proposed Project is a 65-unit single-family attached residential development that would include a range from 4-plex to 9-plex buildings that would have a building height of approximately 45 feet tall. The proposed Project would be developed with quality design features, architectural materials, and landscaping, which would help break up the massing of the proposed Project and create visual interest. The proposed Project would create a more visually cohesive and appealing environment and impacts that would be consistent with the BBSP and would be less than significant.

As discussion in section *XI. Land Use*, the proposed Project would be a 65-unit single-family attached residential development, implementing Phase I of the 39 Commons DDA. The proposed Project would be consistent with the BBSP land uses and zoning. The Applicant would develop the proposed Project subject to the review and approval of a Final Plan, CUP, and a TTM to allow the construction of 65 townhomes. Additionally, the proposed project would include an eight-foot vinyl perimeter fence on the interior property lines, with the approval of a Variance. The proposed Project would develop 65-unit single-family attached residences with buildings as tall as approximately 45 feet. The Project site is in an urbanized area of the City, and glare sources currently exist from sunlight reflecting off vehicles parked and traveling on nearby roads, and from glass and light-colored building materials. The proposed Project's architectural treatment and building materials would not be highly reflective and would not produce significant glare impacts. Glare from building materials and vehicles are typical of the surrounding area. Therefore, glare would not increase beyond what is typical for an urban area, glare impacts from the proposed Project. Furthermore, compliance with adopted building codes and proposed development standards ensure that the proposed Project would not result in a significant lighting pollution impact during the night. The overall amount of light and glare generated would not be result in a significant impact when compared to existing conditions and compared to surrounding uses.

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, impacts would be less than significant, and therefore not mitigation measures are necessary or included in MMRP No. 342.

The proposed Project would implement the BBSP and would not result in any impacts beyond those identified in the previously certified EIR No. 350. Since no mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
----------------------	--------------------------------	---------------------------------------	------------------------------	--	-----------

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Narrative Summary: No Impact. The proposed Project would be a 65-unit single-family attached residential development, implementing Phase I of the 39 Commons DDA. The proposed Project site is located within an area of the City regulated by the BBSP, which is not within an area with agricultural or forest uses. There is no unique, prime or farmland of statewide importance located on the Project site. There are no Williamson Act contracts on the Project Site. No impacts would occur.					
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:					
Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the air quality impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.2.					

EIR No. 350 concluded that, the area regulated by the BBSP is in the South Coast Air Basin (SoCAB) and is subject to the air quality management plan (AQMP) prepared by the South Coast Air Quality Management District (SCAQMD). Construction activities of future development, revitalization, and/or redevelopment activities pursuant to the BBSP would generate exhaust from construction equipment and vehicle trips, fugitive dust from demolition and ground-disturbing activities, and off-gas emissions from architectural coatings and paving. Implementation of the BBSP allows development of a mix of uses, resulting in an increase in development intensity and associated increase in criteria air pollutants. The Anaheim City Council adopted a Statement of Overriding Considerations with regard to this potential impact.

Construction and operation activities associated with the proposed Project have the potential to generate fugitive dust, stationary-source emissions, and mobile-source emissions. Air pollutant emissions associated with the proposed Project would occur over the short term for site preparation and construction activities of the proposed Project. In addition, emissions would result from the long-term operation. The air quality analysis conducted for the BBSP, which determined that the short- and/or long-term emissions would exceed SCAQMD's regional significance thresholds. However, the Anaheim City Council adopted a Statement of Overriding Considerations with regard to this potential impact.

Emissions from construction equipment used during the construction of the proposed Project, such as diesel exhaust and VOCs from architectural coatings, may generate odors. However, these odors would be low in concentration, temporary, and are not expected to affect a substantial number of people. Therefore, the proposed Project would result in less than significant odor impacts, and no mitigation measures are required.

As previously noted, the 3.63-acre Project Site is within the Mixed Use Medium Development Area of the BBSP. This designation allows residential in either a standalone or mixed-use configuration at a density of up to 36 du per acre. The BBSP would allow development of the site with up to 130 du, in addition to commercial development at a floor area ratio (FAR) of 0.35; the Project Applicant is proposing to construct 65 du of the Project Site, implementing Phase I of the 39 Commons DDA. Therefore, the proposed Project would not result in any impacts beyond those identified in the previously certified EIR No. 350. The following mitigation measures set forth in MMRP No. 342 would address any impacts and will be conditions of approval for the proposed Project (minor changes have been made to the measures to make them applicable to the Project Applicant; deletions are shown in ~~strike through~~ and additions are shown in **bold**):

~~AQ-1: Applicants for new development Projects in the Beach Boulevard Specific Plan that are subject to the California Environmental Quality Act (i.e., non-exempt Projects)~~ **The Project Applicant** shall require the construction contractor to use equipment that meets the US Environmental Protection Agency (EPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to the City of Anaheim that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations. Prior to issuance of any construction permits, documentation shall be provided by the applicant to the City of Anaheim that verifies, to the satisfaction of the City, the use of construction equipment as stated in this mitigation measure.

AQ-2: Prior to issuance of grading, demolition or building permits whichever occurs first, the ~~property owner/developer~~ **Project Applicant** shall provide a list of all construction equipment proposed to be used on the Project site for Projects that are subject to the California Environmental Quality Act (i.e., non-exempt Projects). This list may be provided on the building plans. The construction equipment list shall state the make, model, and equipment identification number of all the equipment.

~~AQ-3: During construction activities, for Projects that are subject to the California Environmental Quality Act (i.e., non-exempt Projects),~~ **the Project Applicant shall provide evidence to the Planning and Building Department that** the construction contractors shall ensure that the equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations; and, that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

~~AQ-4: Prior to issuance of a building permit for Projects that are subject to the California Environmental Quality Act (i.e., non-exempt Projects), the property owner/developer~~ **Project Applicant** shall require the construction contractor and provide a note on construction plans indicating that: a) All coatings and solvents will have a volatile organic compound (VOC) content lower than required under Rule 1113 (i.e., super compliant paints). b) All architectural coatings shall be applied either by (1) using a high-volume, low-pressure spray method operated at an air pressure between 0.1 and 10 pounds per square inch gauge to achieve

a 65 percent application efficiency; or (2) manual application using a paintbrush, hand-roller, trowel, spatula, dauber, rag, or sponge, to achieve a 100 percent applicant efficiency. c) The construction contractor shall also use pre-coated/natural colored building materials, where feasible. The City shall verify compliance during normal construction site inspections.

AQ-5: Prior to the issuance of building permits ~~for new development Projects in the Project Area,~~ the Project applicant shall show on the building plans that all major appliances (dishwashers, refrigerators, clothes washers, and dryers) to be provided/installed are Energy Star certified appliances or appliances of equivalent energy efficiency. Installation of Energy Star or equivalent appliances shall be verified by the City of Anaheim prior to the issuance of a Certificate of Occupancy.

AQ-6: Prior to issuance of building permits ~~for non-single family residential and mixed-use residential development Projects in the Project Area,~~ the Project applicant shall indicate on the building plans that the following features have been incorporated into the design of the building(s). Proper installation of these features shall be verified by the City of Anaheim prior to the issuance of a Certificate of Occupancy.

- Electric vehicle charging shall be provided as specified in Section A4.106.8.2 (Residential Voluntary Measures) of the CALGreen Code.
- Bicycle parking shall be provided as specified in Section A4.106.9 (Residential Voluntary Measures) of the CALGreen Code

AQ-7: Prior to the issuance of building permits ~~for nonresidential development Projects in the Project Area,~~ **the Project Applicant** ~~applicants~~ shall indicate on the building plans that the following features have been incorporated into the design of the building(s). Proper installation of these features shall be verified by the City of Anaheim Building Division prior to the issuance of a Certificate of Occupancy.

- For buildings with more than ten tenant-occupants, changing/shower facilities shall be provided as specified in Section A5.106.4.3 (Nonresidential Voluntary Measures) of the CALGreen Code.
- Preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles shall be provided as specified in Section A5.106.5.1 (Nonresidential Voluntary Measures) of the CALGreen Code.
- Facilities shall be installed to support future electric vehicle charging at each nonresidential building with 30 or more parking spaces. Installation shall be consistent with Section A5.106.5.3 (Nonresidential Voluntary Measures) of the CALGreen Code.

AQ-8: Prior to issuance of grading, demolition or building permits, whichever occurs first, ~~for Projects subject to the California Environmental Quality Act (i.e., non-exempt Projects), the property owner/developer~~ **the Project Applicant** shall submit a dust control plan that implements the following measures during ground-disturbing activities, in addition to the existing requirements for fugitive dust control under South Coast Air Quality Management District Rule 403, to further reduce PM10 and PM2.5 emissions:

- Following all grading activities, the construction contractor shall reestablish ground cover on the construction site through seeding and watering.
- During all construction activities, the construction contractor shall sweep streets with Rule 1186-compliant, PM10-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling.
- During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials and tarp materials with a fabric cover or other cover that achieves the same amount of protection.
- During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day.
- During all construction activities, the construction contractor shall limit onsite vehicle speeds on unpaved roads to no more than 15 miles per hour. The City shall verify compliance during normal construction site inspections.

IV. BIOLOGICAL RESOURCES -- Would the Project:					
Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) 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 Wildlife or United States Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by § 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 addressed the potential impacts to biological resources associated with implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350.</p> <p>The Project Site consists of vacant land located in the BBSP. As identified in EIR 350, impacts related to Biological resources were determined less-than-significant during the Initial Study of the BBSP. The proposed Project would not impact sensitive species, and no mitigation measures are required.</p>					

As identified in EIR 350 for the BBSP, which includes the Project Site, properties within the BBSP do not contain any riparian habitat or other sensitive natural community. Sensitive natural communities are natural communities 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. No impacts would occur, and no mitigation measures are required.

As identified in EIR 350 for the BBSP, which includes the Project Site, properties within the BBSP do not include any wetlands. Therefore, the proposed Project would not impact wetlands, and no mitigation measures are required.

EIR 350 identified that properties within the BBSP, which includes the Project Site, and the surrounding area are in a highly urbanized setting that lacks suitable habitat for wildlife species and is not a native wildlife nursery site. The Project site is currently vacant land with no trees on-site. Migratory birds typically use trees for nesting, there are no trees on site, however small vegetation growth is on the Project site. Nonetheless, the proposed Project would be subject to the federal Migratory Bird Treaty Act (MBTA; US Code, Title 16, §§ 703– 712). The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. It prohibits the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities, except under a valid permit or as permitted in the implementing regulations. If removal of the vegetation occurs during nesting season (typically between February 1 and July 1), the Project applicant is required to conduct nesting bird surveys in accordance with the California Department of Fish and Wildlife requirements. Compliance with the MBTA would ensure that no significant impacts to migratory birds occur and no mitigation measures are required.

The Project Site does not contain trees on-site, however there are street trees adjacent to the Project area on Lincoln Avenue and may include the removal of ornamental trees street trees on the City's right-of-way during street modification. However, Chapter 13.12 of the Anaheim Municipal Code establishes applicable regulations for the protection, maintenance, removal, and replacement of street trees within the City's right-of-way. There are no local policies protecting trees on private properties. Therefore, impacts associated with policies and ordinances protecting biological resources would be less than significant, and no mitigation measures are required.

The area regulated by the BBSP, which includes the Project Site, is not in the Orange County's Central and Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) area and does not contain any sites designated for nature reserves under the NCCP. The proposed Project does not conflict with the provision of any adopted habitat conservation plan. No impacts occur, and no mitigation measures are required.

The proposed Project would not result in any impacts beyond those identified in the previously certified EIR No. 350. EIR No. 350 concluded that compliance with existing regulations related to Biological Resources would reduce any impacts to less than significant; and, therefore, MMRP No. 342 does not include any mitigation measures related to Biological Resources and none would be applicable to the proposed Project.

V. CULTURAL RESOURCES -- Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5 of the CEQA Guidelines and/or identified on the Qualified Historic Structures list of the Anaheim Colony Historic District Preservation Plan (April 15, 2010)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------	--------------------------

Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 addressed the potential impacts to cultural resources associated with implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.3.

According to EIR No. 350, there are no historical landmarks in the area regulated by the BBSP, including the Project Site. The Project Site is currently vacant and the proposed Project would not involve any demolition of buildings, including historically preserved structures. Therefore, no impact would occur and no mitigation measures are required.

The Project Site is a vacant lot. It is possible that previously unidentified archaeological artifacts could be present within the area, however, the proposed Project is within the area regulated by the BBSP, and the Project Applicant would comply with mitigation measures outlined in EIR No. 350. The discovery of buried resources on the Project Site would not contribute cumulatively to potential archaeological resources impacts in the region. Consequently, impacts to tribal cultural resources would not be cumulatively considerable.

Development of the proposed Project may cause the disturbance of archaeological resources. Building construction in undeveloped areas or redevelopment that requires excavation to depths greater than current foundations has the potential to encounter unknown archaeological resources. Therefore, mitigation measures would be applicable to the proposed Project.

California Health and Safety Code, Section 7050.5, requires that in the event that human remains are discovered within a Project area, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains are those of a Native American, he or she shall contact the Native American Heritage Commission by telephone within 24 hours. The proposed Project would comply with existing law, and potential impacts to human remains would be less than significant. No mitigation measures are required.

The proposed Project would impact a property located within the area regulated by the BBSP; and therefore, would not result in any impacts beyond those identified in the previously certified EIR No. 350. The proposed Project would address any impacts by implementing the mitigation measures set forth in MMRP No. 342. The following applicable mitigation measures will be applied to the proposed Project and impacts would be less than significant (minor changes have been made to the measures to make them applicable to the Project Applicant; deletions are shown in ~~strike through~~ and additions are shown in **bold**):

CUL-1: Prior to demolition, the Project ~~Applicant~~ **applicant/developer** shall provide documentation of the presence/absence of historic resources for the properties that are 50 years old or over by a qualified historical resources professional meeting the Secretary of the Interior's Professional Qualifications Standards. The criteria for determining the historically significant structures shall meet one or more the following criteria: 1. It strongly represents a significant event or broad patterns of local, regional, or national history. 2. It is associated with the life of a significant person in local, regional, or national history. 3. It is a very good example of a significant architectural style, property type, period, or method of construction; or it represents the work of an architect, designer, engineer, or builder who is locally, regionally, or nationally significant; or it is a significant visual feature of the City.

CUL-2: On properties where historically significant resources are identified, a proper documentation meeting the Historic American Building Survey (HABS) Guidelines shall be prepared and implemented, as approved by the qualified historian meeting the Secretary of the Interior's Professional Qualifications Standards. Such documentation shall include drawings, photographs, and written data for each building/structure/element, and provide a detailed mitigation plan, including a monitoring program, recovery, rehabilitation, redesign, relocation, and/or in situ preservation plan.

CUL-3: Prior to the issuance of any permits allowing ground-disturbing activities that cause excavation to depths greater than current foundations, the Project ~~Applicant~~ **applicant/developer** shall retain an archeologist who meets the Secretary of the Interior's Standards for professional archaeology for the Project and will be on call during all grading and other significant ground-disturbing activities. The Qualified Archaeologist shall ensure that the following measures are followed for the Project.

- Prior to any ground disturbance, the Qualified Archaeologist, or their designee, shall provide a worker environmental awareness protection (WEAP) training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should

unanticipated cultural resources be made during construction. Workers will be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The WEAP training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the Project.

- In the event that unanticipated cultural material is encountered during any phase of Project construction, all construction work within 50 feet (15 meters) of the find shall cease and the Qualified Archaeologist shall assess the find for importance. Construction activities may continue in other areas. If, in consultation with the appropriate City, the discovery is determined not to be important, work will be permitted to continue in the area.

- If a resource is determined by the Qualified Archaeologist to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or has a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources, and construction allowed to proceed. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment.

- If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis.

- Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, such as the South Central Coastal Information Center at California State University, Fullerton. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes, as determined as appropriate by the City of Anaheim.

VI. ENERGY – Would the Project

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Less-than-significant Impact.

EIR No 350 did not analyze Energy as the City Council certified the document before the 2019 updated CEQA checklist became the new standard.

Regulatory Framework

California State Building Regulation

California Building Code: Building Energy Efficiency Standards. Energy conservation standards for new residential and non-residential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the CEC) in June 1977 and most recently revised in 2016 (Title 24, Part 6, of the California Code of Regulations [CCR]). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. On June 10, 2015, the CEC adopted the 2016 Building Energy Efficiency Standards, which went into effect on January 1, 2017. The 2016 Standards continues to improve upon the previous 2013 Standards for new construction of, and additions and alterations to, residential and

nonresidential buildings. Under the 2016 Standards, residential and nonresidential buildings are 28 and 5 percent more energy efficient than the 2013 Standards, respectively. Buildings that are constructed in accordance with the 2013 Building Energy Efficiency Standards are 25 percent (residential) to 30 percent (nonresidential) more energy efficient than the prior 2008 standards as a result of better windows, insulation, lighting, ventilation systems, and other features. While the 2016 standards do not achieve zero net energy, they do get very close to the state's goal and make important steps toward changing residential building practices in California. The 2019 standards will take the final step to achieve zero net energy for newly constructed residential buildings throughout California. The 2019 standards move towards cutting energy use in new homes by more than 50 percent and will require installation of solar photovoltaic systems for single-family homes and multi-family buildings of 3 stories and less. Four key areas the 2019 standards will focus on include 1) smart residential photovoltaic systems; 2) updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa); 3) residential and nonresidential ventilation requirements; 4) and nonresidential lighting requirements. Under the 2019 standards, nonresidential buildings will be 30 percent more energy efficient compared to the 2016 standards while single-family homes will be 7 percent more energy efficient. When accounting for the electricity generated by the solar photovoltaic system, single-family homes would use 53 percent less energy compared to homes built to the 2016 standards.

California Building Code: CALGreen. On July 17, 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (24 CCR, Part 11, known as "CALGreen") was adopted as part of the California Building Standards Code. CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.¹² The mandatory provisions of CALGreen became effective January 1, 2011, and were last updated in 2019. The 2019 CALGreen will become effective on January 1, 2020.

Senate Bill 350. Senate Bill 350 (de Leon), was signed into law in September 2015. SB 350 establishes tiered increases to the RPS of 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. SB 350 also set a new goal to double the energy efficiency savings in electricity and natural gas through energy efficiency and conservation measures.

SB 100. On September 10, 2018, Governor Brown signed SB 100, which replaces the SB 350 requirement of 45 percent renewable energy by 2027 with the requirement of 50 percent by 2026 and also raises California's RPS requirements for 2050 from 50 percent to 60 percent. SB 100 also establishes RPS requirements for publicly owned utilities that consist of 44 percent renewable energy by 2024, 52 percent by 2027, and 60 percent by 2030. Furthermore, the bill also establishes an overall state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under the bill, the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

Local Regulation

The City's Green Element outlines goals and policies conserve energy during the construction and operation of buildings. Key goals and policies from the Green Element regarding new construction are:

- **Goal 15.2:** Continue to encourage site design practices that reduce and conserve energy.
 - o Policy 15.2(1): Encourage increased use of passive and active solar design in existing and new development (e.g., orienting buildings to maximize exposure to cooling effects of prevailing winds and locating landscaping and landscape structures to shade buildings).
 - o Policy 15.2(2): Encourage energy-efficient retrofitting of existing buildings throughout the City.
- **Goal 17.1:** Encourage building and site design standards that reduce energy costs.
 - o Policy 17.1(1): Encourage designs that incorporate solar and wind exposure features such as daylighting design, natural ventilation, space planning and thermal massing.

During construction, the proposed Project would utilize main forms of available energy supply; electricity, natural gas, and oil. Construction of the proposed Project, would result in energy consumed in the form of electricity associated with the conveyance of water used for dust control, powering lights, electronic equipment, or other construction activities that require electrical power. Construction activities typically do not involve the consumption of natural gas. However, construction activities would also consume energy in the form of petroleum-based fuels associated with the use of off-road construction vehicles and equipment, round-trip construction worker travel to the Project site, and delivery and haul truck trips. Construction activities would comply with CARB's "In-Use Off-Road Diesel Fueled Fleets Regulation", which limits engine idling times to reduce harmful emissions and reduce wasteful consumption of petroleum-based fuel. Compliance with local, state, and federal regulations would reduce

short-term energy demand during the proposed Project's construction to the extent feasible, and proposed Project construction would not result in a wasteful or inefficient use of energy. Therefore, during construction no impact would occur and no mitigation measures are required.

The proposed Project is a residential Project, where its intensities and uses have been considered in EIR No. 350 and would be implemented pursuant the BBSP. The proposed Project would comply with State and Local regulations, in compliance with building codes, as they pertain to energy efficiency, therefore during operation, a less-than-significant impact would occur and no mitigation measures are required.

VII. GEOLOGY AND SOILS -- Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This section utilizes the following technical studies in its analysis:

- *Geotechnical Engineering Report 39 Commons Residential Development* Tetra Tech BAS GeoScience, February 19, 2020 (Appendix A)
- *Response to City's Review Comments on Geotechnical Engineering Report 39 Commons Residential Development*, Tetra Tech BAS Geoscience, May13, 2020. (Appendix A.2)

Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the geotechnical and soils impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.4. Further, the analysis in EIR No. 350 relied upon an approved Geotechnical Engineering Report, prepared for the proposed Project: *Geotechnical Engineering Report 39 Commons Residential Development*.

According to EIR No. 350, the area regulated by the BBSP, including the Project Site, is not on a known fault. Therefore, there is no potential for the rupture of a known earthquake fault in the Project Site. No impacts related to an earthquake rupture would occur and no mitigation measures are required.

The Project Site is subject to ground shaking and potential damage in the event of seismic activity (Seismic Zone 4, encompassing most of southern California). The Project Site could be subject to moderate and possibly strong ground motion due to the proximity and potential earthquake magnitude of these faults, which would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death.

Based on a review of the Seismic Hazard Zones map for the Anaheim Quadrangle, the entire regulated by the BBSP is within a zone of liquefaction zone, including the Project Site. The Geotechnical Engineering Report analyzed the Project site specifically and found fill material overlying native alluvial deposits. The fill material generally consists of dense silty sand, clayey sand with scattered gravel. The Geotechnical Engineering Report indicates that groundwater was encountered from 20 to 43 feet below the surface. Liquefaction occurs at depths shallower than 50-feet and occurs with generally loose, relatively clean granular soils and low plasticity silts. The Geotechnical Engineering Report identified groundwater shallower than 50-feet with fill material consisting of dense silty sand, clayey sand with scattered gravel, would not create as susceptible conditions as with looser soil material. However, the proposed Project would comply with all relevant Federal, State and local regulations. As such, the liquefaction potential of the Project Site is consistent with the analysis with EIR No. 350, therefore no new impact would occur and no mitigation measures are required.

Construction of the proposed Project would disturb large amounts of soil during site grading and construction, and thus could cause widespread erosion if effective erosion control measures were not used. Erosion control measures to be specified in Stormwater Pollution Prevention Plans (SWPPPs) – that would be prepared and implemented for each Project developed pursuant to the BBSP.

EIR No. 350 identified a potential for expansive soils within the confines of the area regulated by the BBSP. However, according to the Geotechnical Engineering Report on-site soils are expected to have low expansive soil indices.

Geology and soils impacts related to future development in the rea regulated by the BBSP, including the Project Site would involve hazards related to site-specific soil conditions, erosion, and ground-shaking during earthquakes. The impacts on each site would be specific to that site and its users and would not be common or contribute to the impacts (or shared with, in an additive sense) on other sites. In addition, development on each site would be subject to existing regulations and standards that are designed to protect public safety. Therefore, cumulative geology and soils impacts would be less than significant.

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, impacts would be less than significant, and therefore not mitigation measures are necessary or included in MMRP No. 342.

The proposed Project would implement is a residential development that is consistent with the standards of the BBSP and would

not result in any impacts beyond those identified in the previously certified EIR No. 350. Since no mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

VIII. GREENHOUSE GAS EMISSIONS -- Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Less Than Significant Impact. Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the potential impacts from greenhouse gas (GHG) emissions related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.5.

A typical Project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Implementation of the BBSP could increase GHG emissions through new construction and an increase in vehicle trips. Recommended mitigation measures would ensure that GHG emissions from buildout of the BBSP would be minimized.

EIR No. 350 concluded that although implementation of the BBSP, including the proposed Project would not conflict with applicable regulations and policies adopted for the purpose of reducing GHG emissions and although feasible mitigation measures would be incorporated into the implementation of the BBSP, the magnitude of the increase in GHG emissions would remain cumulatively considerable and the impact to GHG emissions would be significant and unavoidable. The Anaheim City Council adopted a Statement of Overriding Considerations with regard to these potential impacts.

As previously noted, the 3.63-acre Project Site is within the Mixed Use Medium Development Area of the BBSP. This designation allows residential in either a standalone or mixed-use configuration at a density of up to 36 du per acre. The BBSP would allow development of the site with up to 130 du, in addition to commercial development at a floor area ratio (FAR) of 0.35; the Project Applicant is proposing to construct 65 du of the Project Site, implementing Phase I of the 39 Commons DDA. Therefore, the proposed Project would not result in any impacts beyond those identified in the previously certified EIR No. 350. Implementation of Air Quality Mitigation Measures (AQ-5 and AQ-6) and Transportation and Traffic Mitigation Measures (T-1, T-2 and T-3) from MMRP No. 342, would reduce impacts relative to GHG emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a Project located within an airport land use plan (Los Alamitos Armed Forces Reserve Center or Fullerton Municipal Airport), would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a Project within the vicinity of a private airstrip, heliport or helistop, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the hazards and hazardous materials impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.6.

Onsite construction equipment might require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. Therefore, the proposed Project will require implementation of mitigation measures from EIR No. 350, adopted to minimize any impacts.

Construction activities could expose the public and, in particular, construction personnel, to hazardous substances. Contaminated structures or soils could also expose workers to health or safety risks (e.g., mold and lead). With implementation of mitigation, including compliance with the State of California Hazardous Substances Control Law, potential impacts related to hazardous material on or near the Project Site would be reduced to less than significant levels.

The Project Site is not within the airport's land use plan and is outside of the areas where land uses are regulated respecting air crash hazards, and areas where heights of structures are limited to prevent airspace obstructions for aircraft approaching or departing Fullerton Municipal Airport. Additionally, since the Project Site is not within the vicinity of a private airstrip, and the nearest heliport is North Net Training Authority Heliport, approximately 6.8 miles to the southeast (Airnav.com 2020), the proposed project would not result in a safety hazard for people residing or working in the area regulated by the BBSP. Therefore, no impacts would occur and no mitigation measures are required.

Operation activities not anticipated to have any impacts on an established emergency response plan. The proposed Project will

require implementation of mitigation measures from EIR No. 350, adopted to minimize any impacts.

The Project Site and properties within its vicinity consist of urban uses and are not adjacent to any wildland. The proposed Project would not expose people or structure to significant safety impacts due to wildland fires. Therefore, no impacts are anticipated and no mitigation measures are required.

The proposed Project would provide a stormwater treatment control best management practice (BMP) that would intercept first flush runoffs through two subsurface infiltration systems (i.e., Contech corrugated metal pipe infiltration systems or approved equivalent), where stormwater would be infiltrated into the subsoil onsite prior to entering the regional storm drain system.

The BBSP encourages sustainable community development incentives, and the contribution of hazardous materials use and hazardous waste disposal would be minimal. Moreover, the existing regulations would ensure that the cumulative impact of hazardous materials release or emissions from the past, present, and reasonably foreseeable Projects in the vicinity would be less than significant.

The proposed Project would implement the BBSP and would not result in any impacts beyond those identified in the previously certified EIR No. 350. Any impacts are addressed by mitigation measures set forth in MMRP No. 342. The following applicable mitigation measures will be applied to the proposed Project and impacts would be less than significant (minor changes have been made to the measures to make them applicable to the Project Applicant; deletions are shown in ~~strike through~~ and additions are shown in **bold**):

HAZ-1: Prior to the issuance of demolition permits ~~for any buildings or structures that would be demolished in conjunction with individual development Projects pursuant to the Proposed Project~~, the Project **Applicant** ~~applicant/developer~~ shall conduct the following inspections and assessments for all buildings and structures onsite and shall provide the City of Anaheim with a copy of the report of each investigation or assessment.

- The Project applicant shall retain a California Certified Asbestos Consultant (CAC) to perform abatement Project planning, monitoring (including air monitoring), oversight, and reporting of all asbestos-containing materials (ACM) encountered. The abatement, containment, and disposal of all ACM shall be conducted in accordance with the South Coast Air Quality Management District's Rule 1403 and California Code of Regulation Title 8, Section 1529 (Asbestos).
- The Project applicant shall retain a licensed or certified lead inspector/assessor to conduct the abatement, containment, and disposal of all lead waste encountered. The contracted lead inspector/assessor shall be certified by the California Department of Public Health (CDPH). All lead abatement shall be performed by a CDPH-certified lead supervisor or a CDPH-certified worker under the direct supervision of a lead supervisor certified by CDPH. The abatement, containment, and disposal of all lead waste encountered shall be conducted in accordance with the US Occupational Safety and Health Administration Rule 29, CFR Part 1926, and California Code of Regulation, Title 8, Section 1532.1 (Lead).
- Evidence of the contracted professionals retained by the Project applicant shall be provided to the City of Anaheim. Additionally, contractors performing ACM and lead waste removal shall provide evidence of abatement activities to the City of Anaheim.

HAZ-2: Prior to the issuance of grading permits ~~for individual development Projects that would be accommodated by the Proposed Project~~, the Project **Applicant** ~~applicant/developer~~ shall submit a Phase I Environmental Site Assessment (ESA) to the City of Anaheim to identify environmental conditions of the development site and determine whether contamination is present. The Phase I ESA shall be prepared by a ~~Registered Professional Engineer~~ **Environmental Professional as defined in 40 CFR 312.10** and in accordance with the American Society for Testing and Materials (ASTM) Standard E 1527.05, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. If recognized environmental conditions related to soils are identified in the Phase I ESA, the Project applicant shall perform soil, **groundwater, and/or vapor** sampling as a part of a Phase II ESA. If contamination is found at significant levels, the Project applicant shall remediate all contaminated soils in accordance with state and local agency requirements (California Department of Toxic Substances Control, Regional Water Quality Control Board, Anaheim Fire & Rescue, etc.). All contaminated soils and/or material encountered shall be disposed of at a regulated site and in accordance with applicable laws and regulations prior to the completion of grading. Prior to the issuance of building permits, a report documenting the completion, results, and any follow-up remediation on the recommendations, if any, shall be provided to the City of Anaheim evidencing that all site remediation activities have been completed.

X. HYDROLOGY AND WATER QUALITY -- Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i) result in a substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>This section utilizes the following technical studies in its analysis:</p> <ul style="list-style-type: none"> • <i>City of Anaheim Priority Project Preliminary Water Quality Management Plan (WQMP)</i> C&V Consulting, May 2020 (Appendix B) • <i>Preliminary Hydrology Study 2935 W. Lincoln Avenue Anaheim, CA</i> C&V Consulting, June 2020. (Appendix C) • <i>Geotechnical Engineering Report 39 Commons Residential Development</i> Tetra Tech BAS GeoScience, February 19, 2020 (Appendix A) 					

Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the hydrology and water quality impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.7.

According to EIR No. 350, implementation of the BBSP could result in short-term construction-related and long-term operational water quality impacts. However, compliance with Federal, State, Regional and Local standard and regulatory requirements reduces these impacts. Although direct impacts to the underlying groundwater resources would not occur, indirect impacts associated with the anticipated increase in long-term demand for domestic water, landscape irrigation, and maintenance activities would be significant. Implementation of the proposed mitigation would reduce demand for groundwater resources.

The proposed Project would be a single-family attached residential development, implementing Phase I of the 39 Commons DDA, within the BBSP.

Urban runoff, during both dry and wet weather conditions, discharges into storm drains, and in most cases, flows directly to creeks, rivers, lakes, and the ocean. Polluted runoff can have harmful effects on drinking water, recreational water, and wildlife. Drainage at the site currently percolates onsite via an existing onsite desilting basin, and excess flows overflow to the southwest corner of the site and proceeds offsite onto West Lincoln Avenue. There are no existing storm drain systems onsite, although there is an existing 16' catch basin located along the Project frontage in the public right of way as well as an existing 54" storm drain system located along the Project frontage within West Lincoln Avenue. According to the City of Anaheim Master Plan of Storm Drainage for Carbon Creek Channel Tributary Area indicates the Project site is within Drainage Basin 2. Drainage Basin 2 has a tributary area of approximately 286-acres with 13 drainage areas. The Project site is located within Drainage Area 2-1. While the City recommends upgrading a portion of the existing storm drain within the drainage area to accommodate the flood width criteria, the Project site is not tributary to the storm drain segment with recommended improvements.

Runoff from the proposed Project would be collected and conveyed via surface flow and through area drains towards three proposed curb-inlet catch basins within the proposed private drive aisle which are equipped with a system to divert low flows to three proposed Modular Wetlands Systems (MWS) Biofiltration vaults for water quality treatment. Treated stormwater is returned to the proposed catch basins below the Dvert systems and is conveyed to the existing 54" storm drain facility within West Lincoln Avenue via proposed underground storm drain. Upon entering the public right-of-way, proposed drainage runoff would follow the existing drainage pattern of the site and drain to the existing Carbon Creek Channel. Upon entering the public right-of-way, stormwater drainage would flow through Carbon Canyon Creek, which then flows in the southwesterly direction and ultimately discharges to the Pacific Ocean.

Construction Impact

During construction, there is the potential for short-term surface water quality impacts. Such impacts include runoff of loose soils and/or a variety of construction wastes and fuels that could be carried off-site in surface runoff and into local storm drains and streets that drain eventually into water resources. The proposed Project would be required to obtain a National Pollution Discharge Elimination System Permit (NPDES) Construction General Permit (CGP) from the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Protection Plan (SWPPP). The SWPPP includes BMPs to reduce water quality impacts, including various measures to control on-site erosion, reduce sediment flows into storm water and wind erosion; reduce tracking of soil and debris into adjacent roadways and off-site areas; and manage wastes, materials, wastewater, liquids, hazardous materials, stockpiles, equipment, and other site conditions to prevent pollutants from entering the storm drain system. Implementation of the provisions of the NPDES permit and compliance with City grading requirements would minimize construction impacts through BMPs that reduce construction-related pollutants. Therefore, impacts would be less-than-significant and no mitigation measures are required.

Operational Impact

Stormwater runoff from the proposed Project has the potential to introduce small amounts of pollutants into the stormwater system. The Project site is four percent impervious and a post development condition as a result of the proposed Project would be approximately 81 percent impervious. This increase in imperviousness would generate an increased peak runoff volume and flowrate. However, this is due to an overall increase in impervious coverage from vacant land to single-family attached residential. The proposed Project's onsite outflow-controlled detention would mitigate the increased runoff volume and peak flows to maintain existing conditions. Overall, the proposed Project, the drainage pattern will remain and runoff from the proposed Project would be equal or less than the existing peak runoff and would not be hydrologically or hydraulically impacted. Additionally, as discussed before runoff from the proposed Project would be collected and conveyed via surface flow and through area drains towards three proposed curb-inlet catch basins within the proposed private drive aisle which are equipped with a system to divert low flows to three proposed MWS Biofiltration vaults for water quality treatment. Furthermore, prior to the issuance of a building permit for the proposed Project, the Project applicant would have to comply with all applicable regulations

and obtain a NPDES stormwater permit to indicate that the Project features BMPs. As such, the proposed Project would not violate water quality standards, waste discharge requirements, or stormwater NPDES standards, or otherwise substantially degrade water quality. Therefore, impacts would be less-than-significant and no mitigation measures are required.

The City receives approximately 75 percent of its water supply from groundwater from Orange County Basin (OC Basin) and 25 percent from imported water. The OC Basin, managed by Orange County Water District (OCWD). It underlies the northerly half of Orange County beneath broad lowlands and covers approximately 350 square miles, bordered by the Coyote and Chino Hills to the north, the Santa Ana Mountains to the northeast, and the Pacific Ocean to the southwest. The City owns and operates a network of groundwater wells to supply potable water to their users. The City is currently using a small amount of recycled water and is planning to increase its water use in the future.

The proposed Project would create an increased demand for water, which could lead to an increase in groundwater pumping. However, a replenishment assessment fee is levied on cities in accordance with the Orange County Water District Act for the amount of groundwater extracted, and this fee is used by OCWD for various groundwater replenishment programs to ensure that no overdraft of local groundwater resources occurs. OCWD's groundwater is recharged primarily through artificial replenishment, not natural recharge. Additionally, the Project site is not a groundwater recharge area, and the proposed Project would not interfere substantially with groundwater recharge. Therefore, impacts would be less-than-significant and no mitigation measures are required.

The area regulated by the BBSP, including the Project Site is in the inundation zone for Prado Dam (Anaheim 2004a), which is on the Santa Ana River and approximately 20 miles east from the Project Site. However, due to the length of time required for water to reach the Project site if the Prado Dam were to fail, and the lack of appreciable amounts of water behind the Prado Dam, implementation of the BBSP would not expose people or structures to a significant risk of loss, injury, or death in the case of dam failure, and impacts are considered to be less than significant. No mitigation measures are required.

No impact involving arising from a seiche, tsunami, or mudflow would occur and no mitigation measures are required.

While the proposed Project could generate increased pollutants during construction, to minimize these potential impacts, the Project will be required to comply with the NPDES CGP as well as prepare a SWPPP.

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, impacts would be less than significant, and therefore no mitigation measures are necessary or included in MMRP No. 342.

The proposed Project would implement Phase I of the 39 Commons DDA, which is an agreement within the BBSP, would not result in any impacts beyond those identified in the previously certified EIR No. 350. Since no mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

XI. LAND USE AND PLANNING -- Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the land use impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.8.

EIR No. 340 concluded The area regulated by the BBSP consists of residential and commercial uses surrounded by a mixture of uses such as commercial, industrial, recreational, and residential. Land uses of the BBSP would be compatible with various uses in the area and would not physically divide an established community. Impacts would not be significant and no mitigation measures are required.

The BBSP required a General Plan amendment, Municipal Code amendment, and amendment of the zoning map to reclassify approximately 232.8 acres of certain real property, to provide consistency between the BBSP and the General Plan. Implementation of the BBSP would allow for additional jobs, restaurants, residential, and other support services and uses, supported by necessary infrastructure and sustainable features. Future individual development Projects would be subject to compliance with the local and regional plans, programs, and policies in order to ensure orderly urban development. Implementation of the BBSP would not result in cumulatively considerable land use impacts.

The area regulated by the BBSP consists of residential and commercial uses and roadway improvements, and it is not part of any habitat or natural community conservation plans. The nearest habitat conservation plan area, the NCCP area, generally lies south of SR-91 and east of SR-55, approximately ten miles to the east. The BBSP would not conflict with any applicable habitat or natural conservation plans. No impact would occur and no mitigation measures are required.

The proposed Project would be a single-family attached residential development, implementing Phase I of the 39 Commons DDA. The proposed Project would be consistent with the BBSP land uses and zoning. The proposed Project would be developed subject to the approval of a tentative tract map and a conditional use permit to allow the construction of 65 townhomes. Additionally, the proposed Project would include an eight-foot vinyl perimeter fence on the interior property lines, with the approval of a variance.

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, impacts would be less than significant, and therefore no mitigation measures are necessary or included in MMRP No. 342.

The proposed Project would implement the BBSP and would not result in any impacts beyond those identified in the previously certified EIR No. 350. Since no mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

XII. MINERAL RESOURCES -- Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Narrative Summary: No Impact. The Project Site is not located in an area with active mining operations. According to the California Department of Mines and Geology, there are no mineral resources or mining operations currently located within the Project Site. No impacts would occur. The proposed Project is a single-family attached residential development that would be consistent with the BBSP and therefore the no impacts would occur.

XIII. NOISE -- Would the Project result in:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the noise impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.9.</p> <p>Regulatory Framework</p> <p><i>California State Noise Regulation</i></p> <p>The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city adopt a general plan that includes a noise element which is to be prepared according to guidelines adopted by the Governor's Office of Planning and Research. The purpose of the noise element is to "limit the exposure of the community to excessive noise levels."</p> <p>California Code of Regulations, Title 24. The State's noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for the purpose of interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA (Community Noise Equivalent Level) CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45dBA CNEL.</p> <p><i>City of Anaheim</i></p> <p>City of Anaheim General Plan. The Noise Element of the City's General Plan contains noise and land use compatibility standards for various land uses throughout the City. These standards and criteria are used in the land use planning process to reduce future noise and land use incompatibilities. The standards shown in the table are the primary tool that allows the City to ensure integrated planning for compatibility between land uses and outdoor noise.</p> <p>City of Anaheim Noise Ordinance AMC Chapter 6.70. The City has the authority to set land use noise standards and place restrictions on private activities that generate excessive or intrusive noise. The applicable standards for these activities are specified in the AMC. The AMC limits sound levels for stationary sources of noise radiated for extended periods from any premises in excess of 60 decibels at the property line. Sound created by construction or building repair of any premises within the City is also exempt from the applications of the AMC during the hours of 7:00 a.m. and 7:00 p.m.</p>					

AMC Section 18.040.090.060. The Planning Commission may grant a deviation from the requirements pertaining to exterior noise levels, given that all of the following conditions exist:

- The deviation does not exceed 5 dB above the prescribed levels for exterior noise; and
- Measures to attenuate noise to the prescribed levels would compromise or conflict with the aesthetic value of the Project.

EIR No. 350 determined that development in the BBSP, including the proposed Project would have the potential to increase noise levels due to an increase in vehicle trips, outdoor use of proposed open space and recreation areas, and stationary sources, including mechanical systems. In addition, demolition and construction activities could generate substantial noise affecting existing residents within the BBSP boundary and in the surrounding areas. Groundborne vibration or noise would primarily be associated with construction activities. Temporary increased levels of vibration could impact vibration-sensitive land uses. The proposed Project would not be in proximity to sensitive vibration sensitive land uses. Demolition and construction activities associated with the proposed Project would result in a temporary increase in noise levels in the area regulated by the BBSP and at adjacent land uses. The City of Anaheim recognizes that the control of construction noise is difficult and provides an exemption for this type of noise when the work takes place within the hours specified in Section 6.70.010 of the City's Municipal Code (i.e., 7:00 a.m. to 7:00 p.m.). Mitigation measures from MMRP No. 342 would be required as conditions of approval for the proposed Project. These measures would significantly reduce short-term noise levels.

There are no public airports within two miles of the proposed Project and the Project Site does not lie within the 65 CNEL contour of any public airport. Therefore, the proposed Project would not expose future residents or workers to excessive noise levels from aircraft. No private airstrip-related impacts would occur; therefore, no mitigation measures are necessary.

The proposed Project would implement the BBSP and would not result in any impacts beyond those identified in the previously certified EIR No. 350. Any impacts would be addressed by mitigation measures set forth in MMRP No. 342. The following applicable mitigation measures will be applied to the proposed Project and impacts would be less than significant (minor changes have been made to the measures to make them applicable to the Project Applicant; deletions are shown in ~~strike through~~ and additions are shown in **bold**):

N-1: Prior to issuance of demolition, grading and/or building permits, a note shall be provided on plans for grading, demolition, and construction activities, indicating that the ~~property owner/developer~~ **Project Applicant** shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:

- Construction activity is limited to the daytime hours between 7:00 a.m. to 7:00 p.m., as prescribed in the City's Municipal Code (Additional work hours may be permitted if deemed necessary by the Director of Public Works or Building Official).
- All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers.
- Stationary equipment such as generators, air compressors shall be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling is located as far as feasible from nearby noise-sensitive receptors
- Construction traffic shall be limited to the established haul routes.

N-2: Prior to the issuance of grading permits, ~~each Project applicant within the Project area~~ **the Project Applicant** shall prepare a construction management plan that shall be approved by the City of Anaheim Public Works. The construction management plan shall:

- Establish truck haul routes on the appropriate transportation facilities. Truck routes that avoid congested streets and sensitive land uses shall be considered.
- Provide Traffic Control Plans (for detours and temporary road closures) that meet the minimum City criteria. Traffic control plans shall determine if dedicated turn lanes for movement of construction truck and equipment on and offsite are available.
- Minimize offsite road closures during the peak hours.
- Keep all construction-related traffic onsite at all times.
- Provide temporary traffic controls, such as a flag person, during all phases of construction to maintain smooth traffic flow.

N-3: Prior to issuance of a building permit, ~~applicants for new residential or subdivision developments within the Project Area involving the construction of two or more dwelling units, or residential subdivisions resulting in two or more parcels, and located within six hundred feet of any railroad, freeway, expressway, major arterial, primary arterial or secondary arterial, as designated~~

by the Circulation Element of the General Plan, are required to the Project Applicant shall submit a noise level analysis, which must include mitigation measures that comply with applicable City noise standards including the following:

- Exterior noise within the private rear yard of any single-family lot and/or within any common recreation areas, shall be attenuated to a maximum of 65 dB CNEL; interior noise levels shall be attenuated to a maximum of 45 dB CNEL, or to a level designated by the Uniform Building Code, as adopted by the City (identified in Section 18.40.090).
- Exterior noise within common recreation areas of any single family attached or multiple family dwelling Project shall be attenuated to a maximum of 65 dB CNEL; interior noise levels shall be attenuated to a maximum of 45 dB CNEL, or to a level designated by the Uniform Building Code, as adopted by the City (identified in Section 18.40.090). The Planning Commission may grant a deviation from the requirements pertaining to exterior noise levels, given that all of the following conditions exist (Section 18.040.090.060):
- The deviation does not exceed 5 dB above the prescribed levels for exterior noise; and
- Measures to attenuate noise to the prescribed levels would compromise or conflict with the aesthetic value of the Project. In addition, ~~residential portions of the mixed use~~ **the proposed** Project shall be designed to limit the interior noise caused by **adjacent commercial uses** and parking ~~areas portions of the Project~~ to a maximum of 45 dBA CNEL in any habitable room with windows closed. ~~Commercial uses shall be designed and operated, and hours of operation limited so neighboring residents are not exposed to offensive noise, especially from traffic, trash collection, routine deliveries, and/or late night activities. No use shall produce continual loading or unloading of heavy trucks at the site between the hours of 8:00 p.m. and 6:00 a.m. (Section 18.32.130, Compatibility Standards). The required exterior noise reduction can be accomplished with sound walls or berms, or by site plan/building layout design.~~ The required interior noise reduction can be accomplished with enhanced construction design or materials such as upgraded dual-glazed windows and/or upgraded exterior wall assemblies. These features shall be shown on all building plans and incorporated into construction of the Project. City inspectors shall verify compliance of the building with the acoustic report's recommendations prior to issuance of a Certificate of Occupancy.

N-4: Prior to issuance of a building permit, ~~applicants for Projects within the Beach Boulevard Specific Plan that~~ **if the proposed Project** involves high-vibration construction activities, such as pile driving or vibratory rolling/compacting, **said activities** shall be evaluated for potential vibration impacts to nearby sensitive receptors. The Project applicant shall submit a vibration report prepared to the satisfaction of the City of Anaheim to determine if the use of pile driving and/or vibratory rolling/compacting equipment would exceed the Federal Transit Administration's (FTA's) vibration-annoyance criteria of 78 VdB during the daytime or FTA's vibration-induced architectural damage PPV criteria of 0.2 inches/second for wood-framed structures or 0.5 inches/second for reinforced masonry buildings. The construction contractor shall require the use of lower vibration-producing equipment and techniques. Examples of lower-vibration equipment and techniques would include avoiding the use of vibratory rollers near sensitive areas and/or the use of drilled piles, sonic pile driving, or vibratory pile driving (as opposed to impact pile driving).

XIV. POPULATION AND HOUSING -- Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Impacts analyzed in EIR No. 350/No impact. EIR No. 350 analyzed the population and housing impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.10.

The BBSP allows for build-out that would result in a net increase of approximately 3,496 residential units accommodating an additional 16,166 residents. As previously noted, the 3.63-acre Project Site is within the Mixed Use Medium Development Area of the BBSP. This designation allows residential in either a standalone or mixed-use configuration at a density of up to 36 du per acre. The BBSP would allow development of the site with up to 130 du, in addition to commercial development at a floor area ratio (FAR) of 0.35; the Project Applicant is proposing to construct 65 du of the Project Site, implementing Phase I of the 39 Commons DDA. Based on the average household size of 3.42 persons per household (Department of Finance, 2020), the proposed Project could generate approximately 223 residents. This would result in less than one-percent of the planned residential increase identified in the BBSP.

Although implementation of the proposed Project would result in direct and indirect growth in the area, EIR No. 350 determined that implementation of the BBSP would be generally consistent with SCAG's growth management policies that aim to better coordinate infrastructure development with Projected population, housing, and employment growth. Also, it presents opportunities for the City to meet its RHNA allocation and better house the substantial amount of people working in the City. In addition, it would not exceed the APA's recommended target range for jobs-housing ratios at the county level. Therefore, no significant impact is anticipated.

EIR No. 350 determined that impacts would be less than significant, and therefore not mitigation measures are necessary or included in MMRP No. 342.

The proposed Project would implement the Phase I component of the 39 Commons DDA and would not result in any impacts beyond those identified in the previously certified EIR No. 350. Since no mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

XV. PUBLIC SERVICES -- Would the Project result in substantial adverse physical Impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the impacts on public services related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.11.

EIR No. 350 determined that implementation of the BBSP could have a substantial demand for fire and police protection services, school services, parks, and libraries.

Fire

The proposed Project would construct 65 townhomes and is an implementation of the Phase I component of the 39 Commons DDA. As discussed in section XV. *Population and Housing*, the proposed Project would generate approximately 223 residents,

which would be less than one-percent increase compared to the BBSP. As a result, the proposed Project would not substantially impact Anaheim Fire & Rescue's (AF&R) ability to meet response time goals and the deployment conditions individually or cumulatively. Additional fire personnel and associated facilities and equipment would be provided through the annual Operating Budget and Capital Improvement Program review process that would evaluate not only implementation of the BBSP but other Projects in the City. This periodic review process would ensure adequate service throughout the City and no significant cumulative impact is anticipated to occur.

Police

The proposed Project, in conjunction with other development in the City, would increase the overall police services demands for Anaheim Police Department (APD). The proposed Project would generate approximately 223 residents, which would be less than one-percent increase compared to the BBSP. The BBSP identified buildout of the area along with other City development would occur over an extended period of time, and the actual needs for police protection staff and facilities would be assessed annually with the budget allocation process. This periodic review process would ensure adequate service throughout the City and no significant cumulative impact is anticipated to occur.

Schools

The proposed Project would construct 65 townhomes with approximately 223 residents and this increase in residents would increase the demand on school facilities. However, compliance with the fee program established by SB 50 would mitigate this impact.

Library

The proposed Project would construct 65 townhomes with approximately 223 residents and this would increase services demand in the current library system. The impacts to the overall availability per capita of books, media, computers, and library public service space would not create significant physical or environmental impacts. Therefore, project-related impacts to library facilities would be less than significant and no mitigation measures are required.

Parks

See Section XVI Recreation.

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, impacts from build-out of the BBSP would be less than significant, and therefore no mitigation measures are necessary or included in MMRP No. 342. The proposed Project would implement Phase I of the 39 Commons DDA, which is an agreement that permits development consistent with the BBSP; Therefore, the proposed Project would not result in any impacts beyond those identified in the previously certified EIR No. 350. Since no mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

XVI. RECREATION -- Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the impacts to recreation and recreational facilities related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.12.

The proposed Project would construct 65 townhomes and is an implementation of the Phase I component of the 39 Commons DDA. The proposed Project would generate approximately 223 residents, which would be less than one-percent increase compared to the BBSP. Residents living at the Project site would utilize the various public park and recreation facilities in proximity to the Project site. The following City Parks have been identified within approximately one-mile radius of the Project site; Schweitzer Park, Twila Reid Park and Maxwell Park. The closest regional park to the Project site is Ralph B. Clark Regional Park, approximately five miles to the north. The number of residents introduced by the proposed Project would not create a demand that would exacerbate the physical deterioration of these parks. Furthermore, The proposed Project would be subject to the state's Quimby Act and AMC Section 17.34.010, which requires development Projects to set aside land, donate conservation easements, or pay in-lieu fees for park improvements. Therefore, cumulative recreational impacts are not considered significant.

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, impacts would be less than significant, and therefore not mitigation measures are necessary or included in MMRP No. 342.

The proposed Project would implement the BBSP and would not result in any impacts beyond those identified in the previously certified EIR No. 350. Since no mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

XVII. TRANSPORTATION / TRAFFIC -- Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This section utilizes the following technical studies in its analysis:

- *39 Commons Phase One Trip Generation Assessment*, FEHR & PEERS, February 26 2020 (Appendix D)
- *39 Commons Phase One VMT Assessment*, FEHR & PEERS, July 23,2020 (Appendix D.2)

Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the transportation and traffic impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.13. The California Natural Resources Agency adopted revised CEQA Guidelines on December 28, 2018. Among the changes to the guidelines was the removal of vehicle delay and Level of Service (LOS) from consideration for transportation impacts under CEQA. The adopted guidelines, evaluates transportation impacts based on a project's effect on vehicle miles traveled (VMT). Lead agencies were allowed to continue using their current impact criteria until June 30, 2020, or to opt into the revised transportation guidelines. In late 2019, State courts stated that under section 21099, subdivision (b)(2), existing law is that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall

not be considered a significant impact on the environment” under CEQA, except for roadway capacity projects. While the Proposed Project does not create a significant impact through LOS or delay, for the purposes of this recent court decision, the Proposed Project was also screened for VMT analysis. On June 23, 2020, the City of Anaheim City Council adopted the VMT Thresholds of Significance for purpose of analyzing transportation impacts and also approved the Traffic Impact Analysis (TIA) Guidelines for California Environmental Quality Act (CEQA) Analysis. Based on the City Guidelines, the proposed Project type is one of the screening thresholds that could be used for determining if a VMT analysis is required.

As noted previously, on June 23, 2020, the City adopted the Vehicle Miles Travelled Thresholds of Significance for purposes of analyzing transportation impacts and also approved the TIA Guidelines. Per the City’s TIA Guidelines, certain projects that meet specific screening criteria are presumed to have a less than significant impact with respect to CEQA Section 15064.3 absent substantial evidence to the contrary (City of Anaheim 2020e). There are three project-screening types that lead agencies can apply to effectively screen projects from project-level assessment. A project only needs to fulfill one of the screening types below to qualify for screening. These screening types are summarized below:

Type 1: Transit Priority Area Screening. A Transit Priority Area is defined as a half-mile area around an existing major transit stop or an existing stop along a high-quality transit corridor. Projects located within a Transit Priority Area may be presumed to have a less than significant VMT impact absent substantial evidence to the contrary. This presumption may not be appropriate if the project has a total floor area ratio of less than 0.75, includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction, Is inconsistent with the applicable Sustainable Communities Strategy, or replaces affordable residential units with a smaller number of moderate- or high-income residential units.

Type 2: Low VMT Area Screening. A low VMT-generating area is an area that has a VMT per service population metric that is 15% below the County average. Residential and office projects located within a low VMT-generating area may be presumed to have a less than significant impact absent substantial evidence to the contrary. Other employment-related and mixed-use projects within a low VMT-generating area may also be presumed to have a less than significant impact if the project can reasonably be expected to generate a VMT per service population metric similar to the existing land uses in the low VMT area.

Type 3: Project Type Screening. Some project types are presumed to have a less than significant transportation impact absent substantial evidence to the contrary as their uses are local serving in nature. Projects that are presumed to have a less than significant impact due to their local serving nature include local-serving K-12 schools, neighborhood and community parks, day care centers, certain local-serving retail uses less than 50,000 square feet, student housing projects on or adjacent to college campuses, community and religious assembly uses, public services, local-serving community colleges, affordable or supportive housing, convalescent and rest homes, senior housing, and projects generating less than 110 daily vehicle trips.

The proposed Project qualifies for a Type 1 and Type 2 screening criteria.

Under the Type 1 screening, the proposed Project is within a TPA and meets the additional criteria for TPA screening, the Proposed Project would result in a less-than-significant impact related to Type 1 VMT criteria.

Under the Type 2 screening, The proposed Project is located in a Low VMT Area, as identified in Attachment B of Appendix D.2 - *Daily VMT per Service Population in Anaheim TAZs as Compared to the Orange County Average (2012)*. The proposed Project is located in TAZ 248 which is bound by Beach Boulevard, Lincoln Avenue, Dale Avenue and Crescent Avenue, as shown in Attachment D of Appendix D.2 - *Eastern Anaheim OCTAM TAZs*. Attachment C of Appendix D.2 - *OCTAM Socioeconomic Data* shows that the baseline assumptions for TAZ 248 include 777 households. The households within the TAZ 248 boundary include market rate apartments, senior living apartments and single-family homes. The proposed Project, which proposes to build more apartments, are similar to the existing TAZ land use. Therefore, it can be concluded that the proposed Project would result in a similar VMT per resident which is more than 15% below the County of Orange average VMT per service population and would result in a less-than-significant impact related to VMT Type 2 criteria

While the revised CEQA Guidelines prohibit a Lead Agency from using vehicle delay and LOS to evaluate a proposed Project’s transportation impact, the following analysis provides the Proposed Project’s consistency with these policies, as well as the City of Anaheim Criteria for Preparation of Traffic Impact Studies for informational purposes.

As evaluated in EIR No. 350, traffic impacts associated with buildout of the BBSP would result in significant impacts at 20 area intersections, and four roadway segments. Proposed improvements have been recommended for identified impacts; however, since the impacted facilities are under Caltrans or City of Buena Park control, Anaheim cannot guarantee that these mitigation measures will be implemented and therefore the impacts are considered significant and unavoidable. Improvement measures were developed to minimize the impact of implementation of the BBSP on the study intersections and roadway segments. These improvements were developed in order to bring operations back to acceptable or pre-Project conditions. The proposed Project would construct 65 townhomes and is an implementation of the Phase I component of the 39 Commons DDA. The Trip

Generation Memo conducted by Fehr & Peers determined that the proposed Project would generate approximately 354 daily trips, with approximately 23 trips during the AM peak hour and approximately 29 trips during the PM peak hour. In accordance to the BBSP, and the City's Traffic Impact Study Guidelines, the proposed Project would generate fewer than 100 trips during AM/PM peak hour, which does not require a Level of Service assessment. Furthermore, the proposed Project would not result in any impacts beyond those identified in the previously certified EIR No. 350.

As previously noted, the 3.63-acre Project Site is within the Mixed Use Medium Development Area of the BBSP. This designation allows residential in either a standalone or mixed-use configuration at a density of up to 36 du per acre. The BBSP would allow development of the site with up to 130 du, in addition to commercial development at a floor area ratio (FAR) of 0.35; the Project Applicant is proposing to construct 65 du of the Project Site, implementing Phase I of the 39 Commons DDA. Therefore, the proposed Project would not result in any impacts beyond those identified in the previously certified EIR No. 350. The following mitigation measures set forth in MMRP No. 342 would address any impacts and will be conditions of approval for the proposed Project (minor changes have been made to the measures to make them applicable to the Project Applicant; deletions are shown in ~~strike through~~ and additions are shown in **bold**):

T-3: Prior to issuance of the first building permit for each building, the ~~property owner/developer~~ **Project Applicant** shall pay all applicable transportation impact fees to the City of Anaheim in amounts determined by the City Council Resolution in effect at the time of issuance of the building permit with credit given for City-authorized improvements provided by the property owner/developer; and participate in all applicable reimbursement or benefit districts which have been established.

XVIII. TRIBAL CULTURAL RESOURCES. Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in §21074?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the tribal cultural resources impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1, which includes the Project Site. Refer to EIR No. 350, Section 5.14.

According to EIR No. 350, The Gabrieleno Band of Mission Indians – Kizh Nation, the ancestral tribal group, did not identify any recorded Tribal Cultural Resources (TCR) on or near the area regulated by the BBSP. However, it is possible that buried TCRs could be present within the area during ground-disturbing activities. With implementation of mitigation measures, it would be required to protect these resources if they are uncovered during grading activities. The discovery of buried resources within the BBSP area would not contribute cumulatively to potential TCRs impacts in the region. Consequently, impacts to TCRs would not be cumulatively considerable.

The proposed Project would not result in any impacts beyond those identified in the previously certified EIR No. 350. Any impacts would be addressed by mitigation measures set forth in MMRP No. 342. The following applicable mitigation measures will be applied to the proposed Project and impacts would be less than significant:

TCR-1: Prior to the issuance of any permits allowing ground-disturbing activities that cause excavation to depths greater than current foundations, the Project applicant/developer shall retain qualified Native American Monitor(s) during construction-related ground disturbance activities. The monitor(s) shall be approved by the Tribal Representatives of the Gabrieleno Band of Mission Indians - Kizh Nation and be present on-site during construction that involve ground disturbing activities. The Native American Monitor(s) shall be responsible for the following activities during the monitoring, as appropriate:

- Complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified.
- If the monitoring site has hazardous materials concerns, the monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. The on-site monitoring shall end when the Project site grading and excavation activities are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for tribal cultural resources.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the Project:

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the waste water treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This section utilizes the following technical studies in its analysis:

- *39 Commons Development Sewer Analysis* GHD, April 18, 2020 (Appendix E)

Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed the impacts to utilities and service systems related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.15.

Wastewater. The proposed Project would be served by the Anaheim Public Works Department for wastewater (sanitary sewer) collection service. Wastewater generated in the City is treated by the Orange County Sanitation District (OCSD). The City's existing sewer network in the vicinity of the proposed Project consists of an 8-inch sewer main on the north side of Lincoln Avenue, an 8-inch sewer main on the south side of Lincoln Avenue and a 15-inch sewer main near the centerline of Lincoln Avenue. The three parallel sewer mains flow westerly and converge at Manhole SW012307. The sewer main continues westerly as an 18-inch main after the confluence until reaching the Orange County Sanitation District (OCSD) trunk sewer outfall at the intersection of Lincoln Avenue and Western Avenue. However, the proposed Project would connect to Manhole SW012304. Figure 2.1: Study Area, in Appendix E, shows the existing sewer networks that the Project site would be served by. Appendix E studied the 39 Commons DDA in its entirety which includes the proposed Project, conservatively estimating 85 dwelling units (du), with a generation factor of 215 gallons per day (gpd)/du, with a sewer loading capacity of 18,275 gpd. The study demonstrates that the 39 Commons development, in its entirety would introduce a steady state loading of 126,275 gpd, where 14% would originate from residential users. The analysis concludes that the 39 Commons Development in its entirety would not create any hydraulic deficiencies in the pipelines downstream of the Project site. In addition, as previously noted, the 3.63-acre Project Site is within the Mixed Use Medium Development Area of the BBSP. This designation allows residential in either a standalone or mixed-use configuration at a density of up to 36 du per acre. The BBSP would allow development of the site with up to 130 du, in addition to commercial development at a floor area ratio (FAR) of 0.35; the Project Applicant is proposing to construct 65 du of the Project Site, implementing Phase I of the 39 Commons DDA. Therefore, the proposed Project would not result in any impacts beyond those identified in the previously certified EIR No. 350. Impacts would be addressed by mitigation measures set forth in MMRP No. 342.

Water: APUD, Water Services Division, operates the City's water production and distribution system. The City of Anaheim 2015 Urban Water Management Plan (UWMP) was prepared in compliance with the requirements of the Urban Water Management Planning Act (UWMPA). The UWMPA requires every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 AF of water annually to prepare, adopt, and file a UWMP with the California Department of Water Resources (DWR) every five years in the years ending in zero and five. The 2015 UWMP provides water supply planning for a 25-year planning period in five (5)-year increments and identifies water supplies needed to meet existing and future demands. The demand analysis must identify supply reliability under three hydrologic conditions: a normal year, a single-year, and multiple dry years. The City's service area is approximately 49.63 square miles and includes approximately 63,800 municipal connections. The City relies on a combination of approximately 70 percent local groundwater from the Orange County Groundwater Basin (OC Basin) and 30 percent imported water from the Colorado River and State Water Project supplies provided by the Municipal Water District (MWD). The current water system includes eight (8) import connections to MWD, 18 active wells, 14 water reservoirs, and approximately 752 miles of water mains. The City also maintains 14 interconnections with neighboring cities and districts to supply water during emergency situations. In 2015, the City supplied a volume of approximately 62,053 AF of water to municipal customers. In its most recent UWMP, the City determined that it would have reliable supplies to meet single-and multiple dry-year demands from 2020 through 2040, even with a six percent increase from 2015 demand totals. Total demand is expected to increase from 62,050 AF in 2020 to 67,143 AF in 2040. Demand would be met through diversified supply and water conservation measures. The UWMP also includes a Water Shortage Contingency Plan that describes policies that MWD and the City have in place to respond to catastrophic interruption and reduction in water supply.

The proposed Project would not exceed water supplies or result in a significant increase in water demand. In addition, as previously noted, the 3.63-acre Project Site is within the Mixed Use Medium Development Area of the BBSP. This designation allows residential in either a standalone or mixed-use configuration at a density of up to 36 du per acre. The BBSP would allow development of the site with up to 130 du, in addition to commercial development at a floor area ratio (FAR) of 0.35; the Project Applicant is proposing to construct 65 du of the Project Site, implementing Phase I of the 39 Commons DDA. Therefore, the proposed Project would not result in any impacts beyond those identified in the previously certified EIR No. 350. Impacts would be addressed by mitigation set forth in MMRP No. 342.

Stormwater. On-site grading and drainage improvements proposed in conjunction with the proposed site work would be required to meet the City's and Orange County Flood Control District's (OCFCD) flood control criteria including design discharges,

design/construction standards and maintenance features. As discussed in Section X. Hydrology and Water Quality, the proposed Project's runoff would be collected and conveyed via surface flow and through area drains towards three proposed curb-inlet catch basins within the proposed private drive aisle which are equipped with a system to divert low flows to three proposed Modular Wetlands Systems (MWS) Biofiltration vaults for water quality treatment. Treated stormwater is returned to the proposed catch basins below the Dvert systems and is conveyed to the existing 24" storm drain facility within West Lincoln Avenue via proposed underground storm drain. Upon entering the public right-of-way, proposed drainage runoff would follow the existing drainage pattern of the site and drain to the existing Carbon Creek Channel. Upon entering the public right-of-way, stormwater drainage would flow through Carbon Canyon Creek, which then flows in the southwesterly direction and ultimately discharges to the Pacific Ocean. The proposed Project would not alter any drainage pattern in a manner that would result in substantial erosion or siltation on or offsite. There are no streams or rivers on the site that would be altered by the proposed Project. Erosion and siltation impacts potentially resulting from the proposed Project would, for the most part, occur during the Project's site preparation and grading phase. Implementation of the NPDES permit requirements, SWPPP and BMPs as they apply to the site, would reduce potential erosion, siltation, and water quality impacts. Therefore, impacts would be less-than-significant and no mitigation measures are required.

Electrical Power: Anaheim Public Utilities (APU) provides electricity to the City of Anaheim, including the area regulated by the BBSP and the Project Site. The proposed Project would require modification and upgrades to the existing electrical facilities (e.g., underground and overhead cables, conduits, transformers, switches, high voltage lines, etc.) to accommodate new development. The electrical lines are owned by Southern California Edison (SCE), and could be moved underground as part of buildout. Implementation of the BBSP would require compliance with the 2013 Building Energy Efficiency Standards, and would be required to coordinate with the City's Electrical Engineering Division and comply with the City of Anaheim's Rates, Rules, and Regulations. As previously noted, the 3.63-acre Project Site is within the Mixed Use Medium Development Area of the BBSP. This designation allows residential in either a standalone or mixed-use configuration at a density of up to 36 du per acre. The BBSP would allow development of the site with up to 130 du, in addition to commercial development at a floor area ratio (FAR) of 0.35; the Project Applicant is proposing to construct 65 du of the Project Site, implementing Phase I of the 39 Commons DDA. Therefore, the proposed Project would not result in any impacts beyond those identified in the previously certified EIR No. 350.

Natural Gas: Southern California Gas Company (SCG) provides gas service in the City of Anaheim and has facilities throughout the City, including the area regulated by the BBSP and the Project Site. Although SCG serves the area regulated by the BBSP, change in land use from industrial and commercial uses to residential and retail would require changes in supply system. However, the improvements would occur in accordance with the SCG's policies and extension rules on file with the Public Utilities Commission (PUC) when the contractual agreements between the Applicant and SCG are made. The availability of natural gas service is based on present gas supply and regulatory policies. As a public utility, SCG is under the auspices of the PUC and federal regulatory agencies. Private services provide telecommunication services to the City of Anaheim, including the area regulated by the BBSP and the Project Site.

Telecommunications: The proposed Project is located within an urbanized area within the City of Anaheim. As such, the area is adequately served by telecommunications facilities. The proposed Project would include on-site connections to off-site telecommunication services and facilities in the immediate area of the Project Site. Additionally, facilities and infrastructure for the various telecommunication providers are adequate to serve the needs of the proposed Project. The Proposed Project would not result in or require the construction of new or expanded telecommunication facilities. The proposed Project would result in a less than significant impact, and no mitigation measures are required.

Solid Waste: Solid waste services in the City are provided by Republic Services, a private recycling and non-hazardous solid waste hauler. Republic Services is responsible for all residential, commercial, and industrial waste and recycling services. Solid waste is disposed of in Orange County Waste and Recycling Landfills. Currently, there are three active landfills in the County: Olinda Alpha, Frank R. Bowerman, and Prima Deshecha. The landfills are among the largest statewide and receive more than four million tons of waste annually. Olinda-Alpha Landfill in the City of Brea accepts up to 8,000 tons per day (tpd) and has a remaining capacity of 34,200,000 cubic yards (cy). Frank R. Bowerman Landfill in the City of Irvine accepts up to 11,500 tpd and has a remaining capacity of 205,000,000 cy. Prima Deshecha Landfill in San Juan Capistrano accepts up to 4,000 tpd and has a remaining capacity of 134,300,000 cy. The proposed Project would construct 65 townhomes and is an implementation of the Phase I component of the 39 Commons DDA. According to the California Department of Resources Recycling and Recovery's (CalRecycle) soil waste generation rates, a residential development produces approximately 12.23 pounds/household/day. The proposed Project would produce an estimated 0.4 tons per day. Furthermore, compliance with the existing recycling and disposal programs would further ensure proposed Project does not exceed service levels at applicable landfills. The proposed Project would result in a less than significant, and no mitigation measures are required.

The proposed Project would implement the BBSP and would not result in any impacts beyond those identified in the previously certified EIR No. 350. Any impacts are addressed by mitigation measures set forth in MMRP No. 342. The following applicable mitigation measures will be applied to the proposed Project and impacts would be less than significant:

USS-2: Prior to issuance of demolition, grading, or building permits, whichever occurs first, the developer/applicant shall pay sewer impact fees per the ~~updated the~~ current Combined West Anaheim Area Master Plan of Sanitary Sewers, ~~described in Mitigation Measure USS-1.~~

USS-3: Prior to issuance of demolition, grading, building or water permits, whichever occurs first, the property owner/developer shall submit plans to the Public Utilities Department for review. The Public Utilities Department shall review the location of each Project to determine if it is an area served by potentially deficient water facilities, as identified in the latest updated water study for the BBSP. In such a case, the property owner/developer shall perform a hydraulic analysis for the existing and proposed public water improvements to determine if the Project domestic or fire flow demands will increase flows beyond those programmed in the appropriate water master plan study for the area or if the Project will create a deficiency in an existing water mains. The hydraulic water analysis for the existing and proposed public water improvements shall incorporate the anticipated flow, pressure, and any other information specific for the Project to determine the conditions for final design. With the hydraulic water analysis, the property owner/developer shall submit the results of a field fire flow test and provide a written response from Anaheim Fire Department confirming the fire flow requirements for the Project. The property owner/developer shall be required to guarantee mitigation of the impact to adequately serve the area to the satisfaction of the Public Utilities Department and City Attorney's Office per Anaheim's most current Water Rules and Regulations.

XX. WILDFIRE – Would the Project

Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Narrative Summary: No Impact.

EIR No 350 did not analyze Wildfire as it was previously approved before the 2019 updated CEQA checklist became the new standard.

According to the CAL FIRE Hazard Severity Zone Map for the City of Anaheim, the Project site is not within a State Responsibility Area. The Project site is in a Non-Very High Fire Hazard Severity Zone (VHFHSZ) zone within a local responsibility area. The Project site is flat and does not have a slope or other features that could exacerbate wildfire risks. The proposed Project would tie into existing infrastructure that currently serves the Project Site. Project implementation would not result in the new construction, installation, or maintenance of new infrastructure that would exacerbate fire risk. The proposed Project construction would not require the complete closure of any public or private streets or roadways during construction. Temporary construction activities would not impede use of the road for emergencies or access for emergency response vehicles. The proposed Project would not result in inadequate emergency access. Therefore, no impact would occur and no mitigation measures are required.

The proposed Project is located in a developed, urbanized area, and surrounded primarily by commercial and residential uses. There are no slopes or hills near the Project site that would have the potentially expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. Therefore, no impacts would occur and no mitigation measures are required.

XX. MANDATORY FINDINGS OF SIGNIFICANCE --					
Environmental Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts analyzed in EIR No. 350 No New Impact	No Impact
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the Project have Impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Narrative Summary: Impacts analyzed in EIR No. 350/No new impacts. EIR No. 350 analyzed impacts related to the implementation of the BBSP and found that implementation of the BBSP could degrade the quality of the environment and may result in cumulative impacts to aesthetics, air quality, cultural resources, greenhouse gas emissions, hazards and hazardous conditions, hydrology and water quality, land use, noise, population and housing, public services, transportation and traffic, tribal cultural resources, and utilities and service systems. Therefore, mitigation measures have been adopted to reduce the impacts.</p> <p>As previously noted, the 3.63-acre Project Site is within the Mixed Use Medium Development Area of the BBSP. This designation allows residential in either a standalone or mixed-use configuration at a density of up to 36 du per acre. The BBSP would allow development of the site with up to 130 du, in addition to commercial development at a floor area ratio (FAR) of 0.35; the Project Applicant is proposing to construct 65 du of the Project Site, implementing Phase I of the 39 Commons DDA. Therefore, the proposed Project would not result in any impacts beyond those identified in the previously certified EIR No. 350. Any impacts are addressed by mitigation measures set forth in MMRP No. 342.</p>					

Appendix A – Geotechnical Study

Appendix A.2 –
Response to City's Review Comments on Geotechnical Study

Appendix B – Preliminary WQMP

Appendix C – Preliminary Hydrology Study

Appendix D – Trip Generation Memo

Appendix D.2 – VMT Assessment Memo

Appendix E – Sewer Study