SLATER AVENUE MIXED-USE PROJECT

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

Lead Agency:
City of Fountain Valley

Project Applicant:
Slater Investments
1501 Quail Street, Suite 100A
Newport Beach, CA 92660

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1 INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

This Initial Study (IS) has been prepared in accordance with the following:

- California Environmental Quality Act (CEQA) of 1970 (Public Resources Code Sections 21000 et seq.); and
- California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines, Sections 15000 et seq.).

Pursuant to CEQA, this IS has been prepared to analyze the potential for significant impacts on the environment resulting from implementation of the proposed project. As required by State CEQA Guidelines Section 15063, this IS is a preliminary analysis prepared by the Lead Agency, The City of Fountain Valley, in consultation with other jurisdictional agencies, to determine if a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR) is required for the project.

This IS informs City of Fountain Valley decision-makers, affected agencies, and the public of potentially significant environmental impacts associated with the implementation of the project. A "significant effect" or "significant impact" on the environment means "*a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project*" (Guidelines §15382). As such, the documents intent is to adhere to the following CEQA principles:

- Provide meaningful early evaluation of site planning constraints, service and infrastructure requirements, and other local and regional environmental considerations. (Pub. Res. Code §21003.1)
- Encourage the applicant to incorporate environmental considerations into project conceptualization, design, and planning at the earliest feasible time. (State CEQA Guidelines §15004[b][3])
- Specify mitigation measures for reasonably foreseeable significant environmental effects and commit the City of Fountain Valley and the applicant to future measures containing performance standards to ensure their adequacy when detailed development plans and applications are submitted. (State CEQA Guidelines §15126.4)

Existing Plans, Programs, or Policies (PPPs)

Throughout the impact analysis in this IS, reference is made to requirements that are applied to all development on the basis of federal, state, or local law, and Existing Plans, Programs, or Policies currently in place which effectively reduce environmental impacts. Existing Plans, Programs, or Policies are collectively identified in this document as PPPs. Where applicable, PPPs are listed to show their effect in reducing potential environmental impacts. Where the application of these measures does not reduce an impact to below a level of significance, a project-specific mitigation measure is introduced. The City of Fountain Valley will include these PPPs along with mitigation measures in the Mitigation Monitoring and Reporting Program (MMRP) for the project to ensure their implementation.

1.2 DOCUMENT ORGANIZATION

This IS/MND includes the flowing sections:

Section 1.0 Introduction

Provides information about CEQA and its requirements for environmental review and explains that an IS/MND was prepared by the City of Fountain Valley to evaluate the proposed project's potential to impact the physical environment.

Section 2.0 Environmental Setting

Provides information about the proposed project's location.

Section 3.0 Project Description

Includes a description of the proposed project's physical features and construction and operational characteristics and provides a list of the discretionary approvals that would be required by the proposed project.

Section 4.0 Environmental Checklist

Includes the Environmental Checklist and evaluates the proposed project's potential to result in significant adverse effects to the physical environment and includes a list of existing regulations, plans, and policies that reduce potential impacts and mitigation measures, as required, to reduce potentially significant impacts to a less than significant level. In addition, references are listed at the end of each environmental topic section.

Section 5.0 Document Preparers and Contributors

Includes a list of the persons that prepared this IS/MND.

2 ENVIRONMENTAL SETTING

2.1 PROJECT LOCATION

The project site is located within the central portion of the City of Fountain Valley, north of Interstate 405 (I-405) and east of Brookhurst Street. The address of the property is 10201, 10221, and 10231 Slater Avenue. Regional access to the project site is provided by I-405 and Brookhurst Street. Local access to the site is provided from Slater Avenue and San Mateo Street. The project site and surrounding area is shown in Figure 1, *Regional Location.*

The site is identified by Assessor's Parcel Numbers 169-122-02, -07, and -08 and is located within the Newport Beach U.S. Geological Survey (USGS) 7.5-Minute Quadrangle and Section 29, Township 5 South, Range 10 West.

2.2 EXISTING PROJECT SITE

The project site encompasses approximately 3.34 acres and is currently developed with three commercial/office buildings that include Silky Sullivan's restaurant, a one-story plus mezzanine building that is approximately 6,500 square feet and was constructed in 1967, and two two-story office buildings that total 52,000 square feet that were constructed in 1974. The two-story office buildings provide 52 tenant spaces. Surface parking lots with ornamental landscaping surround the buildings. The site is bounded by a sidewalk along the three sides of the site that are adjacent to roadways and by carports for the adjacent multi-family residences to the west.

The project site's existing conditions are shown in Figure 2, *Local Vicinity,* Figure 3, *Existing Site Views from Slater Avenue,* and Figure 4, *Existing Site Views from San Mateo Street.*

2.3 EXISTING LAND USES AND ZONING DESIGNATION OF THE PROJECT SITE

As shown on Figure 5, *Existing General Plan and Zoning Designations*, the project site currently has a General Plan land use designation of General Commercial (up to 0.50 FAR) and is zoned as Local Business (C1 – 0.5 FAR). Section 21.10.020 of the Fountain Valley Municipal Code states that the C1 zoning district is applied to areas suitable for small-scale retail and personal service uses for essential needs located near residential neighborhoods. The C1 zoning district is consistent with the local commercial and general commercial land use designation of the General Plan. Also, Municipal Code Section 21.10.040 states that the C1 zone allows for buildings up to 50 feet/4 stories in height on lots that are a minimum of 10,000 square feet.

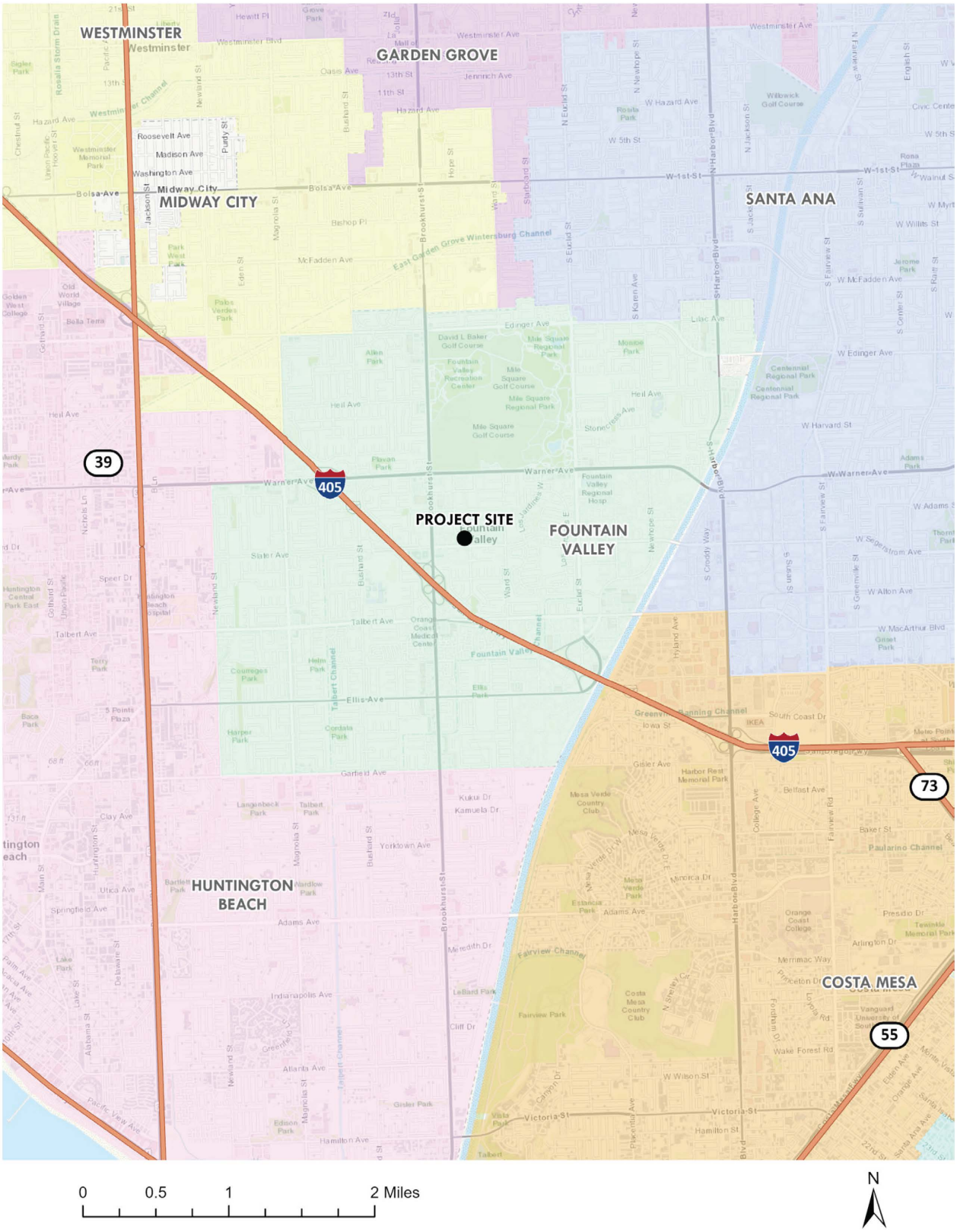
2.4 SURROUNDING GENERAL PLAN AND ZONING DESIGNATIONS

The project site is located within a fully developed and urbanized area. The project site is bounded to the south by Slater Avenue followed by City Hall, San Mateo Street followed by office uses and the school district's administration building to the west, El Corazon Avenue followed by multi-family residences to the north, and multi-family residences to the east. The surrounding land uses are described in Table 1 along with the General Plan Land Use and zoning designations.

Table 1: Surrounding Existing Land Use and Zoning Designations

	Existing Land Use	General Plan Designation	Zoning Designation
North	Multi-family residences	Medium Density Residential	R3 – Medium Density Multiple Dwellings
West	Commercial	General Commercial	C1 – Local Business
South	City Hall and other public buildings	Public Facilities	PI – Public Institution
East	Multi-family residences	High Density Residential	R4 – High Density Multiple Dwellings

Regional Location



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Local Vicinity

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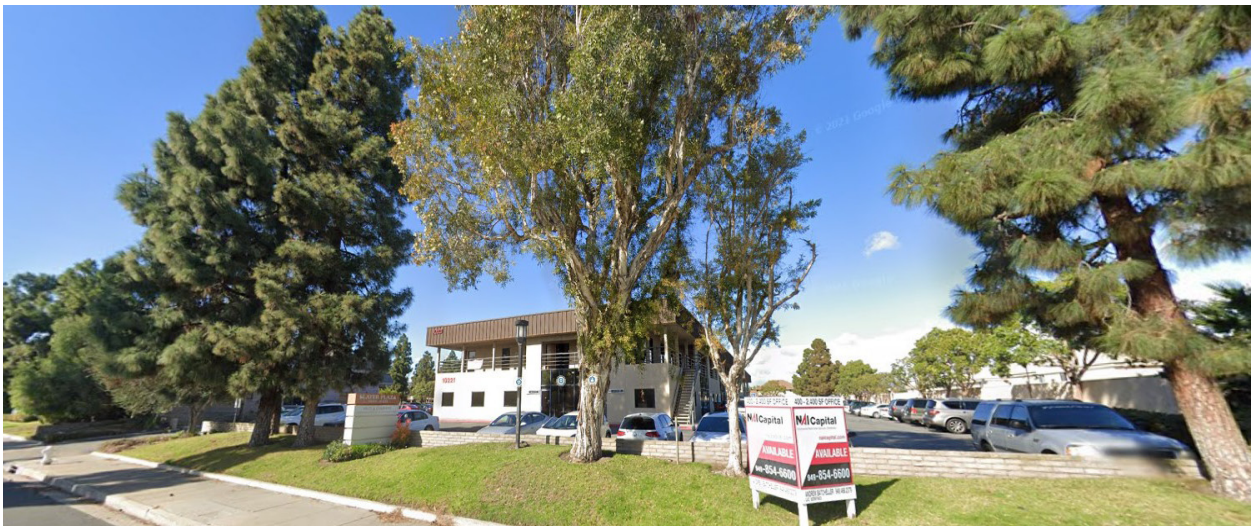
Existing Site Views from Slater Avenue



Northwestern views of the southern boundary of the Project Site from Slater Avenue.

Northeastern views of the southern boundary of the Project Site from Slater Avenue.

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Existing Site Views from San Mateo Street

Eastern views of the western boundary of the Project Site from San Mateo Street.

Southern views of the northern boundary of the Project Site from El Corazon Avenue.

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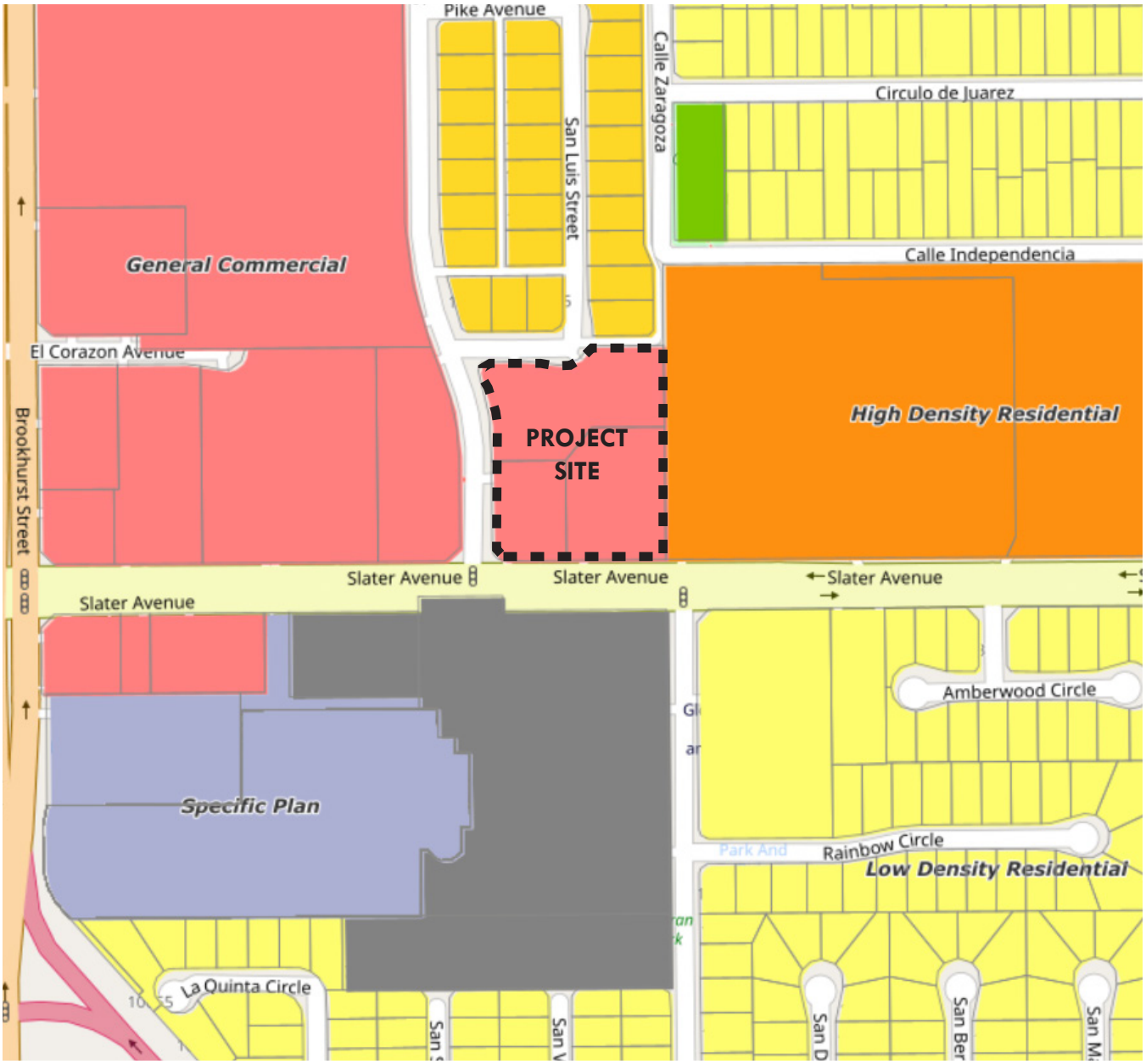
Existing General Plan Designations



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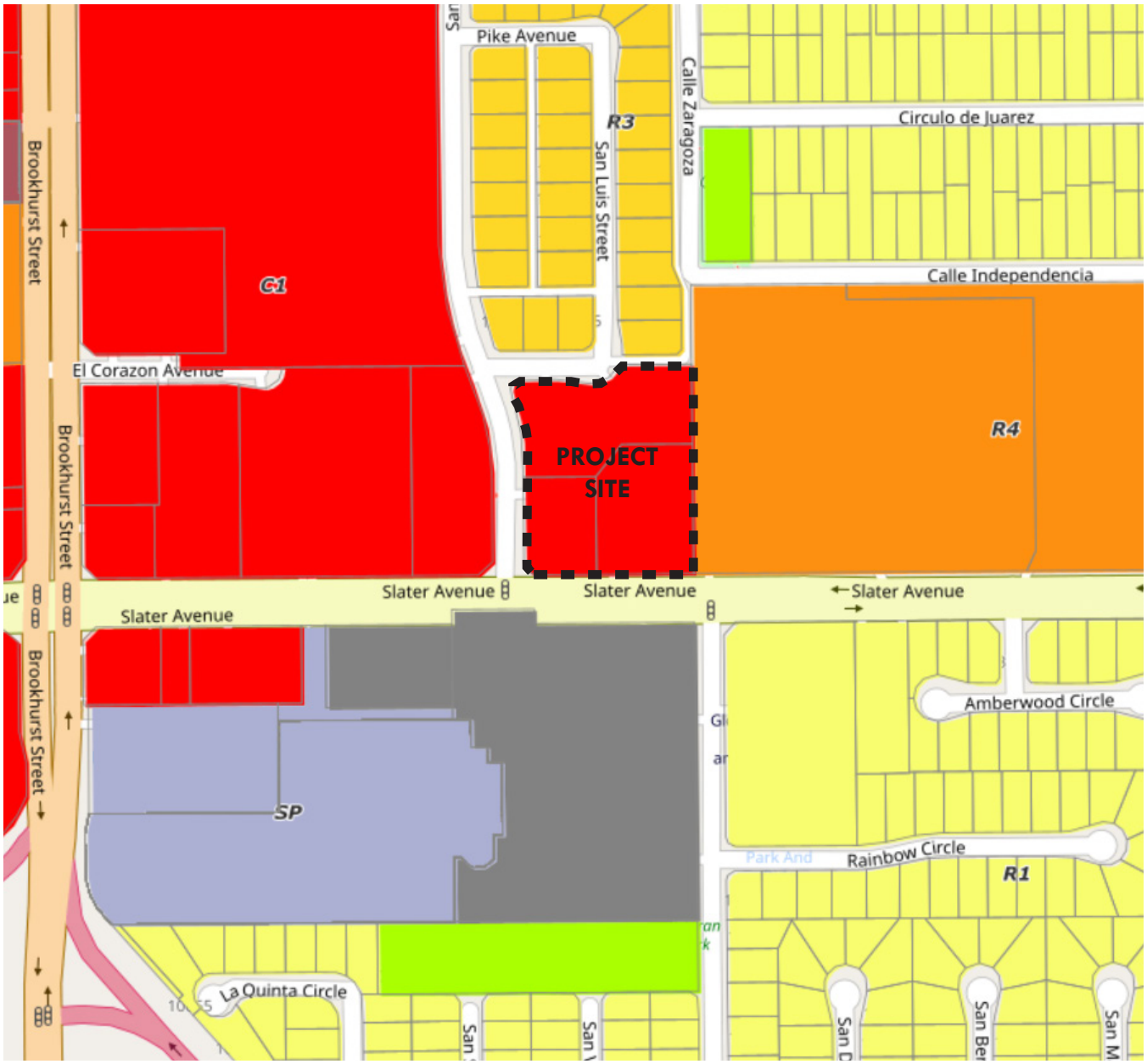
Existing Zoning Designations



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3 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The proposed project would demolish the existing 3 buildings, pavement, and infrastructure on the project site, and construct one building structure that would include 270 residential units, a restaurant with 5,000 square feet of indoor dining space and 2,000 square feet of outdoor dining space and a walkup coffee and lunch bar, a 1,660-square-foot art gallery, a parking garage, and amenities. Figure 6, *Conceptual Site Plan*, illustrates the proposed project.

The project includes a Development Code Amendment to create a new mixed-use zone, a General Plan Amendment to change the Land Use designation of the site from General Commercial (up to 0.50 FAR) to a new land use designation of Mixed Use 1 (MU-1). The project also includes a Zoning Change to change the zoning of the site from Local Business (C-1 – 0.5 FAR) to Mixed Use (MU-1). The proposed project would result in a gross density of 81 dwelling units per acre (du/ac) after density bonus for provision of affordable housing. A Precise Plan of Design is proposed and a Conditional Use Permit (CUP) would be required in the future for the restaurant.

3.2 PROJECT FEATURES

Development Summary
The project consists of the construction and operation of a four- and five-story mixed-use development with 270 residential units, a 7,000 sq. ft. restaurant with 5,000 square feet of indoor dining space and 2,000 square feet of outdoor dining space and a walkup coffee and lunch bar, a 1,660-square-foot art gallery, a 6-level parking garage, and associated amenities on the 3.34-acre project site. Commercial uses compose nearly 10 percent of the ground floor area. The project includes 33 affordable housing units. The total floor area of the project (excluding garage) is 326,910 sq. ft. and the overall density, inclusive of density bonus units, is 81 dwelling units per acre (du/ac). A summary of the residential units by level is described in Table 2.

Table 2: Building Summary by Level

Building Level	Proposed Use	Residential Units Per Level
1	Restaurant, Amenities, & Residential Units	46
2	Amenities and Residential Units	57
3	Amenities and Residential Units	66
4	Residential Units	65
5	Residential Units	36
	TOTAL	**270**

Residential Units
Residential units would range from studios to three bedrooms, with 530 to 1,243 sq. ft. of floor area. The unit breakdown is described in Table 3.

Table 3: Residence Plan Options

Unit Type	# of Units	Unit Size (sq. ft.)
Studio	37	530 - 665
1 Bedroom	129	675 - 1,147
2 Bedroom	100	954 - 1,404
3 Bedroom	4	1,243
Total	**270**	--

The Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides development incentives for the development of affordable or senior residential dwelling units. A developer that meets the requirements of the law for provision of a percentage of income-restricted units is entitled to receive a density bonus and other development standard concessions as a matter of right.

The proposed MU-1 zone allows a base density of 65 du/ac, yielding 217 units on the 3.34-acre project site. To utilize the state-mandated density bonus, 15 percent of the 217 units (i.e., 33 units) would be restricted to low-income households. As shown in Table 4, a 27.5 percent density increase is available for the development, which would result in a total of 277 units, or 83 du/ac. The proposed project proposes 270 units, below the maximum allowable under the density bonus.

Table 4: Density Bonus Tabulation

MU-1 Zone Allowable Density 65 DU/AC	3.34 Acres X 65 DU/AC	Base Density Allowable = 217 DU
15% Low Income	33 Units Proposed	27.5% Allowable Density Increase
		65 DU/AC X 27.5% = 83 DU/AC
		83 DU/AC X 3.34 = 277 Units

The development standard concessions and waivers included in the density bonus include a reduction in the non-residential area from 10 percent to 9.1 percent; reduction in the amount of upper-level stepbacks (above 35 feet in height) along streets, with a proposed compliance percentage of 73 percent; reduced minimum residential storage area, with 82 percent of units having independent lockable storage; a reduction in publicly accessible open space, from 50 percent to 38.2 percent of the required open space being publicly accessible and located along the street frontage; and a reduction in the minimum residential floor area for certain one-bedroom units, which are provided a taller ceiling height in compliance with Code standards. Additional detail is provided in Table 5.

Table 5: Density Bonus Development Standard Concessions

Code Section	Standard	Modification
21.15.040 (5)(6) Minimum non-residential area	10% of ground floor footprint (must be publicly accessible) (5) The following uses are included in the calculation of non-residential space: retail, restaurant, service commercial, entertainment, lodging, commercial gym/fitness center, and other similar business/employment uses as determined by the director. Where public or publicly accessible non-residential space is provided above the ground floor, it shall be included in the calculation of the required non-residential space. Live-work units may count up to a maximum of 10% of the required Minimum Non-Residential Area of a project. Of the qualifying live-work units, 50% of the first floor of a live-work unit may be counted toward the Minimum Non-Residential Area except that the entire non-residential area of a live-work area may count toward the Minimum Non-Residential Area when clearly delineated on the floor plan. See 21.15.040(c) for additional live-work requirements. (6)A fiscal analysis will be required to show long-term fiscal benefit. If necessary, the minimum non-residential area shall be adjusted upwards to ensure a positive fiscal benefit to the community.	**Waiver.** Project provides 91.36% of required area

Code Section	Standard	Modification
21.15.040 (10)(11) Upper Level Stepback - Street	•MU-1 Zone: an upper level step-back of 15 ft. average of all street-facing upper floors above 32 ft. Exception: Average Step-backs do not apply along interior property lines abutting R1/GH zones (10) For purposes of measuring averages setbacks, step-backs, building separations, open areas, measurements shall be taken from the exterior wall of the main habitable building and shall not be measured from the edges of covered and uncovered balconies, porches, and decks, nor measured from the edges of canopies, awnings, non-habitable architectural projections, and similar features. (11) See Section 21.15.040(m) for permitted encroachments.	**Concession.** Street Upper levell 15-foot stepback over 35 feet. Compliance percentage of 73.01%
21.15.040 Minimum residential storage areas	Each dwelling unit shall have a minimum of 200 cubic feet of individually enclosed, weatherproofed and lockable storage space. Such space shall be for the sole use of the occupant of the dwelling unit and may be provided within individual storage lockers, cabinets or closets within the garage area if neither the space nor the doors leading thereto overhang a parking space assigned to another unit. Storage areas inside units must be separate from typical forms of interior storage including closets, pantries, linen closets, and kitchen/bathroom closets.	**Waiver.** Project provides independent lockable storage for 81.85% of the units.
21.15.040 Publicly accessible open space	A minimum of 50% of the required open space must be publicly accessible and located along the street frontage or directly accessed from a public sidewalk. See additional standards in Section 21.15.040(b).	**Waiver.** The projects proposed Public Open space is 38.2% compliant.
21.15.040 Minimum residential floor area (8)	Minimum floor area requirements for residential units. Per FVMC Section 21.08.040, Residential zoning district general development standards, Table 2-4. (8) As part of a Density Bonus request, smaller unit sizes with taller ceiling heights may be considered as a waiver/concession as a way to increase affordability and maintain quality.	**Waiver.** Reduction in the size of some of the one-bedroom units. All units are provided a taller ceiling height of 9 feet per footnote (8).

Architectural Design

The proposed building would have modern architecture with a pedestrian level store frontage design. Windows and glass doors comprise 66 percent of the non-residential frontage along Slater Avenue and 71 percent along San Mateo Street. The modern design would feature multi-level rooflines, and an earth tone color scheme. The building would incorporate stucco, brick, stone, and wood siding finishes, detailed roof elements, awnings, metal railings and trellises, iron fencing, and decorative windows and doors. Figures 7 and 8 provide conceptual elevations that illustrate the proposed building exterior.

Building Height

The building would vary in height with one to five stories of building height toward the perimeter of the site and up to six stories of building in the center of the site. The tallest point of the building structure would be approximately 73 feet from the ground and would be the top of the elevator

to the parking garage at the center of the site and center of proposed building. The average building height would be 54.65 feet (four stories).

Open Space and Residential Amenities

A majority (220 of the 270 units) would have private balconies. Private balconies would average 61 sq. ft. in size per unit (inclusive of units with no balconies), yielding a total of 16,489 sq. ft. of private decks across the project. Additional onsite open space for use by residents includes courtyards, the east setback, and two roof decks that would total 25,362 sq. ft., as detailed in Table 6.

Table 6: Proposed Open Space Areas

Open Space Area	Square footage
Private Balconies	16,489
Courtyard 1	11,587
Courtyard 2	492
East Setback	9,132
Roof Deck 1	1,103
Roof Deck 2	3,048
Total	**41,851**

The project includes a variety of residential amenities on the roof decks and courtyards that include: a pool, hot tub/spa, cabanas, barbeques, shade structures, lounge chairs, tables and chairs, game tables, painted games (e.g., shuffleboard), and pet relief areas. In addition, the project includes a club room, lounge, golf room, fitness room, and fitness lawn.

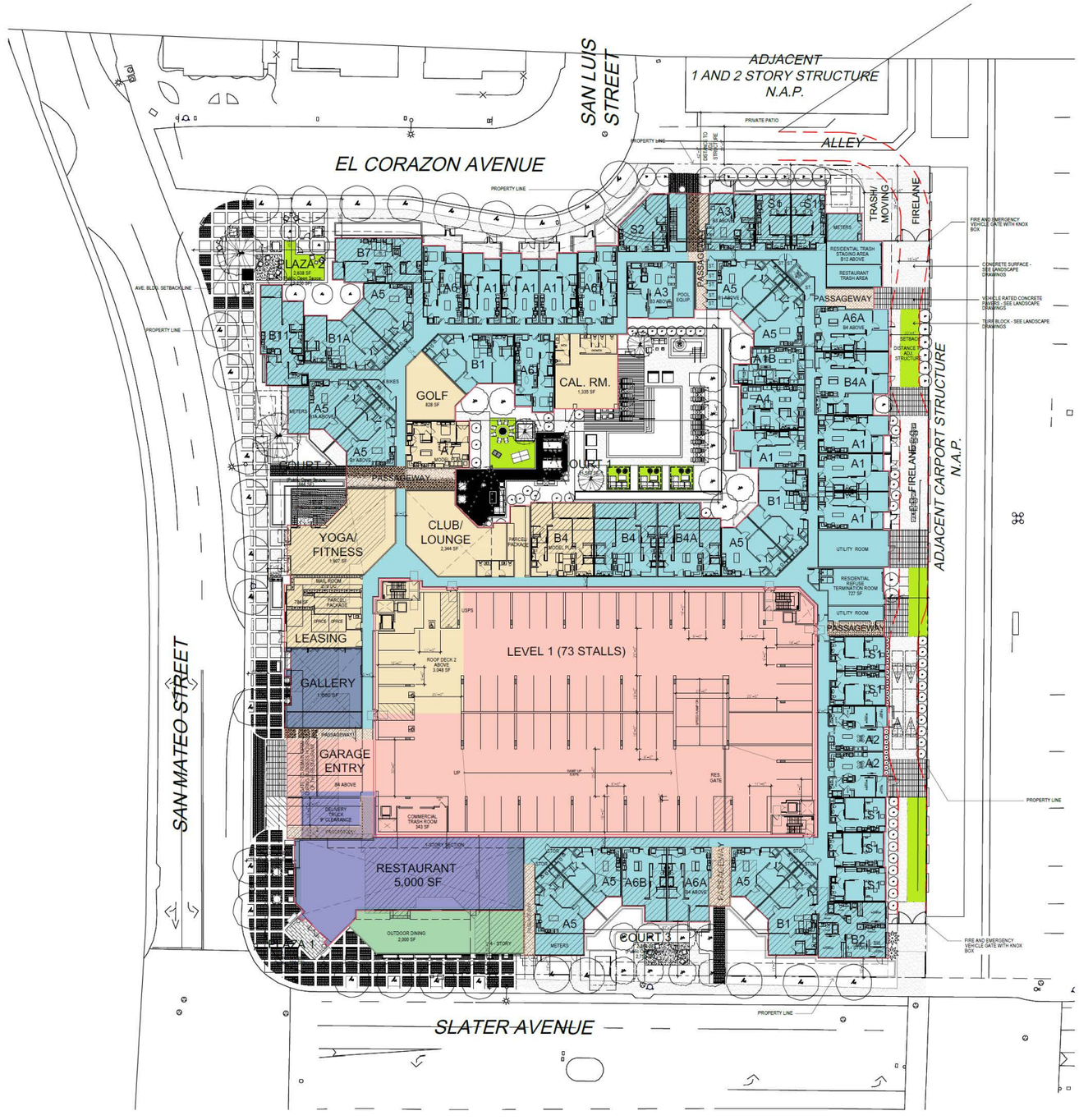
Circulation

As depicted in Figure 6, *Conceptual Site Plan*, the project site would be accessible from San Mateo Street. The project would develop a driveway along San Mateo Street that would direct vehicles directly into the proposed parking structure. Emergency access is provided from all sides of the building, including a fire lane along the eastern edge.

Parking

The project includes a gated parking garage that would be located in the center of the proposed structure and would be accessed from San Mateo Street. The project includes 541 parking spaces. Of these, 485 spaces are allotted to the residential portion of the project, which exceeds the 322 spaces required under state density bonus regulations, and the 56 spaces allotted to the restaurant exceed the 42 spaces required by Municipal Code Section 21.22.040. Accessible and electric vehicle stalls are included as required by local and state regulations. The project would also include electric vehicle (EV) chargers to support EVs, with the location and quantity to meet or exceed Code requirements during final project engineering.

Conceptual Site Plan



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North Elevations

MATERIAL LEGEND
1. Sand Stucco
2. Smooth Stucco
3. Brick
4. Wood Siding
5. Metal Trellis
6. Iron Fencing
7. Wood Trellis Awning
8. Metal Canopy
9. Standing Seam Metal Awning
10. Metal Awning
11. Fabric Awning
12. Metal Railings
13. Metal Doors
14. Vinyl Windows
15. Stone Finish
16. Aluminum Storefront System

West Elevations

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South Elevations

East Elevations

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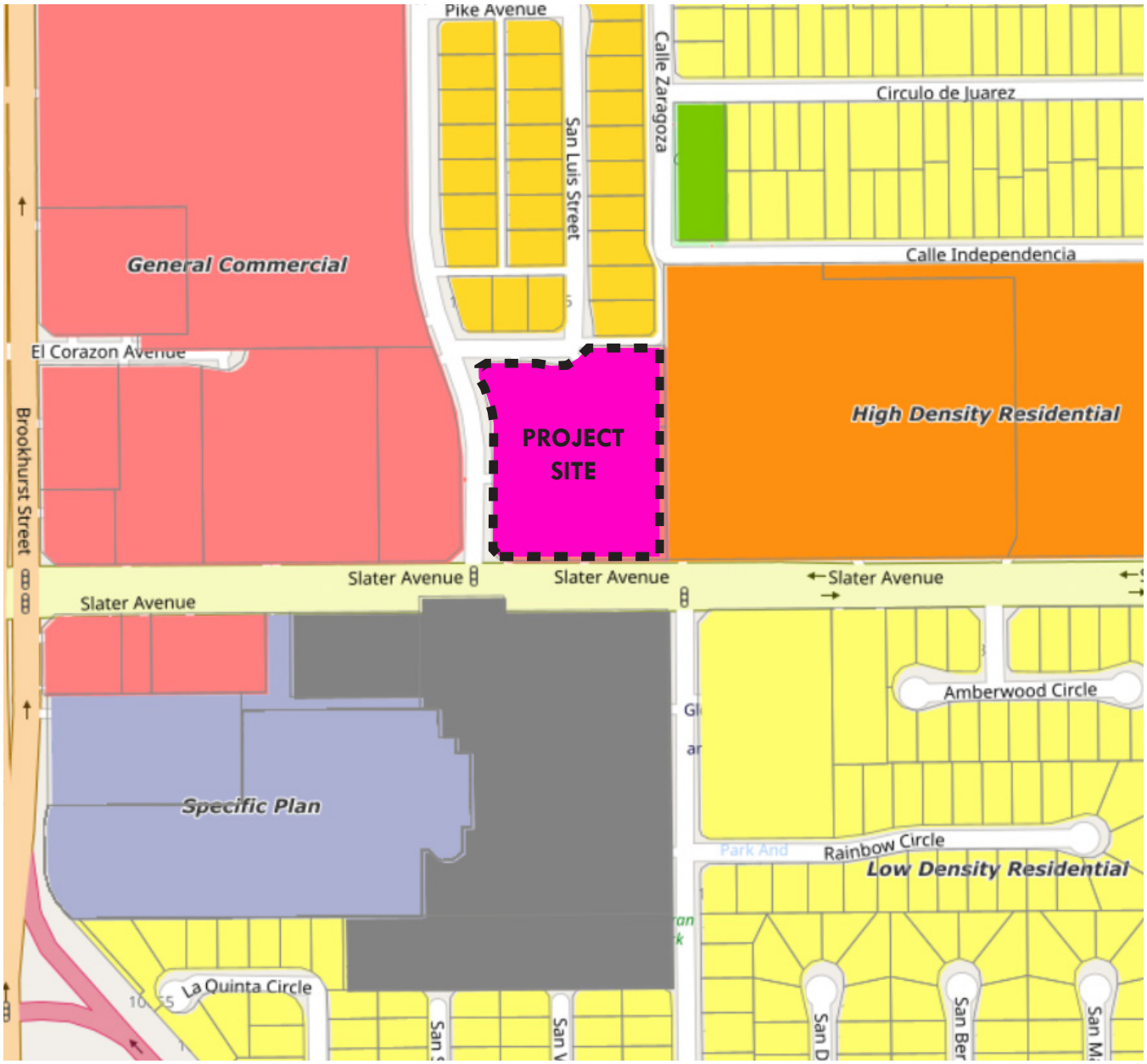
Proposed General Plan Designations



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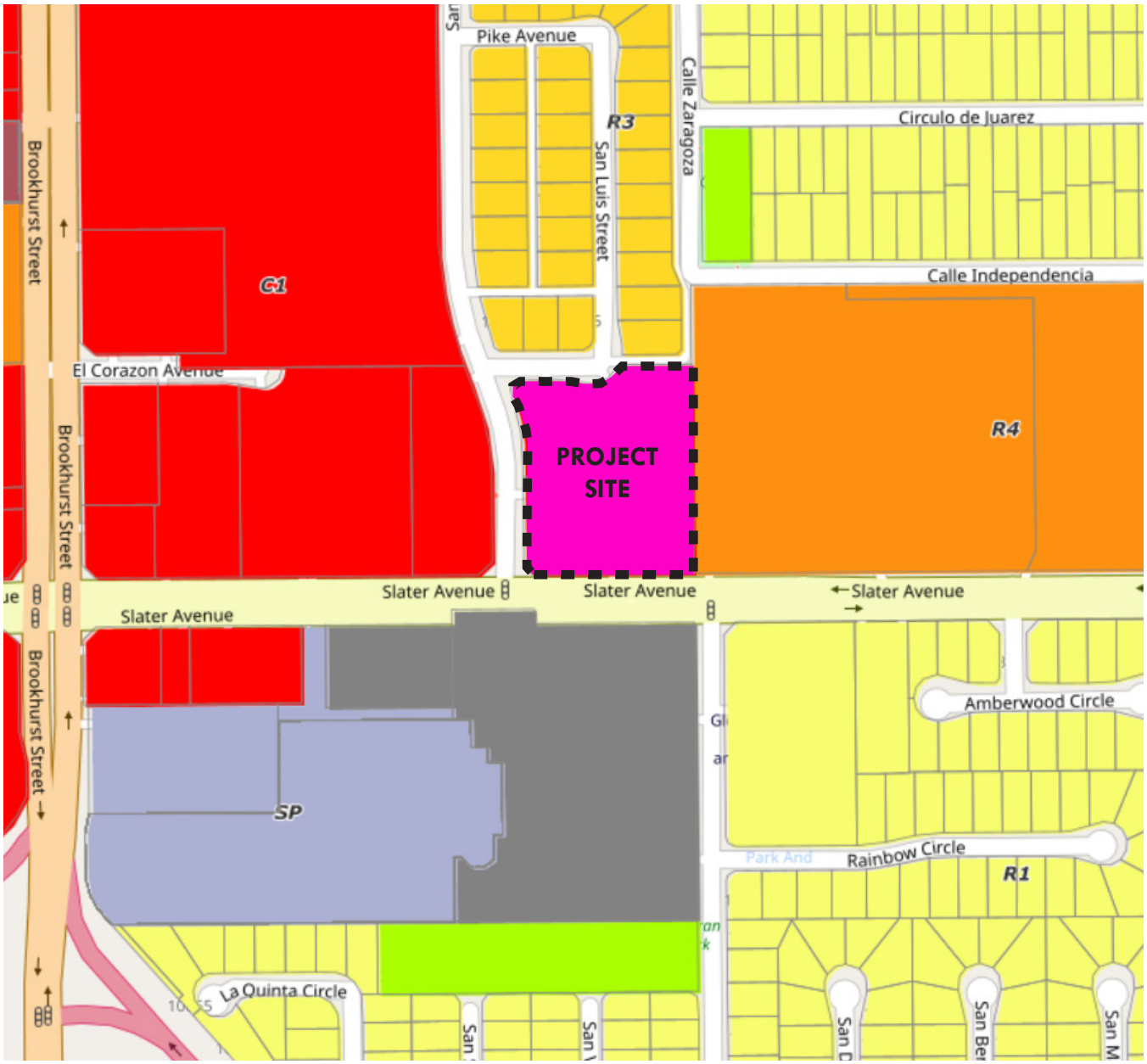
Proposed Zoning Designations



- A1 - General Agricultural
- R1 - Single-Family Residential
- R2 - Low Density Multiple Dwelling
- R3 - Medium Density Multiple Dwelling
- R4 - High Density Multiple Dwelling
- C1 - Local Business
- C2 - General Commercial
- CP - Commercial,Administrative,Professional Office
- AH - Affordable Housing District
- GH - Garden Homes
- M1 - Manufacturing
- SP - Specific Plan
- P/OS - Parks and Open Space
- PI - Public Institution
- Flood Control Channel

Mixed Use (MU-1)

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Landscaping
Landscaping proposed as part of the project would consist of approximately 15,650 sq. ft. of ornamental trees, vines, shrubs, and groundcovers throughout the common areas of the development, such as along roadways, and within courtyards, plazas, and building setbacks. The project would also include landscaping along Slater Avenue, San Mateo Street, and El Corazon Avenue that would include street trees and lighting. The landscape plan would be consistent with the Water Efficient Landscape Ordinance and compliant with the City of Fountain Valley's Tree Maintenance, Removal, and Reforestation Policy.

Lighting
Outdoor lighting included as part of future development on the project site would be typical of commercial and multi-family residential uses and would consist of wall-mounted lighting as well as walkway and landscaping lighting for security. All of the project's outdoor lighting would be directed downward and shielded to minimize off-site spill. The location of all exterior lighting would comply with lighting standards established in the Municipal Code Section 21.18.060.

Infrastructure Improvements
Roadway
The project includes development of new sidewalks with street trees and lighting along Slater Avenue and San Mateo Street. In addition, the project includes restriping of Slater Avenue west of Brookhurst Street to convert the second eastbound-through lane to be a shared-through-right lane.

Water and Sewer
The proposed project would install onsite 8-inch water and sewer lines that would connect to the existing 8-inch water lines that are located within Slater Avenue, San Mateo Street, and along the western portion of the project site. The project would also install onsite sewer lines that would connect to the existing 8-inch sewer in El Corazon Avenue.

Drainage
The project would install a new onsite drainage system that would connect to the existing storm drain system that is adjacent to the project site. The onsite drainage system would route runoff to biotreatment planter box units located throughout the site that have been designed to accommodate storm flows from the site. The biotreatment planter box units include a ponding area, mulch layer, planting soils, and plants. Stormwater on the site is routed to the units and as it passes down through the planting soil, pollutants are filtered, adsorbed, biodegraded, and sequestered by the soil and plants. After filtration, the stormwater would be routed by drains under the planter box units to the existing storm drains that are adjacent to the project site in El Corazon Avenue, Slater Avenue, and along the western portion of the project site.

3.3 GENERAL PLAN AND ZONING

The project site has an existing General Plan land use designation of General Commercial (up to 0.50 FAR). As part of the project, a General Plan Amendment is proposed to change the designation of the site to a new land use designation of Mixed Use 1 (MU-1), which would allow the proposed FAR of 2.2 and uses including a restaurant, art gallery, and multi-family residences. This new land

use designation would be consistent with the Draft General Plan Land Use Element[1] and provides for densities of 65 units per acre on sites that are smaller than 5 acres in size.

The project site currently has a zoning designation of Local Business (C-1 – 0.5 FAR). The project includes a zone change to change the zoning designation of the site from Local Business (C-1 – 0.5 FAR) to a new designation of Mixed Use (MU-1) with an allowable FAR of up to 2.25. The project includes a Development Code Amendment to create a new Mixed-Use 1 zone. A CUP would be required to allow the restaurant, when the restaurant operator is confirmed. The new MU-1 zone would be consistent with the MU-1 land use designation and allow 65 units per acre on parcels that are less than 5 acres in size.

3.4 CONSTRUCTION

Construction activities include demolition of the existing structures, pavement, and the existing utility infrastructure; grubbing, excavation, grading, and re-compaction of soils; utility and infrastructure installation; building construction; roadway pavement; and architectural coatings. Excavation and grading would occur to a minimum depth of 5 feet below existing grade and grading is expected to require approximately 16,200 cubic yards (cy) of cut, 12,650 cy of fill, and export of approximately 2,550 cy of soils.

Construction activities are anticipated to last 15 months and would occur within the hours allowable by the Fountain Valley Municipal Code Chapter 6.28.070, which states that construction shall occur only between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday, and between 9:00 a.m. and 8:00 p.m. on Saturday. No construction is allowed on Sundays and legal holidays.

Table 7: Construction Schedule

Construction Phase	Working Days
Demolition	20
Site Preparation	25
Grading	8
Building Construction	230
Pavement	18
Architectural Coatings	25

3.5 DISCRETIONARY APPROVALS AND PERMITS

The following discretionary approvals and permits are anticipated to be necessary for implementation of the proposed project:

CITY OF FOUNTAIN VALLEY

- General Plan Amendment to create the Mixed Use 1 land use designation and change the site's Land Use designation from General Commercial (up to 0.50 FAR) to Mixed Use 1
- Development Code Amendment to create a new mixed-use zone
- Zone change to change the zoning designation of the site from Local Business (C-1 – 0.5 FAR) to Mixed Use 1 (MU-1 with a 2.25 FAR)

[1] The City is currently updating the General Plan and the MU-1 designation is being proposed as part of the General Plan update.

- Precise Plan of Design
- Lot Line Adjustment to merge parcels
- Conditional Use Permit (CUP) for a large-format restaurant
- Density Bonus and Affordable Housing Agreement
- Grading Permit
- Water Quality Management Plan (WQMP) and Stormwater Pollution Prevention Plan (SWPPP)

4 ENVIRONMENTAL CHECKLIST

This section includes the completed environmental checklist form. The checklist form is used to assist in evaluating the potential environmental impacts of the proposed project. The checklist form identifies potential project effects as follows: 1) Potentially Significant Impact; 2) Less Than Significant with Mitigation Incorporated; 3) Less Than Significant Impact; and, 4) No Impact. Substantiation and clarification for each checklist response is provided below in the evaluation of environmental impacts. Included in the discussion for each topic are standard condition/regulations and mitigation measures, if necessary, that are recommended for implementation as part of the proposed project.

4.1 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below (☒) would be potentially affected by this project, involving at least one impact that is "Less Than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

Environmental Factors Potentially Affected

☐	Aesthetics	☐	Agriculture and Forest Resources	☐	Air Quality
☒	Biological Resources	☒	Cultural Resources	☐	Energy
☒	Geology/Soils	☐	Greenhouse Gas Emissions	☐	Hazards and Hazardous Materials
☐	Hydrology/Water Quality	☐	Land Use/Planning	☐	Mineral Resources
☐	Noise	☐	Population/Housing	☐	Public Services
☐	Recreation	☐	Transportation	☒	Tribal Cultural Resources
☐	Utilities/Service Systems	☐	Wildfire	☒	Mandatory Findings of Significance

4.2 DETERMINATION

(To be completed by the Lead Agency) 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 (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) 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 Date

Printed Name

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. 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 involved (e.g. the project falls outside 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).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "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 EIR is required.

4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described in (5) below, may be cross-referenced).

5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (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 above 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.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

4.3 ENVIRONMENTAL CHECKLIST QUESTIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Except as provided in Public Resources Code Section 21099 would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☐	☒
c) In non-urbanized 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?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

a) Have a substantial adverse effect on a scenic vista?

No Impact. Scenic vistas consist of expansive, panoramic views of important, unique, or highly valued visual features that are seen from public viewing areas. This definition combines visual quality with information about view exposure to describe the level of interest or concern that viewers may have for the quality of a particular view or visual setting. A scenic vista can be impacted in 2 ways: a development project can have visual impacts by either directly diminishing the scenic quality of the vista or by blocking the view corridors or "vista" of the scenic resource. Important factors in determining whether the proposed project would block scenic vistas include the project's proposed height, mass, and location relative to surrounding land uses and travel corridors.

The City's General Plan does not designate any scenic vistas within the City. The project site is in an urbanized area and surrounded by one- to three-story development (residential, commercial, office, and civic land uses), roadways, lined with ornamental landscaping and parked vehicles. The topography of the site and surrounding area is flat, and there are no scenic vistas or unique topographic features that are visible from the project site or from roadways surrounding the project site. In addition, the proposed structure would be set back from the adjacent roadways by a minimum of 5 feet and an average of 10 feet and would not intrude into existing roadway view corridors. Thus, redevelopment of the project site with a new larger structure would not obstruct, interrupt, or diminish a scenic vista; and impacts would not occur.

b) Substantially damage scenic resources, including, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no officially designated state scenic highways in the vicinity of the proposed project (Caltrans 2021). The only officially designated scenic highway within Orange County is a portion of State Route (SR) 91. Eligible State Scenic Highways within the County include: SR-1, SR-74, portions of SR-91, and a portion of SR-57, none of which are in the vicinity of the project site. Additionally, there are no County designated scenic highways in Fountain Valley. Therefore, impacts related to scenic resources within a state scenic highway would not occur.

c) In non-urbanized 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?

Less Than Significant Impact. As described previously, the project site is located within an urbanized area that is directly adjacent to Slater Avenue, San Mateo Street, El Corazon Avenue, and multi-family residential development. The project site is developed with a one-story restaurant building, two two-story office buildings, and surface parking lot areas with ornamental landscaping. The existing character of the site and surrounding area is neither unique nor of special aesthetic value or quality. The project would redevelop the project site to provide a mixed-use development with 270 multi-family residences with amenities, a restaurant, an art galley, and a parking garage.

General Plan. As shown on Figure 5a, *Existing General Plan Designations*, the project site currently has a General Plan land use designation of General Commercial (up to 0.50 FAR). The proposed project includes a General Plan Amendment to change the designation of the site to Mixed Use 1 (MU-1) (see Figure 9a, *Proposed General Plan Designations*).

Zoning. As shown in Figure 5b, *Existing Zoning Designations*, the project site is currently zoned as Local Business (C-1 – 0.5 FAR). The project includes a zone change to Mixed Use (MU-1) to allow for the development of the 270 multi-family residential units and a restaurant (see Figure 9b, *Proposed Zoning Designations*).

The proposed MU-1 zone allows for development of 65 dwelling units per acre and a maximum Floor Area Ratio (FAR) of 2.25 on sites that are smaller than 5 acres in size.

The proposed project would implement the MU-1 density of 65 dwelling units per acre and a state-mandated density bonus due to the provision of 33 affordable units. As provided in the Project Description on Table 4, *Density Bonus Tabulation*, the density of residential units provided by the project is within the allowable density allocated to projects that include income-restricted units. The project meets the requirement of a minimum of 10 percent commercial/office uses on the ground floor through the provision of a restaurant with 5,000 square feet of indoor dining space (with an additional 2,000 square feet of outdoor dining space) and a 1,660-square-foot art gallery.

As shown Table AES-1, the proposed project meets the density, FAR, and development standards for the proposed zoning with the density bonus concessions (previously detailed in Table 5) related to FAR and modification of the architectural standards along the east side of the project. Therefore, a conflict with these regulations would not occur.

Table AES-1: Consistency with Proposed Zoning Development Standards

Feature	MU-1 Zone Requirement	Proposed Project
Lot Area	1 – 5 acres	3.34 acres
Floor Area Ratio	2.25	2.2
Minimum Non-Residential	10% ground floor footprint	9.1% Consistent with Zoning Subject to Density Bonus Waiver
Maximum density	65 du/ac	65 du/ac + Density Bonus
Front Setback	10 ft. average with min. 5 ft.	10 ft. average with min. 5 ft.
Upper Level Step-back	15 ft. average of all street-facing floors above 35 ft.	15 ft. average above 35 ft. Consistent with Zoning Subject to Density Bonus Concession
Baseline Height	5 stories & 55 ft. A portion of the building may exceed the Baseline Height provided that the height of the entire project is equal to or does not exceed the Baseline Height	55 ft.
Façade and Massing Variation Modulation	Major recess/projection of at least 2 ft. in depth and 4 ft. in width every 150 linear ft. plus a minor recess/projection of at least 1 ft. in depth and 2 ft. in width every 50 linear ft.	The building design includes various recesses and projections, as shown in Figures 7 and 8. In addition, the modern design would feature multi-level rooflines that would provide massing variation and modulation..
Façade and Massing Variation Delineated base, middle, top	• Change in materials (acceptable street level materials include a preponderance of brick, wood, stone, or similar detailed materials. Above the first floor, no more than 80% of an elevation may be clad in EIFS or stucco), or • Design that creates distinct vertical and horizontal visual separation, or • Upper level step-backs.	The building would incorporate stucco, brick, stone, and wood siding finishes. The modern design would feature multi-level rooflines, an earth tone color scheme that create distinct vertical and horizontal visual separation. The project would also include upper level step-backs.

In addition, the project would be consistent with the current General Plan Land Use Element goals and policies related to scenic quality, as shown in Table AES-2.

Table AES-2: Consistency with Land Use Element Goals and Policies Related to Scenic Quality

Goal or Policy	Project Consistency
Policy 2.6.1: Promote residential, commercial and industrial development which achieves harmony within monotony in the built environment.	**Consistent.** The proposed project would redevelop the restaurant and office site with new restaurant, art gallery, and multi-family residential units. The parking garage would be located in the center of the proposed building structure and would not be viewed from offsite locations. The building would step down in height toward the adjacent streets and would include storefront windows and doors along the first floor, which would achieve harmony with the existing non-residential uses along Slater Avenue and San Mateo Street. Therefore, the project would be consistent with Policy 2.6.1.
Goal 2.7: Well designed new residential development.	**Consistent.** The proposed project is well designed and would provide a modern building that would feature multi-level rooflines, and an earth tone color scheme. The

	building would incorporate stucco, brick, stone, and wood siding finishes, detailed roof elements, awnings, metal railings and trellises, iron fencing, and decorative windows and doors. The parking garage would be located in the center of the proposed building structure and would not be visible from offsite locations. The building would step down in height toward the adjacent streets and would include storefront windows and doors along the first floor. In addition, approximately 15,650 sq. ft. of ornamental trees, vines, shrubs, and groundcovers would be provided throughout the common areas of the development, such as along roadways, and within courtyards, plazas, and building setbacks. Therefore, the project would be consistent with Goal 2.7.
Goal 2.9: Attractive streetscapes throughout the City.	**Consistent.** The proposed project would install street trees along the streets that are adjacent to the site. Subject to adjustment in final designs, street trees would include peppermints, Marina Strawberry Multi-Trunk Trees, Arbutus Multi-Trunk Trees, New Zealand Christmas trees, and Australian willows ranging from 36-inch to 48-inch box trees. In addition, the project would install decorative brick paving along Slater Avenue, San Mateo Street, El Corazon and a landscaped sidewalk. In addition, exterior restaurant seating would be provided at the corner of Slater Avenue and San Mateo Street. Therefore, the project would generate attractive streetscapes adjacent to the site and the project would be consistent with Goal 2.9.
Policy 2.9.1: Encourage landscaping to enhance streetscapes.	**Consistent.** As described in the previous response the project would install new landscaping along the streets adjacent to the project site that would generate attractive streetscapes. Therefore, the project would be consistent with Policy 2.9.1.
Goal 2.10: Safe and attractive pedestrian facilities.	**Consistent.** The proposed project would install sidewalks adjacent to the project site, which would provide pedestrian facilities. In addition, adequate and safe pedestrian access would be provided for the outdoor restaurant space by crosswalks and sidewalks. As described in the previous response the project would install new landscaping the adjacent roadways that would generate attractive streetscapes. Therefore, the project would be consistent with Goal 2.10.

Overall, the proposed project would be consistent with development standards required by the MU-1 zoning district and MU-1 General Plan land use designation, as well as the Land Use Element goals and policies related to scenic quality. The project is located within an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, impacts would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The project site is developed with a restaurant building, two office buildings, and parking lot areas and contains onsite nighttime security lighting. In addition, the project site is located within a developed urban area, adjacent to three roadways that have street lighting. Existing sources of light in the vicinity of the project site includes streetlights, security lighting,

landscape lighting, vehicular headlights along roadways, and lighting from building interiors that pass-through windows.

The proposed project would include the provision of sign lighting and nighttime lighting for security purposes around the building exterior and throughout open space areas. Implementation of the proposed project would result in a higher intensity development on the project site than currently exists, which would contribute additional light sources to the overall ambient nighttime lighting conditions. However, all outdoor lighting would be hooded, appropriately angled away from adjacent land uses, and would be in compliance with Fountain Valley Municipal Code, Section 21.18.060 that provides specifications for shielding lighting away from adjacent uses and limiting intensity of lighting. Because the project site is within an urban area with various sources of existing nighttime lighting, and the project would be required to comply with the City's lighting regulations that would be verified by the City's Building and Safety Division during the permitting process, the increase in light that would be generated by the project would not adversely affect day or nighttime views of the area. Overall, lighting impacts would be less than significant.

Reflective light (glare) can be caused by sunlight or artificial light reflecting from finished surfaces such as window glass or other reflective materials. Generally, darker or mirrored glass would have a higher visible light reflectance than clear glass. Buildings constructed of highly reflective materials from which the sun reflects at a low angle can cause adverse glare. The proposed project would not use highly reflective surfaces. Although the building would contain windows, and large windowed store fronts and doors along the first floor, the windows would be separated by stucco, brick, and architectural elements, which would limit the potential of glare. In addition, as described previously, onsite lighting would be angled down and shielded, which would avoid the potential on onsite lighting to generate glare. Therefore, the project would not generate substantial sources of glare, and impacts would be less than significant.

A shadow study was prepared to evaluate if the project would generate shadows on neighboring properties during various seasons and at various times of day (see Appendix J). The study indicates that shadows would be of limited duration and seasonality on individual properties to the north. Specifically, properties to the north would receive shading in the late morning and early afternoon during the winter but would see no shading during other seasons. No habitable structures to the east, south, or west would be shaded during any season.

Existing Plans, Programs, or Policies

PPP AES-1: Exterior lighting on the project site shall conform to the regulations within Municipal Code Section 21.18.060. Light and glare sources from the site, shall be shielded or modified to prevent emission of light or glare beyond the property line.

Mitigation Measures

None.

Sources

California Department of Transportation (Caltrans). 2021. California State Scenic Highway System Map. Accessed:

https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa.

City of Fountain Valley General Plan. Accessed: https://www.fountainvalley.org/413/General-Plan

City of Fountain Valley Municipal Code. Accessed: http://qcode.us/codes/fountainvalley/

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE AND FORESTRY 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:				
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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

No Impact. The California Department of Conservation Important Farmland mapping identifies the project site and surrounding areas as Urban and Built-Up land (CDC 2021). No areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is located on or adjacent to the project site. Therefore, impacts related to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would not occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is currently zoned Local Business (C-1 – 0.5 FAR) and surrounded by areas zoned for residential, office, and commercial development. No agricultural zoning is located in the vicinity of the project site and no parcels in the project vicinity have Williamson Act contracts. Therefore, implementation of the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. Thus, no impact would occur.

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

No Impact. The project site is developed and located in an area that is void of forest land or timberland. In addition, the project site is zoned Local Business (C-1 – 0.5 FAR) and surrounded by areas zoned for residential, office, and commercial uses. Therefore, the project would not conflict with existing forest land, timberland, or zoning for forest or timberland uses. Thus, no impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. As described in the previous response, the project area is void of any forest land and is not zoned for forest uses. Thus, the project would not result in the loss of forest land or conversion of forest land to non-forest uses. No impact would occur.

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?

No Impact. As described in the previous responses, the project area does not include and is not near any land zoned for farmland or forest land. The change of use from office and restaurant to multi-family residential and restaurant would not result in conversion of farmland to non-agricultural use. Thus, no impacts would occur.

Existing Plans, Programs, or Policies

None.

Mitigation Measure

None.

Sources

California Department of Conservation (DOC) Important Farmland Finder, 2021. Accessed: https://maps.conservation.ca.gov/dlrp/ciff/

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) affecting a substantial number of people?	☐	☐	☐	☒

The discussion below is based on Air Quality, Energy, and Greenhouse Gas Impact Analysis (AQ 2021), prepared by EPD Solutions, and included as Appendix A.

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The project site is located in the South Coast Air Basin (SCAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD and Southern California Association of Governments (SCAG) are responsible for preparing the Air Quality Management Plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements. The AQMP details goals, policies, and programs for improving air quality in the Basin. In preparation of the AQMP, SCAQMD and SCAG uses regional growth projections to forecast, inventory, and allocate regional emissions from land use and development-related sources.

As described in Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD's CEQA Air Quality Handbook (1993), for purposes of analyzing consistency with the AQMP, if a proposed project would result in growth that is substantially greater than what was anticipated, then the proposed project would conflict with the AQMP. On the other hand, if a project's density is within the anticipated growth of a jurisdiction, its emissions would be consistent with the assumptions in the AQMP, and the project would not conflict with SCAQMD's attainment plans. In addition, the SCAQMD considers projects consistent with the AQMP if the project would not result in an increase in the frequency or severity of existing air quality violations or cause a new violation.

The site is located within a mixed use area that includes residences, office uses, commercial/retail uses, and civic services. The proposed project would remove the two office buildings and restaurant and develop 270 multi-family residences (33 of which would be affordable housing units), a restaurant, and an art gallery on the site. As further described in Section 14, *Population and Housing*, the city has 19,408 residential units, and the addition of 270 residences would therefore result in a 1.4 percent increase in residential units within the city. In addition, according to the Regional Housing Needs Assessment (RHNA) adopted by SCAG, the City of Fountain Valley must plan to accommodate 4,839 new housing units, including 2,093 lower income units, during the 2021-2029 planning period. The project would consist of 5.6 percent of the overall housing need, and 1.6 percent of the lower income units required by the City's RHNA. Thus, the proposed project would not result in growth that is greater than what was anticipated, and this limited level of growth would not exceed growth projections and would be consistent with the assumptions in the AQMP.

Also, emissions generated by construction and operation of the proposed project would not exceed thresholds. As described in the analysis below, the project would not result in an increase in the frequency or severity of existing air quality violations or cause a new violation. Therefore, impacts related to conflict with the AQMP from the proposed project would be less than significant.

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?

Less Than Significant Impact. The SCAB has a non-attainment status for not meeting federal ozone standards, federal carbon monoxide standards, and state and federal particulate matter standards. Any development in the SCAB, including the proposed project, could cumulatively contribute to these pollutant violations. The methodologies from the SCAQMD CEQA Air Quality Handbook are used in evaluating project impacts. SCAQMD has established daily mass thresholds for regional pollutant emissions, which are listed in Table AQ-1. The SCAQMD's CEQA Air Quality Handbook methodology describes that any project that result in daily emissions that exceed any of these thresholds would have both an individually (project-level) and cumulatively significant air quality impact. If estimated emissions are less than the thresholds or reduced to below the thresholds with implementation of mitigation, impacts would be considered less than significant.

Table AQ-1: SCAQMD Regional Daily Emissions Thresholds[2]

Pollutant	Construction (lbs/day)	Operations (lbs/day)
NOx	100	*55*
VOC	*75*	*55*
PM-10	150	150
PM-2.5	*55*	*55*
SOx	150	150
CO	*550*	*550*
Lead	3	3

Construction

[2] Regional thresholds are from the SCAQMD Air Quality Significance Thresholds, March 2015.

Construction activities associated with the proposed project would generate pollutant emissions from the following: (1) demolition and removal of the existing onsite improvements, including recycling hardscape and reusing onsite and hauling building demolition debris offsite for recycling; (2) grading and excavation; (3) construction workers traveling to and from project site; (4) delivery and hauling of construction supplies to, and debris from, the project site; (5) fuel combustion by onsite construction equipment; (6) building construction; application of architectural coatings; and paving. The amount of emissions generated on a daily basis would vary, depending on the intensity and types of construction activities occurring.

It is mandatory for all construction projects to comply with several SCAQMD Rules, including Rule 403 for controlling fugitive dust, PM-10, and PM-2.5 emissions from construction activities. Rule 403 requirements include, but are not limited to: applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the site, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12 inches, and maintaining effective cover over exposed areas. As shown in Table AQ-2, CalEEMod results indicate that construction emissions generated by the proposed project would not exceed SCAQMD regional thresholds. Therefore, emissions from construction activities would be less than significant.

Table AQ-2: Construction Emissions Summary

Construction Activity	Maximum Daily Regional Emissions (pounds/day)					
	VOC	NO_x	CO	SO_x	PM-10	PM-2.5
2022						
Demolition	2.8	31.6	22.7	0.1	4.7	1.8
Site Prep	4.5	50.5	20.6	0.1	8.1	5.2
Grading	3.1	40.3	17.7	0.1	4.6	2.6
Building Construction	2.9	20.6	28.3	0.1	4.7	1.9
Maximum Daily Emissions	**4.5**	**50.5**	**28.3**	**0.1**	**8.0**	**5.1**
2023						
Building Construction	2.7	18.6	27.4	0.1	4.5	1.7
Paving	1.2	10.6	15.2	0.0	0.8	0.5
Architectural Coating	73.0	1.9	4.2	0.0	0.8	0.3
Maximum Daily Emissions	**73.0**	**18.6**	**27.4**	**0.1**	**4.5**	**1.7**
Maximum Daily Emissions 2022-2023	**73.0**	**50.4**	**28.3**	**0.1**	**8.0**	**5.1**
SCAQMD Significance Thresholds	75	100	550	150	150	55
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source: AQ 2021, Appendix A

Operation

Operation of the restaurant and 270 multi-family residences would result in long-term regional emissions of criteria air pollutants and ozone precursors associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings, and consumer products. However, vehicular emissions would generate a majority of the operational emissions from the project.

Operational emissions associated with the proposed project were modeled using CalEEMod and are presented in Table AQ-3. As shown, the proposed project would result in long-term regional emissions of the criteria pollutants that would be below the SCAQMD's applicable thresholds. Therefore, operation of the project would not result in a cumulatively considerable net increase of any criteria pollutant impacts, and operational impacts would be less than significant.

Table AQ-3: Summary of Peak Operational Emissions

Operational Activity	Maximum Daily Regional Emissions (pounds/day)					
	VOC	NO_x	CO	SO_x	PM-10	PM-2.5
Area	6.7	0.3	22.3	0.0	0.1	0.1
Energy	0.1	1.2	0.7	0.0	0.1	0.1
Mobile	5.5	5.6	51.1	0.1	12.3	3.3
Total Project Operational Emissions	**12.3**	**7.1**	**74.1**	**0.1**	**12.5**	**3.5**
Existing Operational Emissions	**4.2**	**3.7**	**24.9**	**0.1**	**5.0**	**1.4**
Total Net Project Operational Emissions	**8.1**	**3.4**	**49.2**	**0.0**	**7.5**	**2.1**
SCAQMD Significance Thresholds	*55*	*55*	*550*	150	150	*55*
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source: AQ 2021, Appendix A

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. The SCAQMD's *Final Localized Significance Threshold Methodology* (SCAQMD 2008) recommends the evaluation of localized NO_2, CO, PM-10, and PM-2.5 construction-related impacts to sensitive receptors in the immediate vicinity of the project site. Such an evaluation is referred to as a localized significance threshold (LST) analysis. According to the SCAQMD's *Final Localized Significance Threshold Methodology*, "off-site mobile emissions from the project should not be included in the emissions compared to the LSTs" (SCAQMD 2008). SCAQMD has developed LSTs that represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards, and thus would not cause or contribute to localized air quality impacts. LSTs are developed based on the ambient concentrations of NOx, CO, PM-10, and PM-2.5 pollutants for each of the 38 source receptor areas (SRAs) in the SCAB. The project site is located in SRA 17, Central Orange County.

Sensitive receptors can include residences, schools, playgrounds, childcare centers, athletic facilities. The nearest sensitive receptors are existing multi-family residences located adjacent to the project site. The distance between the project site boundary and the closest existing residential structure is approximately 22 feet. As such, the Air Quality Analysis utilizes a sensitive receptor distance of 25 meters, which is the closest distance provided by SCAQMD LST guidance.

Construction

The localized thresholds from the mass rate look-up tables in SCAQMD's Final Localized Significance Threshold Methodology document, were developed for use on projects that are less than or equal to 5 acres in size or have a disturbance of less than or equal to 5 acres daily. As the project site is 3.34 acres, the Air Quality, Energy, and Greenhouse Gas Impact Analysis (Appendix A) determined that the proposed project would disturb a maximum of 3.34 acres per day.

Table AQ-4 identifies the localized impacts at the nearest receptor location in the vicinity of the project. As shown, project construction-source emissions would not exceed the applicable SCAQMD

LSTs for emissions of any criteria pollutant. Thus, implementation of the project would result in a less than significant localized air quality impact.

Table AQ-4: Localized Significance Summary of Construction

Construction Activity	Maximum Daily Regional Emissions (pounds/day)			
	NO_x	CO	PM-10	PM-2.5
2022				
Demolition	25.7	20.6	3.7	1.5
Site Prep	50.4	20.0	7.9	5.2
Grading	33.9	15.5	3.7	2.3
Building Construction	16.8	17.4	0.9	0.8
Maximum Daily Emissions	**50.4**	**20.6**	**7.8**	**5.1**
2023				
Building Construction	15.4	17.3	0.7	0.7
Paving	10.6	14.5	0.5	0.5
Architectural Coating	1.7	2.4	0.1	0.1
Maximum Daily Emissions	**15.4**	**17.3**	**0.7**	**0.7**
Maximum Daily Emission 2022-2023	**50.4**	**20.6**	**7.9**	**5.2**
SCAQMD Significance Thresholds	**145**	**955**	**9.1**	**5.3**
Threshold Exceeded?	**No**	**No**	**No**	**No**

Source: AQ 2021, Appendix A

As described in Response 4.3(a), the proposed project would not significantly increase long-term emissions within the project area. Construction of the proposed project may expose nearby residential sensitive receptors to airborne particulates as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement measures to reduce or eliminate emissions by following SCAQMD's standard construction practices (Rules 402 and 403, as included as PPP AQ-1 and PPP AQ-2). Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Rule 403 requires that fugitive dust be controlled with best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. Therefore, impacts would be less than significant.

Toxic Air Pollutants. The construction equipment would emit diesel particulate matter (DPM), which is a carcinogen, However, the DPM emissions would be short-term in nature and occur intermittently throughout the 16-month construction process. Determination of risk from DPM is considered over a 70-year exposure time. As such, considering the short 15-month time frame for construction, exposure to DPM during construction would be less than significant.

Operation

For operational LSTs, onsite passenger car and truck travel emissions were modeled. The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state Ambient Air Quality Standards. As shown on Table AQ-5, operational emissions would not exceed the SCAQMD's localized significance thresholds for any criteria pollutant at the nearest sensitive receptor. Therefore, localized air quality impacts from operational activities would be less than significant.

Table AQ-5: Localized Significance Summary of Operations

Operational Activity	Maximum Daily Regional Emissions (pounds/day)			
	NO_x	CO	PM-10	PM-2.5
Area	0.3	22.4	0.1	0.1
Energy	1.2	0.7	0.1	0.1
Mobile	1.4	12.3	0.2	0.1
Total Project Operational Emissions	**2.9**	**35.4**	**0.4**	**0.3**
Existing Operational Emissions	**1.4**	**7.5**	**0.1**	**0.1**
Total Net Project Operational Emissions	**1.5**	**27.9**	**0.3**	**0.2**
SCAQMD Significance Thresholds	133	1,067	2.4	1.4
Threshold Exceeded?	**No**	**No**	**No**	**No**

Source: AQ 2021, Appendix A

CO Hotspots. Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm. Because CO is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to ambient air quality standards is typically demonstrated through an analysis of localized CO concentrations. Hotspots are typically produced at intersections, where traffic congestion is highest because vehicles queue for longer periods and are subject to reduced speeds.

With the turnover of older vehicles and introduction of cleaner fuels, electric vehicles, and vehicles with stop-start systems (where the engine shuts down when the vehicle is stopped and restarts when the break petal is released), as well as implementation of control technology on industrial facilities, CO concentrations in the South Coast Air Basin and the state have steadily declined.

The analysis of CO hotspots compares the volume of traffic that has the potential to generate a CO hotspot (exceedance the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm) and the volume of traffic with implementation of the proposed project. In 2003, the SCAQMD estimated that a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix—in order to exceed state standards and generate a CO hot spot.

As detailed in Section 17, *Transportation*, shown on Table T-2, the proposed project would generate 53 new vehicle trips during the weekday AM peak hour and 45 new vehicle trips during the weekday PM peak hour. Over a 24-hour period, the project is forecast to generate approximately 994 new daily trips. Thus, the proposed project would not result in an increase in traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix; and would not generate a CO hotspot. Therefore, impacts related to CO hotspots from operation of the proposed project would be less than significant.

Friant Ranch Case. In December 2018, in the case of *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, California Supreme Court held that an EIR's air quality analysis must meaningfully connect the identified air quality impacts to the human health consequences of those impacts, or meaningfully explain why that analysis cannot be provided. As noted in the Brief of Amicus Curiae by the SCAQMD in the Friant Ranch case (April 6, 2015, Appendix 3.4) (*Brief*), SCAQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any

of the air districts in the State, and thus it is uniquely situated to express an opinion on how lead agencies should correlate air quality impacts with specific health outcomes.

The SCAQMD discusses that it may be infeasible to quantify health risks caused by projects similar to the proposed project, due to many factors. It is necessary to have data regarding the sources and types of air toxic contaminants, location of emission points, velocity of emissions, the meteorology and topography of the area, and the location of receptors (worker and residence). The *Brief* states that a PM-2.5 methodology is not suited for small projects and may yield unreliable results. Similarly, SCAQMD staff does not currently know of a way to accurately quantify O_3 related health impacts caused by NO_X or VOC emissions from relatively small projects, due to photochemistry and regional model limitations. The *Brief* concludes, with respect to the Friant Ranch EIR, that although it may have been technically possible to plug the data into a methodology, the results would not have been reliable or meaningful.

On the other hand, for extremely large regional projects (unlike the proposed project), the SCAQMD states that it has been able to correlate potential health outcomes for very large emissions sources – as part of their rulemaking activity, specifically 6,620 lbs/day of NO_X and 89,180 lbs/day of VOC were expected to result in approximately 20 premature deaths per year and 89,947 school absences due to O_3.

The proposed project does not generate anywhere near 6,620 lbs/day of NO_X or 89,190 lbs/day of VOC emissions. The proposed project would generate 50.4 lbs/day of NO_X during construction and 1.5 lbs/day of NO_X during operations (0.8% and 0.02% of 6,620 lbs/day, respectively). The project would also generate 73.0 lbs/day of VOC emissions during construction and 8.1 net lbs/day of VOC emissions during operations (0.08% and 0.009% of 89,190 lbs/day, respectively). Therefore, the proposed project's emissions are not sufficiently high enough to use a regional modeling program to correlate health effects on a basin-wide level.

However, as provided in Table AQ-5, the proposed project's localized impact to air quality for emissions of CO, NO_X, PM-10, and PM-2.5 have been analyzed by comparing the project's on-site emissions to the SCAQMD's applicable LST thresholds. As shown, the proposed project would not result in emissions that exceeded the SCAQMD's LSTs. Therefore, the proposed project would not exceed the most stringent applicable federal or state ambient air quality standards for emissions of CO, NO_X, PM-10, and PM-2.5, and impacts would be less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact. The proposed project would not emit other emissions, such as those generating objectionable odors, that would affect a substantial number of people. The threshold for odor is identified by SCAQMD Rule 402, Nuisance, which states:

> *A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.*

The type of facilities that are considered to result in other emissions, such as objectionable odors, include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities.

The proposed project would implement restaurant, art gallery, and multi-family residential development, which does not involve the types of uses that would emit objectionable odors affecting a substantial number of people. In addition, odors generated by non-residential land uses are required to be in compliance with SCAQMD Rule 402, which would prevent nuisance odors.

During construction, emissions from construction equipment, architectural coatings, and paving activities may generate odors. However, these odors would be temporary, intermittent in nature, and would not affect a substantial number of people. The noxious odors would be confined to the immediate vicinity of the construction equipment. Also, the short-term construction-related odors would cease upon the drying or hardening of the odor-producing materials. Therefore, impacts associated with other emissions, such as odors, would not adversely affect a substantial number of people.

Existing Plans, Programs, or Policies

PPP AQ-1: Rule 402. The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

PPP AQ-2: Rule 403. The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day.
- The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.

PPP AQ-3: Rule 1113. The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only "Low-Volatile Organic Compounds" paints (no more than 50 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.

Mitigation Measures

None.

Sources

Air Quality, Energy, and Greenhouse Gas Impact Analysis. Prepared by EPD Solutions (AQ 2021), Appendix A.

South Coast Air Quality Management District Final Localized Significance Threshold Methodology (SCAQMD 2008). Accessed: http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf

City of Fountain Valley 2021-2029 Housing Element and Regional Housing Needs Assessment (RHNA) data. Accessed: https://www.fountainvalley.org/1409/Housing-Element

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES. Would the project:				
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 Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
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?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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 Game or U.S. Fish and Wildlife Service?

No Impact. The project site is located within an urbanized area and currently developed with three buildings and parking areas. The site also includes scattered ornamental trees and ground covering. As determined by records searches, aerial imaging, and site visits, no endangered, rare, threatened, or special status plant species (or associated habitats) or wildlife species designated

by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), or California Native Plant Society (CNPS) occur on the site.

The proposed project would redevelop the project site, which would include installation of new ornamental landscaping. As no sensitive species or habitats are located within the urban and developed site, implementation of the project would not result in a substantial adverse effect, either directly or through habitat modifications, on any sensitive species, significant impacts would not occur.

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

No Impact. Riparian habitats are those occurring along the banks of rivers and streams. Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies, known to provide habitat for sensitive animal or plant species, or known to be important wildlife corridors. As described above, the project site is developed and does not contain any natural habitats, including riparian. Additionally, the project is located within a developed urban area. No riparian habitat or other sensitive natural communities occur adjacent to the project site. Additionally, the project site and adjacent areas are not included in any local or regional plans, policies, and regulations that identify riparian habitat or other sensitive natural community. Therefore, no impact would occur.

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

No Impact. Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs. As detailed previously, the project site is developed; and it does not contain any wetlands. In addition, the adjacent areas, including the concrete lined flood control channel do not contain wetlands. Therefore, the redevelopment of the project site would not result in impacts to wetlands.

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?

Less than Significant with Mitigation Incorporated. As previously discussed, the project site is developed and surrounded by urban development. The area does not function as a wildlife movement corridor and is not adjacent to a wildlife movement corridor.

Existing ornamental landscaping on the site have the potential to provide for nesting migratory birds. As this landscaping would be removed during demolition and grading of the site, the project has the potential to impact active bird nests if vegetation and trees are removed during the nesting season. Nesting birds are protected under the federal Migratory Bird Treaty Act (MBTA) (United States Code Title 33, Section 703 et seq.; see also Code of Federal Regulations Title 50, Part 10) and Section 3503 of the California Fish and Game Code. The provisions of the MBTA prohibit

disturbing or destroying active nests. Therefore, Mitigation Measure BIO-1 has been included to require that if commencement of demolition, construction, or vegetation clearing occurs between February 1 and September 15, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to commencement of activities to confirm the absence of nesting birds. If active nesting of birds is observed within 100 feet of the construction area prior to construction, the qualified biologist would establish an appropriate buffer around the active nests (e.g., as much as 500 ft for raptors and 300 ft for non-raptors), and the buffer areas would be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. With implementation of Mitigation Measure BIO-1, potential impacts to nesting birds would be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The project site is urban and developed. However, in its existing condition, the project area contains a number of ornamental trees that would be removed and replaced with implementation of the proposed project. Public trees in Fountain Valley are protected under Chapter 12.04, *Trees, Shrubs, and Plants*, of the Municipal Code (PPP BIO-2), which regulates street trees or trees located in other public locations in the City; including the location and species of the proposed trees to be installed along Slater Avenue, San Mateo Avenue, and El Corazon Avenue. The proposed project would be required to comply with the Municipal Code requirements as part of the City permitting process, which would ensure that the project does not conflict with local policies or ordinances related to public trees. As a result, no impact would occur.

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?

No Impact. As previously discussed, the project site is developed and within and urban and developed area. The site is not within the area of an adopted Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, implementation of the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact would occur.

Existing Plans, Programs, or Policies

PPP BIO-1: The project shall comply with the Migratory Bird Treat Act (United States Code Title 33, Section 703 et seq.; see also Code of Federal Regulations Title 50, Part 10) and Section 3503 of the California Fish and Game Code. A nesting bird survey is required to be conducted prior to the removal of any trees within the site during the nesting bird season (February 15 to August 1).

PPP BIO-2: The trees shrubs and plants installed on public property shall conform to the regulations within Municipal Code Chapter 12.04.

Mitigation Measures

Mitigation Measure BIO-1: Migratory Bird Treaty Act. Prior to issuance of grading or demolition permits that include vegetation and/or tree removal activities that will occur within the active

breeding season for birds (February 1–September 15), the project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities.

The nesting survey shall include the project site and areas immediately adjacent to the site that could potentially be affected by project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet (ft) of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 ft for raptors and 300 ft for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

Sources

United States Fish and Wildlife Service (USFWS). 2021. National Wetlands Inventory, 2021. Accessed: https://www.fws.gov/wetlands/data/mapper.html

California Department of Fish and Wildlife (CDFW) Species Explorer, 2021. Accessed: https://nrm.dfg.ca.gov/taxaquery/Default.aspx

California Department of Fish and Wildlife (CDFW) Natural Diversity Database (CNDDB), 2021. Accessed: https://wildlife.ca.gov/Data/CNDDB

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

The discussion below is based on the Historical Resources Preliminary Findings Memo, prepared by ESA Associates, 2019 (ESA 2019), included as Appendix B; the Phase 1 Cultural and Paleontological Resources Assessment, prepared by Material Culture Consulting, 2021 (MCC 2021), included as Appendix C; and the Phase I Environmental Site Assessments for the site that are included as Appendix D and E.

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

No Impact. According to the *State CEQA Guidelines*, a historical resource is defined as something that meets one or more of the following criteria:

1) Listed in, or determined eligible for listing in, the California Register of Historical Resources;
2) Listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k);
3) Identified as significant in a historical resources survey meeting the requirements of PRC Section 5024.1(g); or
4) Determined to be a historical resource by the project's Lead Agency.

PRC Section 5024.1 directs evaluation of historical resources to determine their eligibility for listing on the CRHR. The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing on the NRHP, enumerated above, and require similar protection to what NHPA Section 106 mandates for historic properties. According to PRC Section 5024.1(c)(1-4), a resource is considered historically significant if it meets at least one of the following criteria:

1) Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2) Associated with the lives of persons important to local, California or national history;

3) Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values; or

4) Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

As described previously, the project site is currently developed with one restaurant building and two office buildings. The two two-story office buildings were developed in 1974 and are modern in design. The office buildings do not consist of historically significant architecture. Tenants of the buildings have included numerous administrative and professional offices including insurance agencies, accounting and law offices, real estate firms, property management, a furniture manufacturer, and postal services (Phase 1, 2017). Based on the previous uses of the site, it is not associated with historically important persons. Overall, the two office buildings do not consist of historic resources.

The existing restaurant building (10201 Slater Avenue) was constructed in 1967 for the U.S. Postal Service and was designed by L.S. Miller and owned by Donald J. Davenport, M.D. In 1954, the U.S. Postal Service started a lease-purchase program where private contractors and developers constructed postal buildings and then leased them to the U.S. Postal Service for a specified term. This program lasted through the 1960s. It therefore appears that Donald J. Davenport was the private developer who constructed the building for the Postal Service. In the San Bernardino County Sun, Davenport was described as a "practicing physician, building contractor, and financial consultant" who owned multiple properties in Los Angeles County, San Bernardino County, and Orange County in the 1960s. L.S. Miller was an architect who worked mainly in Long Beach but very little information was found about him through archival research. Among the only information uncovered was that he designed the Jewish Community Center located at 2601 Grand Avenue in Long Beach which shows similar use of simplified modern architectural detailing as the subject property.

The building was designed with utilitarian and minimalistic modernist details, pursuant to the Post Office Department's building guidelines of the 1960s that standardized building construction. A historic evaluation memo (Appendix B) prepared for the previous post office building describes that the building falls within the period of significance for modernist architecture and follows the trends of standardization of post office buildings. The memo also states that the building does not appear to have been revolutionary or unique in any way, but rather one of many examples of the large post office building program implemented in the 1960s. Thus, the building is not architecturally significant.

In 1984, the post office building was remodeled and converted into the existing restaurant that consists of an Irish pub, and is named for a 1950s racehorse, Silky Sullivan. The alterations to the building include an entire remodel of the interior for use as a restaurant except for the offices on the west side of the building. On the exterior, many of the original windows were changed to wood casement windows and many of the original doors were changed to wood doors to match the Irish theme. Wood siding and a canvas awning was added to the south façade to make an outdoor eating area. A large awning was installed on the east façade covering the arches between columns. Wood siding, wood windows, and a large wood entrance were also added to the east façade. Window and door openings have also been enlarged. Thus, the existing restaurant building is not historically significant due to substantial alterations.

The pub, while it falls within the context of Irish Pubs, it is considered a later example in Southern California, having only been established in 1984. It was also not initially constructed as a Pub and is not an example of any particular architectural style typically associated with Irish Pubs. Pubs are typically designed using architectural elements related to the Tudor Revival style, which the existing pub does not have.

In summary, 10201 Slater Avenue is not an outstanding, unique, or pioneering example of a United States Postal Office. It is one of many that looks similar all throughout California and the United States. It has been altered with new siding, doors, windows, and opening sizes. Further, 10201 Slater Avenue is not a historically significant example of an Irish Pub in the United States or within the State of California. Therefore, the property is not eligible for National or California Register listing and does not meet the criteria for a historical resource pursuant to CEQA. Thus, impacts related to historic resources would not occur.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less than Significant Impact with Mitigation Incorporated. The Phase 1 Cultural and Paleontological Resources Assessment prepared for the project included a search of the California Historical Resource Information System (CHRIS) at the South Central Coastal Information Center (SCCIC), located at California State University, Fullerton. The search identified any previously recorded cultural resources and prior cultural resources investigations within a 1-mile radius of the project site.

The records search identified 11 previously recorded cultural resources within a 1-mile radius of the project site that all consisted of historic buildings. No previously identified archaeological resources have been previously recorded within 1-mile of the site. The resources include two prehistoric resources and three historic built environment resources. As part of Native American outreach, the Native America Heritage Commission (NAHC) provided contact information for 11 tribes/individuals to reach out to for additional information. As part of preparation of the Phase 1 Cultural and Paleontological Resources Assessment, letters were sent to the 11 Native American contacts, requesting any information related to cultural resources or heritage sites within or adjacent to the project site, as discussed in detail in Section 18, *Tribal Cultural Resources*. As a result of this outreach effort, three responses were received from tribes/contacts, including Gabrieleno Band of Mission Indians-Kizh Nation, Sobba Band of Luiseño Indians, and the Gabrieleno/Tongva San Gabriel Band of Mission Indians. The Gabrieleno Band of Mission Indians-Kizh Nation requested consultation regarding the project; the details of which are provided in Section 18, *Tribal Cultural Resources*.

An Archaeologist and Cross-Trained Paleontologist conducted the cultural and paleontological survey of the project area on February 16, 2021. The Phase 1 Cultural and Paleontological Resources Assessment determined that the potential for archaeological resources to be located within the project site is low because of the urban nature of the area, lack of previous archaeological finds within one-mile of the project site and previous ground disturbance of the site from previous agricultural activities that occurred through the late 1960s and development of the site for the existing structures. However, Mitigation Measure CUL-1 has been included to provide procedures to be followed in the event that potential archaeological resources are discovered during grading, excavation, or construction activities. Mitigation Measure CUL-1 requires that work in the vicinity of a find be halted until the find can be assessed for significance by a qualified archaeologist to

determine the appropriate treatment and documentation of the discovery (California Code of Regulations [CCR], Title 14, Chapter 3, Section 15064.5(f). Mitigation Measure CUL-1 would reduce potential impacts to undiscovered archaeological resources to a less than significant level.

In the event a potential archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery must cease and the City must be immediately notified. If the find is considered a "resource" the archaeologist in coordination with the Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Thus, implementation of Mitigation Measure CUL-1 would reduce potential impacts to archaeological resources to a less than significant level.

c) Disturb any human remains, including those interred outside of formal cemeteries?

No Impact. The project site has not been previously used as a cemetery. Thus, human remains are not anticipated to be uncovered during project construction. In addition, California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains. Specifically, California Health and Safety Code Section 7050.5 requires that if human remains are discovered, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of death, and made recommendations concerning the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. 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 to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Compliance with existing law would ensure that significant impacts to human remains would not occur.

Existing Plans, Programs, or Policies

PPP CUL-1: Human Remains. In the event that human remains are encountered on the project site, work within 50 ft of the discovery shall cease and the County Coroner shall be notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. Prior to the issuance of grading permits, the Building Division shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.

Mitigation Measures

Mitigation Measure CUL-1: Inadvertent Discoveries. Prior to commencement of grading activities, the Building & Safety Division shall verify that all project grading and construction plans and specifications state that in the event that potential archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified archaeologist has evaluated the find to determine whether the find constitutes a "unique archaeological resource," as defined in Section 21083.2(g) of the California Public Resources Code.

Any resources identified shall be treated in accordance with California Public Resources Code Section 21083.2(g).

In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall flag the area in the field and shall determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)).

If the find is considered a "resource" the archaeologist in coordination with the Native American monitor shall pursue either protection in place or recovery, salvage, and treatment of the deposits. Recovery, salvage, and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the developer/applicant's expense.

Sources

Historical Resources Preliminary Findings Memo. Prepared by ESA Associates, 2019 (ESA 2019), Appendix B.

Phase 1 Cultural and Paleontological Resources Assessment. Prepared by Material Culture Consulting. 2021. (MCC 2021), Appendix C.

Phase I Environmental Site Assessment for 10221 and 10231 Slater Avenue. Prepared by Partner Engineering and Science (Phase 1 2017), Appendix D and Appendix E.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

The discussion below is based on Air Quality, Energy, and Greenhouse Gas Impact Analysis (AQ 2021), prepared by EPD Solutions, included as Appendix A.

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant Impact. As the project site is currently developed with a restaurant and two office buildings, it is connected to the existing utility infrastructure, which includes electrical and natural gas services. The Southern California Gas Company provides natural gas to the project site and surrounding area. Additionally, Southern California Edison currently provides electricity services to the project site and surrounding area. The proposed project would install onsite electrical and natural gas infrastructure that would connect to the existing offsite lines.

Construction
During construction of the proposed project, energy would be consumed in three general forms:

1. Petroleum-based fuels used to power off-road construction vehicles and equipment on the project site, construction worker travel to and from the project site, as well as delivery truck trips;
2. Electricity associated with providing temporary power for lighting and electric equipment; and
3. Energy used in the production of construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Based on these uses of energy during construction activities, the proposed buildings and the associated infrastructure would not be expected to result in demand for fuel greater on a per-unit-of-development basis than other development projects in Southern California. Construction does not involve any unusual or increased need for energy. In addition, the extent of construction activities that would occur is limited to a 15-month period, and the demand for construction-related electricity and fuels would be limited to that time frame.

Construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment as part of the City's construction

permitting process, which is included as PPP E-2.[3] In addition, compliance with existing CARB idling restrictions would reduce fuel combustion and energy consumption. The energy modeling shows that project construction electricity usage over the 15-month construction period is estimated to use 18,583 gallons of diesel fuel, as shown in Table E-1.

Table E-1: Estimated Construction Equipment Diesel Fuel Consumption

Activity	Equipment	#	Hours per Day	Horse-power	Load Factor	Days	Total Horsepower-hours	Fuel Rate (gal/hp-hr)	Fuel Use (gallons)
Demolition	Concrete/Industrial Saws	1	8	81	0.73	20	9461	0.041885965	396
	Excavators	3	8	158	0.38	20	28819	0.01985595	572
	Rubber Tired Dozers	2	8	247	0.4	20	31616	0.020601315	651
Site Preparation	Crawler Tractors	4	8	212	0.43	25	58342	0.022175849	1617
	Rubber Tired Dozers	3	8	247	0.4	25	47424	0.020601315	1221
Grading	Crawler Tractors	3	8	212	0.43	8	17503	0.022175849	388
	Excavators	1	8	158	0.38	8	3843	0.01985595	76
	Graders	1	8	187	0.41	8	4907	0.021161331	104
	Rubber Tired Dozers	1	8	247	0.4	8	6323	0.020601315	130
Building Construction	Cranes	1	8	231	0.29	230	123262	0.014895293	1836
	Forklifts	3	8	89	0.2	230	98256	0.010444403	1026
	Generator Sets	1	8	84	0.74	230	114374	0.04232413	4841
	Tractors/Loaders/Backhoes	3	8	97	0.37	230	198113	0.019146832	3793
	Welders	1	8	46	0.45	230	38088	0.025824348	984
Paving	Cement and Mortar Mixers	2	8	9	0.56	18	1452	0.032005386	46
	Pavers	1	8	130	0.42	18	7862	0.021532281	169
	Paving Equipment	2	8	132	0.36	18	13686	0.018464524	253
	Rollers	2	8	80	0.38	18	8755	0.019836075	174
	Tractors/Loaders/Backhoes	1	8	97	0.37	18	5168	0.019146832	99
Architectural Coating	Air Compressors	1	8	78	0.48	25	7488	0.027592396	207
								Total	**18,583**

Source: AQ 2021, Appendix A.

Table E-2 shows that construction worker vehicles would use approximately 40,005 gallons of fuel to travel to and from the project site. Haul trucks would use approximately 57,887 gallons of diesel fuel and vendor trucks would use 12,482 gallons of diesel fuel. Table E-3 details that with the addition, of 18,583 gallons of diesel fuel that would be needed for construction equipment construction of the project would utilize approximately 88,952 gallons of diesel fuel.

Table E-2: Estimated Construction Vehicle Fuel Usage

Construction Source	Number	VMT	Fuel Rate	Gallons of Diesel Fuel	Gallons of Gasoline Fuel
Haul Trucks	1,038	338,640	5.85	57,887	0
Vendor Trucks	70	111,090	8.90	12,482	0
Worker Vehicles	427	1,049,727	26.24	0	40,005
Total				**70,369**	**40,005**

Source: AQ 2021, Appendix A.

Table E-3: Total Construction Fuel Usage

Construction Source	Gallons of Diesel Fuel	Gallons of Gasoline Fuel
Construction Vehicles	70,369	40,005
Off-road Construction Equipment	18,583	0
Total	**88,952**	**40,005**

Source: AQ 2021, Appendix A.

[3] https://ww3.arb.ca.gov/msprog/offroadzone/pdfs/offroad_booklet.pdf

Overall, construction activities would comply with all existing regulations, which would be verified through the City's construction permitting process. Therefore, construction of the project is not expected to use fuel in a wasteful, inefficient, and unnecessary manner. Thus, impacts related to construction energy usage would be less than significant.

Operation

Once operational, the project would generate demand for electricity, natural gas, as well as gasoline for motor vehicle trips. Operational use of energy includes the heating, cooling, and lighting of the residences and restaurants, water heating, operation of electrical systems and plug-in appliances, and outdoor lighting, and the transport of electricity, natural gas, and water to the residences where they would be consumed. This use of energy is typical for urban development, no additional energy infrastructure would be required to be built to operate the project, and no operational activities would occur that would result in extraordinary energy consumption.

The proposed project would be required to meet the current Title 24 energy efficiency standards, which is included as PPP E-1. The City's administration of the Title 24 requirements includes review of design components and energy conservation measures that occurs during the permitting process, which ensures that all requirements are met. Typical Title 24 measures include insulation; use of energy-efficient heating, ventilating and air conditioning equipment (HVAC); solar-reflective roofing materials; energy-efficient indoor and outdoor lighting systems; reclamation of heat rejection from refrigeration equipment to generate hot water; and incorporation of skylights, etc. In complying with the Title 24 standards, impacts to peak energy usage periods would be minimized, and impacts on statewide and regional energy needs would be reduced. Thus, operation of the project would not use large amounts of energy or fuel in a wasteful manner, and no operational energy impacts would occur. As detailed in Table E-4, operation of the proposed project is estimated to result in the annual use of approximately 204,208 gallons of fuel, approximately 2,461,200 kilowatt-hour (kWh) of electricity, and approximately 4,820,110 million thousand British thermal units (kBTU) of natural gas.

Table E-4: Estimated Annual Operational Energy Consumption

Energy Type	Energy Usage
Electricity (Kilowatt-Hours)	2,461,200
Natural Gas (Thousands British Thermal Units)	4,820,110
Petroleum (gasoline) Consumption (gallons)	204,208
Annual Vehicle Miles Traveled	5,358,430

Source: AQ 2021, Appendix A.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The proposed project would be required to meet the CalGreen energy efficiency standards in effect during permitting of the project, as included as PPP E-1. The City's administration of the requirements includes review of design components and energy conservation measures during the permitting process, which ensures that all requirements are met. In addition, the project would not conflict with or obstruct opportunities to use renewable energy, such as solar energy. As discussed, the project proposes to use green features that include use of energy-efficient HVAC; solar-reflective roofing materials; energy-efficient indoor and outdoor lighting systems; reclamation of heat rejection from refrigeration equipment to generate hot water; and incorporation of

skylights, etc. to offset their energy demand in accordance with the existing Title 24 requirements (included as PPP E-1). As such, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and impacts would not occur.

Existing Plans, Programs, or Policies

PPP E-1. CalGreen Compliance: The project is required to comply with the CalGreen Building Code as included in the City's Municipal Code Section 18.28.010 to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.

PPP E-2: Idling Regulations: The project is required to comply with California Air Resources Board (CARB) Rule 2485 (13 CCR, Chapter 10 Section 2485), Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.

Mitigation Measures

None.

Sources

Air Quality, Energy, and Greenhouse Gas Impact Analysis. Prepared by EPD Solutions (AQ 2021), Appendix A.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GEOLOGY AND SOILS. Would the project:				
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?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

The discussion below is based on the Phase 1 Cultural and Paleontological Resources Assessment, prepared by Material Culture Consulting, 2021 (MCC 2021), included as Appendix C, and the California Department of Conservation Geologic Mapping.

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?

No Impact. The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone. As mapped by the California Department of Conservation, there are no known active faults traversing the site. The closest known active fault is the Newport-Inglewood-Rose Canyon Fault Zone that is approximately 3 miles southwest of the site. Thus, the proposed project would not expose people or structures to potential substantial adverse effects from rupture of a known earthquake fault that is delineated on an Alquist-Priolo Earthquake Fault Zoning Map, and impacts would not occur.

ii. Strong seismic ground shaking?

Less Than Significant Impact. The project site is located within a seismically active region of Southern California. As mentioned previously, the Newport-Inglewood-Rose Canyon Fault Zone is approximately 3 miles southwest of the site. In addition, the San Joaquin Hills Blind Thrust Fault, the Puente Hills Fault Zone, and the Elsinore Fault are within the project region. Thus, moderate to strong ground shaking can be expected at the site. The amount of motion can vary depending upon the distance to the fault, the magnitude of the earthquake, and the local geology. Greater movement can be expected at sites located closer to an earthquake epicenter, that consists of poorly consolidated material such as alluvium, and in response to an earthquake of great magnitude.

Structures built in the City are required to be built in compliance with the California Building Code (CBC [California Code of Regulations, Title 24, Part 2]), included in the Municipal Code as Chapter 18.26. In addition, PPP GEO-1 has been included to provide provisions for earthquake safety based on factors including occupancy type, the types of soils onsite, and the probable strength of the ground motion. Compliance with the CBC would include the incorporation of: 1) seismic safety features to minimize the potential for significant effects as a result of earthquakes; 2) proper building footings and foundations; and 3) construction of the building structures so that it would withstand the effects of strong ground shaking. Because the proposed project would be constructed in compliance with the CBC, the proposed project would result in a less than significant impact related to strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Soil liquefaction is a phenomenon in which saturated, cohesionless soils layers, located within approximately 50 feet of the ground surface, lose strength due to cyclic pore water pressure generation from seismic shaking or other large cyclic loading. During the loss of stress, the soil acquires "mobility" sufficient to permit both horizontal and vertical movements. Soil properties and soil conditions such as type, age, texture, color, and consistency, along with historical depths to ground water are used to identify, characterize, and correlate liquefaction susceptible soils.

Soils that are most susceptible to liquefaction are clean, loose, saturated, and uniformly graded fine-grained sands that lie below the groundwater table within approximately 50 feet below ground surface. Lateral spreading is a form of seismic ground failure due to liquefaction in a subsurface layer.

According to California Department of Conservation geotechnical mapping, the project site, and a large portion of the City, is located within a liquefaction hazard zone. The Preliminary Water Quality Management Plan (included as Appendix F) describes that the site contains high groundwater and that the site soils consist of fine sandy loam, which could be liquifiable.

Due to this condition liquefaction related settlement may also have the potential to occur. However, these are common conditions within the Fountain Valley area. As described previously, structures built in the City are required to be built in compliance with the CBC, as included in the City's Municipal Code as Chapter 18.26 (and herein as PPP GEO-1), which implements specific requirements for seismic safety, excavation, foundations, retaining walls and site demolition. Compliance with the CBC, as included as PPP GEO-1, would require preparation of a geotechnical report and specific engineering design recommendations be incorporated into grading plans and building specifications as a condition of construction permit approval to ensure that project structures would withstand the effects of seismic ground movement, including liquefaction and settlement. Compliance with the requirements of the CBC and City's Municipal Code for structural safety (included as PPP GEO-1) would reduce hazards from seismic-related ground failure, including liquefaction and settlement to a less than significant level.

iv. Landslides?

No Impact. Landslides and other slope failures are secondary seismic effects that are common during or soon after earthquakes. Areas that are most susceptible to earthquakes induced landslides are steep slopes underlain by loose, weak soils, and areas on or adjacent to existing landslide deposits.

As described above, the project site is located in a seismically active region subject to strong ground shaking. However, the project site is flat and does not contain any hills or any other areas that could be subject to landslides. In addition, the site is located in a flat and developed area. Therefore, the project would not cause potential substantial adverse effects related to slope instability or seismically induced landslides.

b) Result in soil erosion or the loss of topsoil?

Less Than Significant Impact. Construction of the project has the potential to contribute to soil erosion and the loss of topsoil. Grading and excavation activities that would be required for the proposed project would expose and loosen topsoil, which could be eroded by wind or water.

The City's Municipal Code Chapter 21.18.120 implements the requirements of the Orange County Municipal NDPES Storm Water Permit and all projects in the City are required to conform to the permit requirements. This includes installation of Best Management Practices (BMPs) in compliance with the NPDES permit, which establishes minimum stormwater management requirements and controls that are required to be implemented for the proposed project. To reduce the potential for soil erosion and the loss of topsoil, a Stormwater Pollution Prevention Plan (SWPPP) is required by

the Regional Water Quality Control Board (RWQCB) regulations to be developed by a QSD (Qualified SWPPP Developer). The SWPPP is required to address site-specific conditions related to specific grading and construction activities. The SWPPP is required to identify potential sources of erosion and sedimentation loss of topsoil during construction, identify erosion control BMPs to reduce or eliminate the erosion and loss of topsoil, such as use of silt fencing, fiber rolls, or gravel bags, stabilized construction entrance/exit, and hydroseeding. With compliance with the City's Municipal Code, RWQCB requirements, and the BMPs in the SWPPP that is required to be prepared to implement the project included as PPP WQ-1, construction impacts related to erosion and loss of topsoil would be less than significant.

In addition, the proposed project includes installation of landscaping, such that during operation of the project substantial areas of loose topsoil that could erode would not exist. Also, as described in Section 10, *Hydrology and Water Quality*, the onsite drainage features that would be installed by the project have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system, which would also reduce the potential for stormwater to erode topsoil during project operations. Furthermore, implementation of the project requires City approval of a site specific Water Quality Management Plan (WQMP), which would ensure that the City's Municipal Code, RWQCB requirements, and appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur. As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

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 offsite landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact. As described above, the project site is flat, and does not contain nor is adjacent to any slope or hillside area. The project would not create slopes. Thus, on or off-site landslides would not occur from implementation of the project.

Lateral spreading, a phenomenon associated with seismically induced soil liquefaction, is a display of lateral displacement of soils due to inertial motion and lack of lateral support during or post liquefaction. It is typically exemplified by the formation of vertical cracks on the surface of liquefied soils, and usually takes place on gently sloping ground or level ground with nearby free surface such as drainage or stream channel.

As described previously, the California Department of Conservation geotechnical mapping shows that the project site, and a large portion of the City, is located within a liquefaction hazard zone. The site contains high groundwater and the site soils consist of fine sandy loam, which could be liquifiable. However, as described previously, compliance with the CBC, as included as PPP GEO-1, would require preparation of a geotechnical study and specific engineering design recommendations be incorporated into grading plans and building specifications as a condition of construction permit approval to ensure that project structures would withstand the effects related to ground movement, including liquefaction and lateral spreading. Thus, impacts would be less than significant.

Differential settlement or subsidence could occur if buildings or other improvements are built on low-strength foundation materials (including imported fill) or if improvements straddle the boundary between different types of subsurface materials (e.g., a boundary between native material and fill). Although differential settlement generally occurs slowly enough that its effects are not dangerous to inhabitants, it can cause building damage over time. Soils susceptible to seismically

induced settlement typically include dry loose sands, such as the fine sandy loam soils on the site. However, differential settlement can generally be eliminated using a post-tensioned slab, which would occur in compliance with the CBC. Therefore, with implementation of existing regulations impacts would be less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less Than Significant Impact. Expansive soils contain certain types of clay minerals that shrink or swell as the moisture content changes; the shrinking or swelling can shift, crack, or break structures built on such soils. Arid or semiarid areas with seasonal changes of soil moisture experiences, such as southern California, have a higher potential of expansive soils than areas with higher rainfall and more constant soil moisture.

The Preliminary Water Quality Management Plan (included as Appendix F) describes that the site soils consist of fine sandy loam, which do not contain clay and are not expansive. Also, as described previously, compliance with the CBC, as included as PPP GEO-1, would require specific engineering design recommendations be incorporated into grading plans and building specifications as a condition of construction permit approval to ensure that project structures would withstand the effects related to ground movement, including expansive soils. Thus, impacts would be less than significant.

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?

No Impact. The project would not use septic tanks or alternative methods for disposal of wastewater into subsurface soils. Furthermore, the proposed project would connect to existing public wastewater infrastructure. Therefore, the project would not result in any impacts related to septic tanks or alternative wastewater disposal methods.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact with Mitigation Incorporated. The geologic units underlying the project site are mapped as Young alluvial fan deposits (Qyfsa) are Holocene and late Pleistocene-aged alluvial-fan deposits. The recent sediments are unlikely to contain significant vertebrate fossils; however, older Quaternary deposits at unknown depth have the potential to yield fossils.

The Phase 1 Cultural and Paleontological Resources Assessment prepared for the project included a locality search through the Natural History Museum of Los Angeles County (LACM) to identify any previously identified paleontological resources near the project site. The closest vertebrate fossil localities are located approximately two miles southeast of the project site in similar sediments that underlie the site, either at the surface or at depth. Due to the potential that project excavation may encroach into paleontologically sensitive older Quaternary sediments that may underly the younger Quaternary alluvium sediments, the Phase 1 Cultural and Paleontological Resources Assessment determined that the project site has a moderate sensitivity to contain paleontological resources. Therefore, Mitigation Measure PAL-1 has been included to require paleontological resource monitoring during project excavation or grading activities that have the potential to disturb native sediments at or below five feet in depth. In the event that paleontological resources are

encountered, Mitigation Measure PAL-1 would require ground-disturbing activity within 50 feet of the area of the discovery to cease so that the paleontologist can examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered. With implementation of Mitigation Measure PAL-1, impacts to paleontological resources would be less than significant.

Existing Plans, Programs, or Policies

PPP GEO-1: **California Building Code.** Prior to issuance of any construction permits, the project is required to demonstrate compliance with the California Building Code as included in the City's Municipal Code Chapter 18.26 to preclude significant adverse effects associated with seismic hazards. California Building Code related and geologist and/or civil engineer specifications for the project are required to be incorporated into grading plans and specifications as a condition of construction permit approval.

PPP WQ-1: **NPDES/SWPPP.** Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resources Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.

Mitigation Measures

Mitigation Measure PAL-1: Paleontological Resources. A paleontologist selected from the roll of qualified paleontologists maintained by the City or the County shall be retained to provide monitoring services for grading, excavation, and other activities that would disturb native sediments at or below 5 feet in depth. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological spot-check monitoring of excavation and grading of native sediments at depths of 5 feet or greater. The PRIMP shall state that the project paleontologist shall re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than 5 feet have been completed.

In the event that paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.

Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens

for curation and research purposes. Recovery, salvage and treatment shall be done at the applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.

Sources

California Department of Conservation Geologic Mapping. Accessed: https://maps.conservation.ca.gov/cgs/EQZApp/

Phase 1 Cultural and Paleontological Resources Assessment. Prepared by Material Culture Consulting. 2021. (MCC 2021). Appendix C.

Preliminary Water Quality Management Plan, 2021. Prepared by Huitt-Zollars (Appendix F).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

The discussion below is based on Air Quality, Energy, and Greenhouse Gas Impact Analysis (AQ 2021), prepared by EPD Solutions, included as Appendix A.

GHG Thresholds

The City of Fountain Valley has not adopted a numerical significance threshold to evaluate greenhouse gas (GHG) impacts. SCAQMD does not have approved thresholds; however, it does have draft thresholds that provides a tiered approach to evaluate GHG impacts, which includes the following:

- Tier 1 consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA.
- Tier 2 consists of determining whether the project is consistent with a GHG reduction plan. If a project is consistent with a qualifying local GHG reduction plan, it does not have significant GHG emissions.
- Tier 3 consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project's construction emissions are averaged over 30 years and are added to the project's operational emissions. If a project's emissions are below one of the following screening thresholds, then the project is less than significant:
    - Residential and Commercial land use: 3,000 metric tons of carbon dioxide equivalent ($MTCO_2e$) per year
    - Industrial land use: 10,000 MTCO2e per year
    - Based on land use type: residential: 3,500 $MTCO_2e$ per year; commercial: 1,400 MTCO2e per year; or mixed use: 3,000 $MTCO_2e$ per year

The SCAQMD's draft threshold uses the Executive Order S-3-05 year 2050 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO_2 concentrations at 450 parts per million (ppm), thus stabilizing global climate. Therefore, for purposes of examining potential GHG impacts from implementation of the proposed project, and to provide a conservative analysis of potential impacts, the Tier 3 screening level for all land use projects of 3,000 $MTCO_2e$ was selected as the significance threshold.

In addition, SCAQMD methodology for project's construction are to average them over 30 years and then add them to the project's operational emissions to determine if the project would exceed the screening values listed above.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. Construction activities produce GHG emissions from various sources, such as site excavation, grading, utility engines, heavy-duty construction vehicles onsite, equipment hauling materials to and from the site, asphalt paving, building construction, and motor vehicles transporting the construction crew. In addition, operation of the proposed restaurant and residences would result in area and indirect sources of operational GHG emissions that would primarily result from vehicle trips, electricity and natural gas consumption, water transport (the energy used to pump water), and solid waste generation. GHG emissions from electricity consumed by the residences would be generated off-site by fuel combustion at the electricity provider. GHG emissions from water transport are also indirect emissions resulting from the energy required to transport water from its source.

The estimated operational GHG emissions that would be generated from implementation of the proposed project were determined using the California Emissions Estimator Model (CalEEMod), as detailed in Appendix A. In accordance with SCAQMD recommendation, the project's amortized construction related GHG emissions provided in Table GHG-1 are added to the operational emissions estimate in Table GHG-2 in order to determine the project's total annual GHG emissions. As shown on Table GHG-2, the project would result in approximately 1,698 $MTCO_2e$ per year, which would be below the screening threshold of 3,000 $MTCO_2e$ per year. Therefore, impacts related to greenhouse gas emissions would be less than significant.

Table GHG-1: Greenhouse Gas Construction Emissions

Activity	Bio CO_2	NBio CO_2	Total CO_2	CH_4	N_20	Total ($MTCO_2e$)
2022	0	256	256	0.1	0	260
2023	0	644	644	0.1	0	653
Total Construction Emissions	**0**	**896**	**896**	**0.2**	**0**	**913**
Total Emissions Amortized Over 30 Years						**30**

Source: AQ 2021, Appendix A.

Table GHG-2: Project Total Net Greenhouse Gas Emissions

Activity	Bio CO_2	NBio CO_2	Total CO_2	CH_4	N_20	Total GHG Emissions ($MTCO_2e$)
Area	0	5	5	0	0	5
Energy	0	694	694	0	0	697
Mobile	0	1,765	1,765	0.1	0.1	1791
Waste	56	0	56	3.3	0	138
Water	6	71	77	0.7	0	99
Subtotal	**62**	**2,534**	**2,596**	**4.1**	**0.1**	**2,730**
Amortized Construction Emissions						30
Total Emissions						**2,760**
Existing Emissions						1,058
Total Net Emissions						**1,702**
Significance Threshold						3,000
Threshold Exceeded?						**No**

Source: AQ 2021, Appendix A.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The proposed project would redevelop the site with multi-family residences, a restaurant, and an art gallery that would comply with state programs that are designed to be energy efficient. The proposed project would comply with all mandatory measures under the California Title 24, California Energy Code, and the CalGreen Code, which would provide efficient energy and water consumption. The City's administration of the requirements includes review of the energy conservation measures during the permitting process, which ensures that all requirements are met. Also, as described in Section 17, *Transportation*, the proposed project would result in a less than significant vehicle miles traveled (VMT) impact because the project is located within a low VMT generating area; and therefore, is consistent with the regional Sustainable Communities Strategy.

In addition, the California Air Resources Board (CARB) Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32 to reduce GHG emissions levels. The CARB Scoping Plan also reflects the 2030 target of a 40% reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. The proposed project would be consistent with the applicable measures established in the Scoping Plan, as shown in Table GHG-3. Therefore, the proposed project would not conflict with existing plans, policies, and regulations adopted for the purpose of reducing the emissions of greenhouse gas.

Table GHG-3: Project Consistency with CARB Scoping Plan

Action	Responsible Parties	Consistency
Implement SB 350 by 2030		
Increase the Renewables Portfolio Standard to 50% of retail sales by 2030 and ensure grid reliability.	CPUC, CEC, CARB	**Consistent.** The project site uses energy from Southern California Edison (SCE). SCE has committed to diversify its portfolio of energy sources by increasing energy from wind and solar sources. The project would not interfere with or obstruct SCE energy source diversification efforts.
Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030.		**Consistent.** The project is designed to implement the energy efficiency measures. The project would not interfere with or obstruct policies or strategies to establish annual targets for statewide energy efficiency savings and demand reduction.
Reduce GHG emissions in the electricity sector through the implementation of the above measures and other actions as modeled in Integrated Resource Planning (IRP) to meet GHG emissions reductions planning targets in the IRP process. Load-serving entities and publicly- owned utilities meet GHG emissions reductions planning targets through a combination of measures as described in IRPs.		**Consistent.** The new development would be designed and constructed to implement the Title 24 (CalGreen) Standards.

Action	Responsible Parties	Consistency
Implement Mobile Source Strategy (Cleaner Technology and Fuels)		
At least 1.5 million zero emission and plug-in hybrid light-duty EV by 2025.	CARB, California State Transportation Agency (CalSTA), Strategic Growth Council (SGC), California Department of Transportation (Caltrans), CEC, OPR, Local Agencies	**Consistent.** This is a CARB Mobile Source Strategy. The project would not obstruct or interfere with CARB zero emission and plug-in hybrid light-duty EV 2025 targets.
At least 4.2 million zero emission and plug-in hybrid light-duty EV by 2030.		**Consistent.** This is a CARB Mobile Source Strategy. The project would not obstruct or interfere with CARB zero emission and plug-in hybrid light-duty EV 2030 targets.
Further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean cars regulations.		**Consistent.** This is a CARB Mobile Source Strategy. The project would not obstruct or interfere with CARB efforts to further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean cars regulations.
Medium- and Heavy-Duty GHG Phase 2.		**Consistent.** This is a CARB Mobile Source Strategy. The project would not obstruct or interfere with CARB efforts to implement Medium- and Heavy-Duty GHG Phase 2.
Innovative Clean Transit: Transition to a suite of to-be-determined innovative clean transit options. Assumed 20% of new urban buses purchased beginning in 2018 will be zero emission buses with the penetration of zero-emission technology ramped up to 100% of new sales in 2030. Also, new natural gas buses, starting in 2018, and diesel buses, starting in 2020, meet the optional heavy-duty low-NO_X standard.		**Consistent.** This is a CARB Mobile Source Strategy. The project would not obstruct or interfere with CARB efforts improve transit-source emissions.
Last Mile Delivery: New regulation that would result in the use of low NO_X or cleaner engines and the deployment of increasing numbers of zero-emission trucks primarily for class 3-7 last mile delivery trucks in California. This measure assumes ZEVs comprise 2.5% of new Class 3–7 truck sales in local fleets starting in 2020, increasing to 10% in 2025 and remaining flat through 2030.		**Consistent.** This is a CARB Mobile Source Strategy. The project would not obstruct or interfere with CARB efforts to improve last mile delivery emissions.
Further reduce vehicle miles traveled (VMT) through continued implementation of SB 375 and regional Sustainable Communities Strategies; forthcoming statewide implementation of SB 743; and potential additional VMT reduction strategies not specified in the Mobile Source Strategy but included in the document "Potential VMT Reduction Strategies for Discussion."		**Consistent.** The project would not obstruct or interfere with implementation of SB 375 and; would therefore, not conflict with this measure.
Increase stringency of SB 375 Sustainable Communities Strategy (2035 targets).	CARB	**Consistent.** This is a CARB Mobile Source Strategy. The project would not obstruct or interfere with CARB efforts to Increase

Action	Responsible Parties	Consistency
		stringency of SB 375 Sustainable Communities Strategy (2035 targets).
Harmonize project performance with emissions reductions and increase competitiveness of transit and active transportation modes (e.g. via guideline documents, funding programs, project selection, etc.).	CalSTA, SGC, OPR, CARB, Governor's Office of Business and Economic Development (GO-Biz), California Infrastructure and Economic Development Bank (IBank), Department of Finance (DOF), California Transportation Commission (CTC), Caltrans	**Consistent.** The project would not obstruct or interfere with agency efforts to harmonize transportation facility project performance with emissions reductions and increase competitiveness of transit and active transportation modes.
By 2019, develop pricing policies to support low-GHG transportation (e.g. low-emission vehicle zones for heavy duty, road user, parking pricing, transit discounts).	CalSTA, Caltrans, CTC, OPR, SGC, CARB	**Consistent.** The project would not obstruct or interfere with agency efforts to develop pricing policies to support low-GHG transportation.
Implement California Sustainable Freight Action Plan		
Improve freight system efficiency.	CalSTA, CalEPA, CNRA, CARB, Caltrans, CEC, GO-Biz	**Consistent.** This measure would apply to all trucks accessing the project area, this may include existing trucks or new trucks that are part of the statewide goods movement sector. The project would not obstruct or interfere with agency efforts to Improve freight system efficiency.
Deploy over 100,000 freight vehicles and equipment capable of zero emission operation and maximize both zero and near-zero emission freight vehicles and equipment powered by renewable energy by 2030.		**Consistent.** The project would not obstruct or interfere with agency efforts to deploy over 100,000 freight vehicles and equipment capable of zero emission operation and maximize both zero and near-zero emission freight vehicles and equipment powered by renewable energy by 2030.
Adopt a Low Carbon Fuel Standard with a Carbon Intensity reduction of 18%.	CARB	**Consistent.** The project would not obstruct or interfere with agency efforts to adopt a Low Carbon Fuel Standard with a Carbon Intensity reduction of 18%.

Action	Responsible Parties	Consistency
Implement the Short-Lived Climate Pollutant Strategy (SLPS) by 2030		
40% reduction in methane and hydrofluorocarbon emissions below 2013 levels.	CARB, CalRecycle, CDFA, SWRCB, Local Air Districts	**Consistent.** These are not emission related to the proposed project. Hence, the proposed project would not obstruct or interfere agency efforts to reduce SLPS emissions.
50% reduction in black carbon emissions below 2013 levels.		
By 2019, develop regulations and programs to support organic waste landfill reduction goals in the SLCP and SB 1383.	CARB, CalRecycle, CDFA SWRCB, Local Air Districts	**Consistent.** The project would be required through City permitting to implement waste reduction and recycling measures consistent with state and City requirements. The project would not obstruct or interfere agency efforts to support organic waste landfill reduction goals in the SLCP and SB 1383.
Implement the post-2020 Cap-and-Trade Program with declining annual caps.	CARB	**Consistent.** The project is not applicable to implementation of Cap-and-Trade Program provisions. Thus, the project would not obstruct or interfere implementation the post-2020 Cap-and-Trade Program.
By 2018, develop Integrated Natural and Working Lands Implementation Plan to secure California's land base as a net carbon sink		
Protect land from conversion through conservation easements and other incentives.	CNRA, Departments Within CDFA, CalEPA, CARB	**Consistent.** The project site is in an urban area and does not include, or adjacent to, conservation easements. Thus, the project would not obstruct or interfere agency efforts to protect land from conversion through conservation easements and other incentives.
Increase the long-term resilience of carbon storage in the land base and enhance sequestration capacity		**Consistent.** The project provides for redevelopment within an urban area. The project would not obstruct or interfere agency efforts to increase the long-term resilience of carbon storage in the land base and enhance sequestration capacity.
Utilize wood and agricultural products to increase the amount of carbon stored in the natural and built environments		**Consistent.** Where appropriate, new development would incorporate wood or wood products. The project would not obstruct or interfere agency efforts to encourage use of wood and agricultural products to increase the amount of carbon stored in the natural and built environments.
Establish scenario projections to serve as the foundation for the Implementation Plan		**Consistent.** The project would not obstruct or interfere agency efforts to establish scenario projections to serve as the foundation for the Implementation Plan.

Action	Responsible Parties	Consistency
Establish a carbon accounting framework for natural and working lands as described in SB 859 by 2018	CARB	**Consistent.** The project would not obstruct or interfere agency efforts to establish a carbon accounting framework for natural and working lands as described in SB 859.
Implement Forest Carbon Plan	CNRA, California Department of Forestry and Fire Protection (CAL FIRE), CalEPA and Departments Within	**Consistent.** The project would not obstruct or interfere agency efforts to implement the Forest Carbon Plan.
Identify and expand funding and financing mechanisms to support GHG reductions across all sectors.	State Agencies & Local Agencies	**Consistent.** The project would not obstruct or interfere agency efforts to identify and expand funding and financing mechanisms to support GHG reductions across all sectors.

Existing Plans, Programs, or Policies

PPP E-1: CalGreen Compliance. As listed previously in Section 6, *Energy*.

Mitigation Measures

None.

Sources

Air Quality, Energy, and Greenhouse Gas Impact Analysis. Prepared by EPD Solutions (AQ 2021), Appendix A.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within 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 result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

The discussion below is based on the Phase I Environmental Site Assessments that were prepared for the project site in 2017 and 2018, which are included as Appendix D and Appendix E, both prepared by Partner Engineering and Science. The purpose of the Phase I Environmental Site Assessments was to identify any recognized environmental conditions (RECs), historical RECs (HRECs), or controlled RECs (CRECs) within the project site.

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. A hazardous material is defined as any material that, due to its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous wastes, and any material that regulatory agencies have a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the home, workplace, or environment. Hazardous wastes require special handling and disposal because of their potential to damage public health and the environment.

Construction
The proposed construction activities would involve the routine transport, use, and disposal of hazardous materials such as paints, solvents, oils, grease, and caulking during construction activities. In addition, hazardous materials would routinely be needed for fueling and servicing construction equipment on the site. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by federal and state regulations that are implemented by the City during building permitting for construction activities. Construction of the project would not require the use of acutely hazardous materials. As such, impacts to surrounding residential neighborhoods through the routine transport, use, or disposal of hazardous materials is not expected. Therefore, impacts related to use of these materials during construction would be less than significant.

Operation
The project involves operation of a restaurant, an art gallery, and 270 new multi-family residences, which involve routinely using hazardous materials including solvents, cleaning agents, paints, pesticides, batteries, fertilizers, and aerosol cans. These types of materials are not acutely hazardous and would only be used and stored in limited quantities. The normal routine use of these hazardous materials products pursuant to existing regulations would not result in a significant hazard to people or the environment in the vicinity of the project. Therefore, operation of the project would not result in a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous waste, and impacts would be less than significant.

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?

Less Than Significant Impact. The Phase I Environmental Site Assessments that were prepared for the project site (Appendix D and Appendix E) did not identify any recognized environmental conditions (RECs), historical RECs (HRECs), or controlled RECs (CRECs) within the project site that could result in a potential release of hazardous materials into the environment.

Construction
Accidental Releases. While the routine use, storage, transport, and disposal of hazardous materials in accordance with applicable regulations during construction activities would not pose health risks or result in significant impacts; improper use, storage, transportation and disposal of hazardous materials and wastes could result in accidental spills or releases, posing health risks to workers, the public, and the environment. To avoid an impact related to an accidental release, the use of best management practices (BMPs) during construction are implemented as part of a Stormwater Pollution Prevention Plan (SWPPP) as required by the National Pollutant Discharge Elimination System General Construction Permit (and included as PPP WQ-1). Implementation of an SWPPP

would minimize potential adverse effects to workers, the public, and the environment. Construction contract specifications would include strict on-site handling rules and BMPs that include, but are not limited to:

- Establishing a dedicated area for fuel storage and refueling and construction dewatering activities that includes secondary containment protection measures and spill control supplies;
- Following manufacturers' recommendations on the use, storage, and disposal of chemical products used in construction;
- Avoiding overtopping construction equipment fuel tanks;
- Properly containing and removing grease and oils during routine maintenance of equipment; and
- Properly disposing of discarded containers of fuels and other chemicals.

Asbestos Containing Materials. The existing buildings were constructed in 1967 and 1974 when many structures were constructed with what are now recognized as hazardous building materials, such as lead and asbestos. Demolition of the existing structures could result in the release of hazardous materials. However, asbestos abatement contractors must follow state regulations contained in California Code of Regulations Sections 1529, and 341.6 through 341.14 as implemented by SCAQMD Rule 1403 to ensure that asbestos removed during demolition of the existing buildings is transported and disposed of at an appropriate facility. The contractor and hauler of the material are required to file a Hazardous Waste Manifest that details the hauling of the material from the site and the disposal of it. Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition permit until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. These requirements are included as PPP HAZ-1 to ensure that the project applicant submits verification to the City that the appropriate activities related to asbestos have occurred, which would reduce the potential of impacts related to asbestos to a less than significant level.

Lead Based Materials. Lead-based materials may also be located within the existing building structures. The lead exposure guidelines provided by the U.S. Department of Housing and Urban Development provide regulations related to the handling and disposal of lead-based products. Federal regulations to manage and control exposure to lead-based paint are described in Code of Federal Regulations Title 29, Section 1926.62, and state regulations related to lead are provided in the California Code of Regulations Title 8 Section 1532.1, as implemented by Cal-OSHA. These regulations cover the demolition, removal, cleanup, transportation, storage and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring and compliance to ensure the safety of construction workers exposed to lead-based materials. Cal/OSHA's Lead in Construction Standard requires project applicants to develop and implement a lead compliance plan when lead-based paint would be disturbed during construction or demolition activities. The plan must describe activities that could emit lead, methods for complying with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction activities. In addition, Cal/OSHA requires 24-hour notification if more than 100 square feet of lead-based paint would be disturbed. These requirements are included as PPP HAZ-2 to ensure that the project applicant submits verification to the City that the appropriate activities related to lead have occurred, which would reduce the potential of impacts related to lead-based materials to a less than significant level.

Operation
As described previously, the proposed restaurants and multi-family residences involve use and storage of common hazardous materials such as paints, solvents, cleaning products, fuels, lubricants, adhesives, sealers, and pesticides/herbicides. Normal routine use of typical residential products pursuant to existing regulations would not result in a significant hazard to the environment, residents, or workers in the vicinity of the project.

c) Emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The closest operational school is the Kazuo Masuda Middle School, which is approximately 0.4 mile east of the project site at 17415 Los Jardines W. Thus, the proposed project would not be within 0.25 mile of a school.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. According to the Phase I Environmental Site Assessments, which included a database search of local, regional, state, and federal databases related to hazardous materials, which determined that the project site is not identified as a hazardous materials site. Also, the Geotracker database does not identify any hazardous materials sites or contamination on or nearby the project site. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, impacts would not occur.

e) For a project within 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 result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The proposed project is not within an airport land use plan and is not within 2 miles of an airport. The closest airport to the project site is John Wayne Airport, which is located 5.2 miles southeast of the project site. Therefore, the proposed project would not result in an impact to an airport land use plan and would not result in a safety hazard or excessive noise for people residing or working in the project area.

f) Impair implementation of an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The proposed project would not physically interfere with an adopted emergency response plan or emergency evacuation plan.

Construction
Short-term construction activities would occur within the project site and would not restrict access of emergency vehicles to the project site or adjacent areas. In addition, travel along surrounding roadways would remain open and would not interfere with emergency access in the site vicinity. Any temporary lane closures needed for utility connections to Slater Avenue, San Mateo Street, and El Corazon Avenue or driveway access construction would be implemented consistent with the recommendations of the Work Area Traffic Control Handbook (Public Works Standards, Inc. 2019),

as incorporated into the construction permits. Thus, impacts related to an emergency response or evacuation plan during construction would be less than significant.

Operation
Direct access to the project site would be provided from San Mateo Avenue. The project is required to provide vehicular access and fire suppression facilities (e.g., hydrants and sprinklers) that conform to the California Fire Code requirements, included in the Municipal Code as Section 17.02.020, and included as PPP HAZ-1, as verified through the City's permitting process. Fire department access is available via public roads on the south, west, and north, and a fire lane would provide access along the eastern edge of the site. With implementation of existing code requirements that would be verified by the City during project permitting, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. The project site is within an urbanized residential area of the City of Fountain Valley. The project site is bounded to the south by Slater Avenue followed by City Hall, San Mateo Street followed by office uses and the school district's administration building to the west, El Corazon Avenue followed by multi-family residences to the north, and multi-family residences to the east. The project site is not adjacent to any wildland areas. According to the CAL FIRE Hazard Severity Zone map, the project site is not within a fire hazard zone. As a result, the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Existing Plans, Programs, or Policies

PPP WQ-1: NPDES/SWPPP. As listed below in Section 10, *Hydrology and Water Quality*.

PPP HAZ-1: SCAQMD Rule 1403, Asbestos. Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted on the structures proposed for demolition. If asbestos is found, the project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.

PPP HAZ-2: Lead. Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted on the structures proposed for demolition. If lead-based paint is found, the project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. Cal-OSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.

PPP HAZ-3: Fire Code. The project shall conform to the California Fire Code, as included in the City's Municipal Code in Section 17.020.

Mitigation Measures

None.

Sources

California Department of Forestry and Fire Protection (CAL FIRE). 2020. Fire Hazard Severity Zone Map. Accessed: https://forestwatch.maps.arcgis.com/apps/Styler/index.html?appid=5e96315793d445419b6c96f89ce5d153

Phase I Environmental Site Assessment for 10221 and 10231 Slater Avenue. Prepared by Partner Engineering and Science (Phase 1 2017), Appendix D.

Phase I Environmental Site Assessment for 10201 Slater Avenue. Prepared by Partner Engineering and Science (Phase 1 2018), Appendix E.

Work Area Traffic Control Handbook (Public Works Standards, Inc. 2019), prepared by Public Works Standards, Inc. Accessed: http://www.watchbook.org/

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
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 substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
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	☐	☐	☒	☐
iv) impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

The discussion below is based on the Preliminary Water Quality Management Plan, prepared by Huitt-Zollars, included as Appendix F.

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact.

Construction

Implementation of the proposed project includes demolition of the existing structures and pavement, site preparation, construction of new buildings, and infrastructure improvements. Demolition of existing structures, grading, stockpiling of materials, excavation, construction of new structures, and landscaping activities would expose and loosen sediment and building materials, which would have the potential to mix with stormwater and urban runoff and degrade surface and receiving water quality.

Construction would require the use of heavy equipment and construction-related materials and chemicals, such as concrete, cement, asphalt, fuels, oils, antifreeze, transmission fluid, grease, solvents, and paints. In the absence of proper controls, these potentially harmful materials could be accidentally spilled or improperly disposed of during construction activities and could wash into and pollute surface waters or groundwater, resulting in a significant impact to water quality.

Pollutants of concern during construction activities generally include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. In addition, chemicals, liquid products, petroleum products (such as paints, solvents, and fuels), and concrete-related waste may be spilled or leaked during construction, which would have the potential to be transported via storm runoff into nearby receiving waters and eventually may affect surface or groundwater quality. During construction activities, excavated soil would be exposed, thereby increasing the potential for soil erosion and sedimentation to occur compared to existing conditions. In addition, during construction, vehicles and equipment are prone to tracking soil and/or spoil from work areas to paved roadways, which is another form of erosion that could affect water quality.

However, the use of BMPs during construction implemented as part of a SWPPP as required by the NPDES General Construction Permit and included as PPP WQ-1 would serve to ensure that project impacts related to construction activities resulting in a degradation of water quality would be less than significant. Furthermore, an Erosion and Sediment Transport Control Plan prepared by a qualified SWPPP developer (QSD) is required to be included in the SWPPP for the project, and typically includes the following types of erosion control methods that are designed to minimize potential pollutants entering stormwater during construction:

- Prompt revegetation of proposed landscaped areas;
- Perimeter gravel bags or silt fences to prevent off-site transport of sediment;
- Storm drain inlet protection (filter fabric gravel bags and straw wattles), with gravel bag check dams within paved roadways;
- Regular sprinkling of exposed soils to control dust during construction and soil binders for forecasted wind storms;
- Specifications for construction waste handling and disposal;
- Contained equipment wash-out and vehicle maintenance areas;
- Erosion control measures including soil binders, hydro mulch, geotextiles, and hydro seeding of disturbed areas ahead of forecasted storms;
- Construction of stabilized construction entry/exits to prevent trucks from tracking sediment on City roadways;

- Construction timing to minimize soil exposure to storm events; and
- Training of subcontractors on general site housekeeping.

Therefore, compliance with the Statewide General Construction Activity Stormwater Permit requirements, included as PPP WQ-1, which would be verified during the City's construction permitting process, would ensure that project impacts related to construction activities resulting in a degradation of water quality would be less than significant.

Operation
The proposed project includes operation of multi-family residential, art gallery, and restaurant uses. Potential pollutants associated with the proposed uses include various chemicals from cleaners, pathogens from pet wastes, nutrients from fertilizer, pesticides and sediment from landscaping, trash and debris, and oil and grease from vehicles. If these pollutants discharge into surface waters, it could result in degradation of water quality.

However, operation of the proposed project would be required to comply with the requirements of the Santa Ana Regional MS4 Permit and County of Orange Drainage Area Management Plan (DAMP) to develop of a project-specific WQMP (included as PPP WQ-2) that would describe implementation of low-impact development (LID) infrastructure and non-structural, structural, and source control and treatment control BMPs to protect surface water quality.

The DAMP regulations are included in the City's Municipal Code in Section14.40.040 and are the implementation method for National Pollutant Discharge Elimination System (NPDES) Stormwater Permit compliance (included in the Municipal Code as Section 21.18.120). The DAMP:

- Provides the framework for the program management activities and plan development;
- Provides the legal authority for prohibiting unpermitted discharges into the storm drain system and for requiring BMPs in new development and significant redevelopment;
- Ensures that all new development and significant redevelopment incorporates appropriate Site Design, Source Control, and Treatment Control BMPs to address specific water quality issues; and
- Ensures that construction sites implement control practices that address construction related pollutants including erosion and sediment control and onsite hazardous materials and waste management.

The DAMP requires that new development and significant redevelopment projects (or priority projects), such as the proposed project, develop and implement a WQMP that includes BMPs and LID design features that would provide onsite treatment of stormwater to prevent pollutants from onsite uses from leaving the site. A Preliminary WQMP has been developed (included as Appendix F) per these requirements and recommends various BMPs to be incorporated into the project, including those listed in Table WQ-1. The WQMP is required to be approved prior to the issuance of a building or grading permit.

Stormwater runoff on the redeveloped project site would be treated by biotreatment planter box units and would be discharged into the existing underground storm drain infrastructure located on the southeast of the site. The biotreatment planter box units have been sized to treat runoff from the Design Capture Storm (85th percentile, 24-hour) from the project site. The biotreatment planter

box units are soil and plant-based filtration devices that remove pollutants through physical, biological, and chemical treatment processes. The units include a ponding area, mulch layer, planting soils, and plants. Stormwater on the site is routed to the units and as it passes down through the planting soil, pollutants are filtered, adsorbed, biodegraded, and sequestered by the soil and plants. After filtration, the stormwater would be routed by drains under the planter box units to the existing storm drains that are adjacent to the project site.

Table WQ-1: Types of BMPs Incorporated into the Project Design

Type of BMP	Description of BMPs
LID Site Design	Optimize the site layout: The site has been designed so that runoff from impervious surfaces would flow to biotreatment planter box units for infiltration and treatment. This would slow and retain runoff.
	Use pervious surfaces: Landscaping is incorporated into the Project design to increase the amount of pervious area and onsite retention of storm flows.
Source Control	Storm Drain Stenciling: All inlets/catch basins would be stenciled with the words "Only Rain Down the Storm Drain," or equivalent message.
	Need for future indoor & structural pest control: The buildings would be designed to avoid openings that would encourage entry of pests.
	Landscape/outdoor pesticide use: Final landscape plans would accomplish all of the following: • Design landscaping to minimize irrigation and runoff, to promote surface infiltration where appropriate, and to minimize the use of fertilizers and pesticides that can contribute to storm water pollution. • Consider using pest-resistant plants, especially adjacent to hardscape. • To ensure successful establishment, select plants appropriate to site soils, slopes, climate, sun, wind, rain, land use, air movement, ecological consistency, and plant interactions
	Roofing, gutters and trim: The architectural design would avoid roofing, gutters, and trim made of copper or other unprotected metals that may leach into runoff.
	Plazas, sidewalks, and parking lots: Plazas, sidewalks, and parking lots shall be swept regularly to prevent the accumulation of litter and debris. Debris from pressure washing would be collected to prevent entry into the storm drain system. Wash water containing any cleaning agent or degreaser would be collected and discharged to the sanitary sewer and not discharged to a storm drain.
Treatment Control	Biofiltration Systems: The proposed biotreatment planter box units would detain runoff, filter it prior to discharge.

As described previously, the WQMP is required to be approved prior to the issuance of a building or grading permit. The project's WQMP would be reviewed and approved by the City to ensure it complies with the Santa Ana RWQCB MS4 Permit regulations. In addition, the City's permitting process would ensure that all BMPs in the WQMP would be implemented with the project. Overall, implementation of the WQMP pursuant to the existing regulations (included as PPP WQ-2) would ensure that operation of the proposed project would not violate any water quality standards, waste discharge requirements, or otherwise degrade water quality; and impacts would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less Than Significant Impact. The City's 2020 Urban Water Management Plan describes in 2019-2020 the City's water supply consisted of 88% groundwater and 12% recycled water. The 2020 UWMP describes that by the year 2045, the City's water supply would shift to 73% groundwater, 13% imported water, and 14% recycled water. The groundwater is managed by the Orange County Water District (OCWD). The OCWD manages basin water supply through the Basin Production Percentage (BPP), which is set based on groundwater conditions, availability of imported supplies, and precipitation. As detailed on Table WQ-2, the City's 2020 Urban Water Management Plan (UWMP) shows that the anticipated production of groundwater would increase slightly feet between 2025 and 2045. In 2045, groundwater would provide 73.2 percent of the City's water supply.

Table WQ-2: City of Fountain Valley Projected Water Supply Projections (acre-feet)

Source	2025	2030	2035	2040	2045	2045 Percentage
OC Groundwater Basin	7,301	7,234	7,330	7,410	7,410	73.2%
Imported/Purchased	1,288	1,277	1,294	1,308	1,308	12.9%
Recycled	1,400	1,400	1,400	1,400	1,400	13.8%
Total	**9,989**	**9,911**	**10,024**	**10,118**	**10,118**	**100%**

Source: 2020 UWMP.

As detailed in Section 19, *Utilities and Service Systems*, the supply of water listed in Table WQ-1 would be sufficient during both normal years and multiple dry year conditions between 2025 and 2045 to meet all of the City's estimated needs, including the proposed project. Therefore, the project would not result in changes to the projected groundwater pumping that would decrease groundwater supplies. Thus, impacts related to groundwater supplies would be less than significant.

The project site currently consists of 85.5 percent impervious surfaces (14.5 percent pervious). After completion of project construction, the site would be 91.1 percent impervious and 8.86 percent pervious (WQMP 2021), which is an increase of 5.6 percent pervious surface area. The project would convey stormwater drainage into biotreatment planter box units, and due to the existing high groundwater, treated stormwater would be conveyed to the existing storm drain system that is adjacent to the project site. Due to the existing paved/impervious condition of the site and the high groundwater that inhibits infiltration on the site, redevelopment of the site, which includes landscaping that would capture and infiltrate stormflows, would not substantially interfere with groundwater recharge or otherwise decrease groundwater supplies. Therefore, impacts would be less than significant.

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 substantial erosion or siltation on- or off-site;

Less Than Significant Impact. The project site is largely impervious and does not include, and is not adjacent to, a natural stream or river.

Construction
Construction of the proposed project would require demolition of the existing building structures, including foundations and floor slabs, and pavement that would expose and loosen building materials and sediment, which has the potential to mix with storm water runoff and result in

erosion or siltation off-site. However, the project site does not include any slopes, which reduces the erosion potential, and the large majority of soil disturbance would be related to excavation and backfill for installation of building foundations and underground utilities.

The NPDES Construction General Permit and Orange County DAMP require preparation and implementation of a SWPPP by a Qualified SWPPP Developer for the proposed construction activities (included as PPP WQ-1). The SWPPP is required to address site-specific conditions related to potential sources of sedimentation and erosion and would list the required BMPs that are necessary to reduce or eliminate the potential of erosion or alteration of a drainage pattern during construction activities.

In addition, a Qualified SWPPP Practitioner (QSP) is required to ensure compliance with the SWPPP through regular monitoring and visual inspections during construction activities. The SWPPP would be amended and BMPs revised, as determined necessary through field inspections, in order to protect against substantial soil erosion, the loss of topsoil, or alteration of the drainage pattern. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) would prevent construction-related impacts related to potential alteration of a drainage pattern or erosion from development activities. With implementation of the existing construction regulations that would be verified by the City during the permitting approval process, impacts related to alteration of an existing drainage pattern during construction that could result in substantial erosion, siltation, and increases in stormwater runoff would be less than significant.

Operation

The project site currently consists of 85.5 percent impervious surfaces (14.5 percent pervious). After completion of project construction, the site would be 91.1 percent impervious and 8.86 percent pervious (WQMP 2021), which is an increase of 5.6 percent pervious surface area. The impervious areas would not be subject to erosion and the pervious areas would be landscaped with groundcovers that would inhibit erosion.

The proposed project would maintain the existing drainage pattern. The runoff from the project area would be collected by drains, surface flow designed pavement, curbs, and conveyed to either landscaping areas or one of the biotreatment planter box units (described previously) for treatment. From the biotreatment planter box units treated flows would be conveyed by new onsite drainage system to the existing drainage system that is adjacent to the site.

The biotreatment planter box units contain mulch and soils that separate out larger solids and filters that reduce onsite soils being eroded to offsite locations. Additionally, the MS4 permit and DAMP require new development projects to prepare a WQMP (included as PPP WQ-2) that is required to include BMPs to reduce the potential of erosion and/or sedimentation through site design and structural treatment control BMPs. The Preliminary WQMP has been completed and is included as Appendix F. As part of the permitting approval process, the proposed drainage and water quality design and engineering plans would be reviewed by the City's Engineering Division to ensure that the site-specific design limits the potential for erosion and siltation. Overall, the proposed drainage system and adherence to the existing regulations would ensure that project impacts related to alteration of a drainage pattern and erosion/siltation from operational activities would be less than significant.

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

Less Than Significant Impact. The project site is largely impervious and does not include, and is not adjacent to, a natural stream or river.

Construction
Construction of the proposed project would require demolition of the existing building structures, including foundations, floor slabs, and utilities systems. These activities could temporarily alter the existing drainage pattern of the site and change runoff flow rates. However, as described previously, implementation of the project requires a SWPPP (included as PPP WQ-1) that would address site specific drainage issues related to construction of the project and include BMPs to eliminate the potential of flooding or alteration of a drainage pattern during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to potential alteration of a drainage pattern or flooding on or off-site from development activities. Therefore, construction impacts would be less than significant.

Operation
As described previously, the proposed project would result in a slight increase of impervious surfaces. The project would maintain the existing drainage pattern and convey runoff to landscaped areas or to a biotreatment planter box unit for treatment. The onsite drainage system has been designed to accommodate the stormwater volume pursuant to the MS4 permit and DAMP requirements, as detailed in the Preliminary Water Quality Management Plan, included as Appendix F. From the biotreatment planter box units, treated flows would be conveyed to the existing offsite storm drain system. As the site is largely impervious and the proposed drainage system has been designed to accommodate onsite stormwater flow conditions, an increase in the rate or amount of surface runoff in a manner which would result in flooding on- or offsite would not occur.

As part of the permitting approval process, the proposed drainage design and engineering plans would be reviewed by the City's Engineering Division to ensure that the proposed drainage would accommodate the appropriate design flows. Overall, the proposed drainage system and adherence to the existing MS4 permit and DAMP regulations would ensure that project impacts related to alteration of a drainage pattern or flooding from operational activities would be less than significant.

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

Less Than Significant Impact.
As described previously, the project site does not include, and is not adjacent to, a natural stream or river. Implementation of the project would not alter the course of a stream or river.

Construction

As described in the previous response, construction of the proposed project would require demolition and excavation activities that could temporarily alter the existing drainage pattern of the site and could result in increased runoff and polluted runoff if drainage is not properly controlled. However, implementation of the project requires a SWPPP (included as PPP WQ-1) that would address site specific pollutant and drainage issues related to construction of the project and include BMPs to eliminate the potential of polluted runoff and increased runoff during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to increases in run-off and pollution from development activities. Therefore, impacts would be less than significant.

Operation
As described previously, the proposed project would result in a slight increase of impervious surfaces. However, the project would manage stormwater flows with landscaping and a biotreatment planter box unit system that has been designed to accommodate the stormwater volume pursuant to the MS4 permit and DAMP requirements. The units would retain, filter, treat, and slowly discharge runoff into the existing storm drain system, and an increase in runoff that could exceed the capacity of storm drain systems and provide polluted runoff would not occur.

As part of the permitting approval process, the proposed drainage design and engineering plans would be reviewed by the City's Engineering Division to ensure that the proposed drainage would accommodate the appropriate design flows. Additionally, the City permitting process would ensure that the drainage system specifications adhere to the existing MS4 permit and DAMP regulations, which would ensure that pollutants are removed prior to discharge. Overall, with compliance to the existing regulations as verified by the City's permitting process, project impacts related to the capacity of the drainage system and polluted runoff would be less than significant.

iv. impede or redirect flood flows?

Less Than Significant Impact. According to the Federal Emergency Management Agency (FEMA) Map 06059C 0254J, the project site not within a flood zone (FEMA 2021). As detailed in the previous responses, implementation of the project would result in a 5.6 percent increase of impermeable surfaces on the site. However, the project would maintain the existing drainage pattern; and drainage would be accommodated by onsite landscaping and biotreatment planter box units that have been sized to accommodate the DAMP required design storm. Therefore, the project would not result in impeding or redirecting flood flows by the addition of the impervious surfaces. As detailed previously, the City's permitting process would ensure that the drainage system specifications adhere to the existing MS4 permit and DAMP regulations, and compliance with existing regulations would ensure that impacts would be less than significant.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact. According to the Federal Emergency Management Agency (FEMA) Map 06059C0254J, the project site not within a flood zone (FEMA 2021). Thus, the project site is not located within a

flood hazard area that could be inundated with flood flows and result in release of pollutants. Impacts related to flood hazards and pollutants would not occur from the project.

Tsunamis are generated ocean wave trains generally caused by tectonic displacement of the sea floor associated with shallow earthquakes, sea floor landslides, rock falls, and exploding volcanic islands. The proposed project is approximately 4.8 miles from the ocean shoreline. Based on the distance of the project site to the Pacific Ocean, the project site is not at risk of inundation from tsunami. Therefore, the proposed project would not risk release of pollutants from inundation from a tsunami. No impact would occur, and no mitigation is required.

Seiching is a phenomenon that occurs when seismic ground shaking induces standing waves (seiches) inside water retention facilities (e.g., reservoirs and lakes). Such waves can cause retention structures to fail and flood downstream properties. The project site is not located adjacent to any water retention facilities. For this reason, the project site is not at risk of inundation from seiche waves. Therefore, the proposed project would not risk release of pollutants from inundation from seiche. No impact would occur, and no mitigation is required.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. As described previously, use of BMPs during construction implemented as part of a SWPPP as required by the NPDES Construction General Permit and PPP WQ-1 would serve to ensure that project impacts related to construction activities resulting in a degradation of water quality would be less than significant. Thus, construction of the project would not conflict or obstruct implementation of a water quality control plan.

Also, as described previously, new development projects are required to implement a WQMP (per PPP WQ-2) that would comply with the Orange County DAMP. The WQMP and applicable BMPs are verified as part of the City's permitting approval process, and construction plans would be required to demonstrate compliance with these regulations. Therefore, operation of the proposed project would not conflict with or obstruct implementation of a water quality control plan.

In addition, as detailed previously, the OCWD manages basin water supply through the Basin Production Percentage (BPP), such that, the anticipated production of groundwater would remain steady from 2025 through 2040 (as shown in Table WQ-1). As described previously and further detailed in Section19, *Utilities and Service Systems*, the City's supply of water listed in Table WQ-1 would be sufficient during both normal years and multiple dry year conditions between 2020 and 2040 to meet all of the City's estimated needs, including the proposed project. Therefore, the project would be consistent with the groundwater management plan and would not conflict with or obstruct its implementation. Thus, impacts related to water quality control plan or sustainable groundwater management plan would be less than significant.

Existing Plans, Programs, or Policies

PPP WQ-1: NPDES/SWPPP. As listed previously in Section *7*, *Geology and Soils*.

PPP WQ-2: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be prepared by the project applicant and submitted to and approved by the City Building and Safety Division. The WQMP shall identify

all Post-Construction, Site Design. Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.

Mitigation Measures

None.

Sources

City of Fountain Valley 2020 Urban Water Management Plan. Accessed: https://www.fountainvalley.org/DocumentCenter/View/13696/2020-Urban-Water-Management-Plan

Preliminary Water Quality Management Plan, 2021. Prepared by Huitt-Zollars (Appendix F).

Federal Emergency Management Agency (FEMA). 2021. Flood Insurance Rate Map (FIRM) Map No. 06059C0254J. Accessed: https://msc.fema.gov/portal/home

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☒	☐

a) Physically divide an established community?

No Impact. The project site is currently developed with three buildings and is surrounded by roadways on three sides and multi-family residential development on the fourth side. The proposed project would redevelop the site to provide a new restaurant, art gallery, and 270 multi-family residential units. These uses are consistent with the existing multi-family residences to the north and east of the site, and the restaurant use would replace the existing restaurant and is complementary to both the residential uses and other retail commercial uses along Slater Avenue. Therefore, the change of the project site from a restaurant building and two office buildings to multi-family residential and restaurant would not physically divide an established community. In addition, the project would not change public roadways or install any infrastructure that would result in a physical division. The project includes a fire lane on the east side of the site that would be accessible to emergency vehicles. Thus, the proposed project would not result in impacts related to physical division of an established community.

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?

Less Than Significant Impact. As described previously, the project site is within an urban and developed area and is located adjacent to three roadways and multi-family residential development.

The project would redevelop the project site to provide 270 new multi-family residential units, a restaurant, and an art gallery, which would be similar to the multi-family residential uses that are north and east of the site, and replace the existing restaurant.

General Plan

The site is developed with restaurant and office uses and has a General Plan land use designation of General Commercial (up to 0.50 FAR), which does not have the purpose of avoiding or mitigating an environmental effect. The existing General Plan states that the General Commercial land use designation allows for a wide range of retail and service commercial uses designed to serve county-wide and regional populations. Permitted uses include: retail businesses, personal service uses, food and beverage establishments, hotels and motels, automotive sales and repair operations, as well as low intensity professional offices and financial institutions. These uses are not related to protection

of the environment or mitigating environmental effects.

The proposed project includes a General Plan Amendment to change the land use designation of the site to Mixed Use 1 (Up to 65 du/ac). The City is currently updating the General Plan and the MU-1 designation is being proposed as part of the GP update. The proposed MU-1 designation allows higher density residential uses mixed with non-residential uses such as retail, dining, entertainment, and offices. The intent is to make redevelopment of infill parcels more economically feasible (e.g. account for higher costs due to structured or subterranean parking). In addition to multi-family residential uses up to 65 du/ac, the MU-1 designation provides for entertainment uses, health and fitness centers, libraries and museums, recreational facilities, retail uses, grocery stores, restaurants, banks, business services, and other such uses that are similar to the uses allowed by the existing General Commercial designation. Thus, similar to the existing land use designation, the proposed land use designation does not provide for uses are not related to protection of the environment or mitigating environmental effects. Thus, a conflict adopted for the purpose of avoiding or mitigating an environmental effect would not occur from implementation of the proposed General Plan Amendment and MU-1 land use designation.

Zoning

The project site is currently zoned as Local Business (C-1 – 0.5 FAR), which is consistent with the existing General Commercial land use designation and does not involve protection of the environment. The project includes a zone change to a new zone of MU-1 to allow for the development of the 270 multi-family residential units and a restaurant (See Figure 9, *Proposed General Plan Designations*). The proposed new MU-1 zone allows for development of 65 dwelling units per acre and requires a minimum of 10 percent of the ground floor to be used for commercial/office uses and a maximum Floor Area Ratio (FAR) of 2.25 on sites that are between 1 and 5 acres in size. The new MU-1 zone is consistent with the proposed MU-1 land use designation that is part of the proposed General Plan Land Use Element Update and provides for the same uses, which, consistent with the existing Local Business zoning designation, is not related to protection of the environment or mitigating environmental effects.

The proposed project would implement the MU-1 density of 65 dwelling units per acre and a state-mandated density bonus due to the provision of 33 low-income units. As provided in the Project Description on Table 4, *Density Bonus Tabulation*, the density of residential units provided by the project is within the allowable density allocated to projects that include income-restricted units. As part of utilization of the state-mandated density bonus that allows an increase in density from 65 du/ac to the proposed 83 du/ac, state law also provides for zoning development standard concessions. As detailed previously in Table 5 of the Project Description and Section 1, *Aesthetics* on Tables AES-1, the proposed concessions and waivers to the zoning requirements include a 1.3-foot increase to the average building height, amount of ground-floor commercial/office uses, modification of the architectural standards along the east side of the project, storage area for residential units, and publicly available open space area. These proposed deviations from the MU-1 zoning standards do not involve protection of the environment or mitigating environmental effects. Further, in accordance with State density bonus law, the City must grant a waiver of any development standard that would preclude the construction of the project with the bonus density and incentives within the permitted building envelope unless the City finds that the requested waiver would have a specific, adverse impact upon health, safety, or the physical environment.

When a restaurant operator is selected, the project will require a CUP, which is a requirement of the MU-1 zone for development and operation of a large format restaurant. A CUP would provide for compliance with the existing zoning and does not result in a conflict with existing regulations.

Precise Plan of Design and Lot Line Adjustment
In addition to the proposed General Plan Amendment and zone change, the proposed project includes a precise plan of design and a lot line adjustment. A CUP would be required in the future prior to operation of the restaurant.

The City's Municipal Code Chapter 21.44, Precise Plan of Design, states that the requirement provides for reviewing development proposals to ensure that projects comply with all applicable development and design standards/guidelines, and minimize potential adverse effects, in compliance with the actions, goals, objectives and policies of the general plan. Thus, implementation of a Precise Plan of Design would ensure compliance with existing standards, and therefore, not conflict with regulations adopted for the purpose of avoiding or mitigating an environmental effect.

The project also includes a proposed lot line adjustment to consolidate the existing three parcels into one parcel that the proposed development would be constructed within. Municipal Code Chapter 21.76, Lot Line Adjustments and Parcel Mergers, provides procedures for the consolidation of parcels to occur. The lot line adjustment does not result in a conflict with existing regulations and is not related to regulations adopted for the purpose of avoiding or mitigating an environmental effect. Thus, impacts related to the proposed lot line adjustment would not occur.

Overall, the proposed project would not conflict with any applicable zoning regulations adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

Existing Plans, Programs, or Policies

None.

Mitigation Measures

None.

Sources

City of Fountain Valley General Plan Land Use Element. Accessed: https://www.fountainvalley.org/DocumentCenter/View/507/Chapter-2-Land-Use-Element-March-21-1995

City of Fountain Valley Municipal Code. Accessed: http://qcode.us/codes/fountainvalley/

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. MINERAL RESOURCES. Would the project:				
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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?

No Impact. The project site is designated Mineral Resource Zone 3 by the California Geological Survey, meaning the site is in an area containing mineral deposits whose significance cannot be evaluated from available data. As described previously, the project site is developed and surrounded by developed areas, which do not include mining. Thus, implementation of the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the state, and impacts would not occur.

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

No Impact. The City of Fountain Valley General Plan Conservation Element does not identify any mining or mineral resource sites within the City. As described in the previous response, the project site and surrounding areas do not contain known mineral resources. Therefore, no impacts related to the loss of availability of a locally important mineral resource recovery site, as delineated on a local general plan, specific plan, or other land use plan, would occur as a result of the project.

Existing Plans, Programs, or Policies

None.

Mitigation Measures

None.

Sources

City of Fountain Valley General Plan Conservation Element. Accessed: https://www.fountainvalley.org/DocumentCenter/View/515/Chapter-5-Conservation-Element-March-21-1995

California Department of Conservation's Division of Mine Reclamation Interactive Web Maps. Accessed: https://maps.conservation.ca.gov/mineralresources/

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. NOISE. Would the project result in:				
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?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☐	☒

The discussion below is based on the Noise Impact Analysis, 2021. Prepared by Vista Environmental, included as Appendix G.

Noise Element of the General Plan

The City's General Plan Noise Element includes a compatibility matrix (Table 7-8) to determine if new land uses are compatible with the existing noise environment. The table identifies noise environments that are less than 65 dBA CNEL to be normally compatible with single-family residential uses. Regarding land use compatibility, areas with existing ambient noise levels between 65 and 75 dBA CNEL are considered normally incompatible with single-family residential uses. Additionally, areas that have existing ambient noise levels above 75 dBA CNEL are considered clearly incompatible with single-family residential uses.

The General Plan Noise Element also includes exterior and interior noise standards for different types of land uses (Noise Element Figure 7-9). The noise standards for single-family residential uses require a maximum exterior noise level of 60 dBA CNEL and a maximum interior noise level of 45 dBA with windows closed.

Municipal Code

Section 6.28.070, Special Provisions. Construction activities shall be exempted from noise regulations as long as it occurs between 7:00 a.m. and 8:00 p.m., Monday through Friday; or between 9:00 a.m. to 8:00 p.m. on Saturday; and at no time on Sunday or any legal holiday.

Section 6.28.050, Exterior Noise Standards. Exterior noise level regulations for residential property are a maximum of 55 dBA between 7:00 a.m. and 10:00 p.m., and a maximum of 50 dBA between 10:00 p.m. and 7:00 a.m. for the following periods of time:

1. The noise standard for a cumulative period of more than 30 minutes in any hour.

2. The noise standard plus 5 dBA for a cumulative period of more than 15 minutes in any hour.
3. The noise standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour.
4. The noise standard plus 15 dBA for a cumulative period of more than 1 minute in any hour.
5. The noise standard plus 20 dBA for any period of time.

Section 6.28.147, Idling motor vehicles. No person shall leave standing any motor vehicle, including refrigeration trailers, with engine idling or auxiliary motor running for in excess of ten minutes between the hours of 10:00 p.m. and 7:00 a.m. if the engine or motor noise disturbs the peace or quiet of any residential neighborhood or causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

Federal Transit Administration

The construction noise threshold from *Transit Noise and Vibration Impact Assessment* (2018), identifies a significant construction noise impact if construction noise exceeds 80 dBA Leq over an eight-hour period during the daytime at the nearby sensitive receivers (e.g. residential, etc.).

The *Transit Noise and Vibration Impact Assessment* (2018) provide thresholds for increases in ambient noise from vehicular traffic based on increases to ambient noise. An impact would occur if existing noise levels at noise-sensitive land uses (e.g. residential, etc.) are less than 60 dBA CNEL and the project creates an increase of 3 dBA CNEL or greater project-related noise level increase; or if existing noise levels range from 60 to 65 dBA CNEL and the project creates 2 dBA CNEL or greater noise level increase.

Caltrans Transportation and Construction Vibration Guidance Manual

The City does not have vibration standards that are applicable to the proposed project. Hence, the *Transportation and Construction-Induced Vibration Guidance Manual*, prepared by Caltrans, April 2020, has been utilized, which defines the threshold of perception from transient sources of vibration such as off-road construction equipment at 0.25 inch per second peak particle velocity (PPV).

Existing Noise Levels

As detailed in the Technical Noise Analysis (Appendix G), to identify the existing ambient noise level environment, noise level measurements were taken at the project site on Thursday, June 17, 2021. The noise measurements were taken using Larson Davis Model LXT1 Type 1 sound level meters that were approximately six feet above the ground and were equipped with windscreens. A description of the locations and the existing noise levels are provided in Table N-1 and the location of the noise measurements are shown in Figure 10.

Table N-1: Summary of 24-Hour Ambient Noise Level Measurements

Site No.	Site Description	Average (dBA L_{eq})	Maximum (dBA L_{max})	(dBA $L_{eq\ 1\text{-}hour}$/Time)		Average (dBA CNEL)
				Minimum	Maximum	
1	Located near the northeast corner of the project site, approximately 115 feet east from the center point of the El Corazon Avenue and San Luis Street intersection.	53	74	41 1-2 a.m.	62 9-10 a.m.	55.9
2	Located near the northwest corner of the project site, approximately 35 feet south of El Corazon Avenue centerline and 70 feet east of San Mateo Street centerline.	63	89	50 2-3 a.m.	69 8-9 p.m.	67.0

3	Located near the southeast corner of the project site, approximately 60 feet north of Slater Avenue centerline.	66	85	56 1-2 a.m.	70 10-11 a.m.	70.9

Source: Noise Impact Analysis, 2021, Appendix G.

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?

Less Than Significant Impact

Construction

Noise generated by construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels. Construction activity is expected to include demolition of the existing structures, pavement (including concrete crushing), removal of the existing utility infrastructure; grubbing, excavation, grading, building construction, architectural coating, and paving. Per Section 6.28.070, Special Provisions, of the City's Municipal Code, noise from construction activities are exempt from the City's established noise standards as long as the activities occur between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday; or between 9:00 a.m. to 8:00 p.m. on Saturday; and at no time on Sunday or any legal holiday. The proposed project's construction activities would occur pursuant to these regulations. Any construction activities that would occur outside the hours detailed in the City's Municipal Code Section 6.28.070 would require a variance permit from the City.

Neither the City's General Plan nor Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers, which would allow for a quantified determination of what CEQA constitutes a substantial temporary or periodic noise increase. Thus, the construction noise thresholds from the FTA T*ransit Noise and Vibration Impact Assessment* (2018), have been utilized, which identifies a significant construction noise impact if construction noise exceeds 80 dBA Leq over an eight-hour period at sensitive receptors.

The construction noise from the proposed project would occur over a 15-month period and be temporary in nature as the operation of each piece of construction equipment would not be constant throughout the construction day, and equipment would be turned off when not in use. The typical operating cycle for a piece of construction equipment involves one or two minutes of full power operation followed by three or four minutes at lower power settings. The construction equipment would include a combination of trucks, power tools, concrete mixers, portable generators, and mounted impact hammers (excavator with impact hammer attachment).

The noise generated from construction of the project have been estimated by using the Federal Highway Administration's (FHWA) Roadway Construction Noise Model (RCNM) and the construction equipment anticipated to be used for each phase of project construction, which is listed in Table N-2. For each phase of construction, the nearest piece of equipment was analyzed at the closest distance of the proposed activity to the nearest sensitive receptor, which are the multi-family residences that are as close as 20 feet to the north of the site boundary and 70 feet to the east of the site boundary.

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Noise Measurement Locations

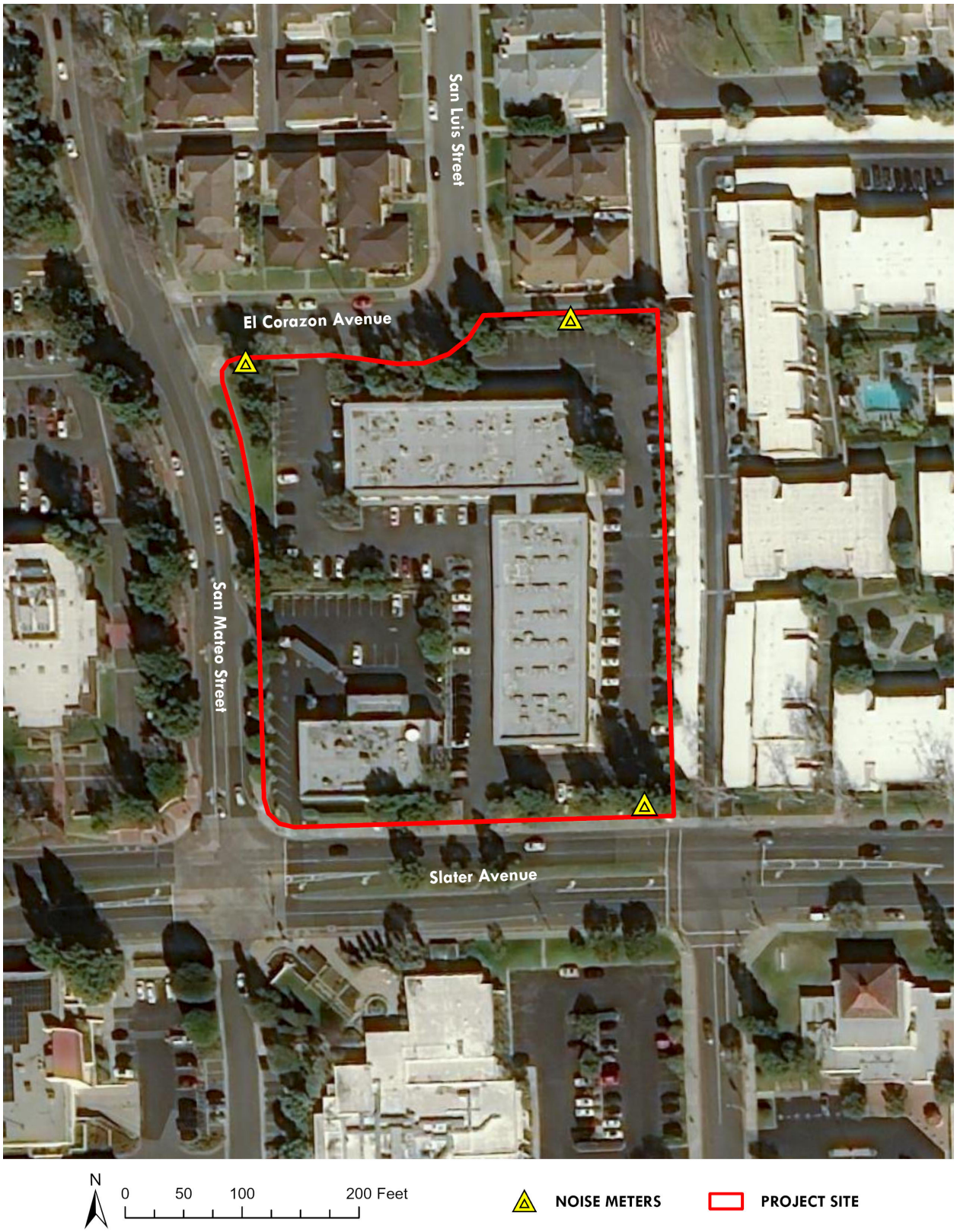

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Table N-2: Construction Equipment Noise Emissions and Usage Factors

Equipment Description	Number of Equipment	Acoustical Use Factor[1] (percent)	Spec 721.560 Lmax at 50 feet[2] (dBA, slow[3])	Actual Measured Lmax at 50 feet[4] (dBA, slow[3])
Demolition				
Concrete/Industrial Saws	1	20	90	90
Excavators	3	40	85	81
Rubber Tired Dozers	2	40	85	82
Site Preparation				
Rubber Tired Dozers	3	40	85	82
Crawler Tractor	4	40	84	N/A
Grading				
Excavators	1	40	85	81
Grader	1	40	85	83
Rubber Tired Dozer	1	40	85	82
Crawler Tractor	3	40	84	N/A
Building Construction				
Crane	1	16	85	81
Forklift (Gradall)	3	40	85	83
Generator	1	50	82	81
Tractor	1	40	84	N/A
Front End Loader	1	40	80	79
Backhoe	1	40	80	78
Welder	1	40	73	74
Paving				
Cement & Mortar Mixers	2	40	85	79
Paver	1	50	85	77
Paving Equipment	2	50	85	77
Roller	2	20	85	80
Tractor/Loader/ Backhoe	1	40	84	N/A
Architectural Coating				
Air Compressor	1	40	80	78

Source: Noise Impact Analysis, 2021, Appendix G

[1] Acoustical use factor is the percentage of time each piece of equipment is operational during a typical workday.

[2] Spec 721.560 is the equipment noise level utilized by the RCNM program.

[3] The "slow" response averages sound levels over 1-second increments. A "fast" response averages sound levels over 0.125-second increments.

[4] Actual Measured is the average noise level measured of each piece of equipment during the Central Artery/Tunnel project in Boston, Massachusetts primarily during the 1990s.

Federal Highway Administration, 2006 and CalEEMod default equipment mix.

The noise volumes in Table N-2 were applied to the locations of the closest sensitive receptors. As shown on Table N-3, construction noise at the nearby residential areas would range from 60 to 74 dBA Leq, which would not exceed the 80 dba Leq construction noise level threshold at sensitive receivers. Therefore, construction impacts would be less than significant.

Table N-3: Construction Noise Levels at the Nearest Sensitive Receptors

Construction Phase	Construction Noise Level (dBA Leq) at: Nearest Homes to the North[1]	Nearest Homes to the East[2]
Demolition	73	73
Site Preparation	74	74
Grading	74	74
Building Construction	74	73
Paving	71	71
Painting	60	60
Threshold	**80**	**80**
Exceed Thresholds?	No	No

[1] The nearest residences to the north are 235 feet from the center of the project site.
[2] The nearest residences to the east are 245 feet from the center of the project site.
Source: Noise Impact Analysis, 2021, Appendix G

Operation

Traffic Noise. Development of the proposed project would result in a restaurant, art gallery, and 270 multi-family residences, which would generate approximately 994 daily vehicular trips, of which 55 new trips would occur in the a.m. peak hour and 45 new trips would occur in the p.m. peak hour. The noise generated from these vehicular trips has been identified through utilization of the FHWA Roadway Noise Model, and a comparison of noise generated by traffic volumes with and without the project is provided in Tables N-4 and N-5.

Neither the General Plan nor Municipal Code quantifies what constitutes a substantial increase in ambient noise. Therefore, thresholds from the FTA T*ransit Noise and Vibration Impact Assessment* (2018) have been utilized, which identifies noise impacts by comparing the existing noise levels and the future noise levels with the proposed project. Based on the FTA guidance, a substantial increase in ambient noise from vehicular traffic could occur when the noise levels at noise-sensitive land uses (e.g. residential, etc.) are less than 60 dBA CNEL and the project creates an increase of 3 dBA CNEL or greater noise level increase; or when noise levels range from 60 to 65 dBA CNEL and the project creates 2 dBA CNEL or greater noise level increase. As shown in Table N-4, the project traffic would result in a maximum increase of 0.1 dBA in the existing plus project condition and Table N-5 shows that no increase in ambient noise would occur in the opening year condition. Therefore, impacts related to operational noise from project traffic would be less than significant.

Table N-4: Project Generated Traffic Noise in the Existing Plus Project Condition

Roadway	Segment	dBA CNEL at Nearest Receptor: Existing No Project	Existing Plus Project	Project Contribution	Increase Threshold
Slater Avenue	West of Brookhurst Street	64.8	64.8	0.0	+1 dBA
Slater Avenue	West of San Mateo Street	58.8	58.9	0.1	+3 dBA
Slater Avenue	East of San Mateo Street	67.9	67.9	0.0	+1 dBA
Slater Avenue	East of Ward Street	68.1	68.1	0.0	+1 dBA
Brookhurst Street	South of Slater Avenue	70.6	70.6	0.0	+1 dBA
Brookhurst Street	North of Slater Avenue	69.9	69.9	0.0	+1 dBA
Brookhurst Street	North of Warner Avenue	72.7	72.7	0.0	+1 dBA
San Mateo Street	North of Project Driveway	58.9	59.0	0.1	+3 dBA
San Mateo Street	South of Warner Avenue	56.1	56.1	0.0	+3 dBA

Source: Noise Impact Analysis, 2021, Appendix G

Table N-5: Project Generated Traffic Noise in the Opening Year 2023 Plus Project Condition

		dBA CNEL at Nearest Receptor			
Roadway	Segment	Year 2023	Year 2025 Plus Project	Project Contribution	Increase Threshold
Slater Avenue	West of Brookhurst Street	64.9	64.9	0.0	+1 dBA
Slater Avenue	West of San Mateo Street	59.1	59.1	0.0	+3 dBA
Slater Avenue	East of San Mateo Street	68.1	68.1	0.0	+1 dBA
Slater Avenue	East of Ward Street	68.3	68.3	0.0	+1 dBA
Brookhurst Street	South of Slater Avenue	70.9	70.9	0.0	+1 dBA
Brookhurst Street	North of Slater Avenue	70.1	70.1	0.0	+1 dBA
Brookhurst Street	North of Warner Avenue	72.9	72.9	0.0	+1 dBA
San Mateo Street	North of Project Driveway	59.1	59.1	0.0	+3 dBA
San Mateo Street	South of Warner Avenue	56.3	56.3	0.0	+3 dBA

Source: Noise Impact Analysis, 2021, Appendix G

Onsite Operational Noise. The operation of the proposed project may create an increase in onsite noise levels from rooftop mechanical equipment, roof deck common area, dog relief areas, pool and spa area, trash collection activities, truck deliveries, and the proposed restaurant's outdoor dining area. The noise modeling included in the Noise Impact Analysis evaluates the worst-case scenario of simultaneous operation of all noise sources on the project site, which determined that the project would generate a noise level of 33 dBA at the multi-family residential buildings to the north and east of the project site, as shown in Table N-6. This is within the City's residential noise standards of 55 dBA between 7:00 a.m. and 10:00 p.m. and 50 dBA between 10:00 p.m. and 7:00 a.m. In addition, pursuant to Municipal Code 6.28.147 motor vehicles are not permitted to idle for more than 10 minutes between the hours of 10:00 p.m. and 7:00 a.m. Therefore, the onsite operational noise impacts would be less than significant.

Table N-6: Project Generated Operational Noise at Sensitive Receptors

	Nearest Homes to North		Nearest Homes to East	
Noise Source	Distance - Source to Property Line (feet)	Noise Level (dBA Leq)	Distance - Source to Property Line (feet)	Noise Level (dBA Leq)
Rooftop Equipment[1]	95	26	90	21
Dog Relief Area[2]	95	25	70	25
Roof Deck Common Area[3]	290	22	330	21
Pool and Spa Area[4]	130	28	150	27
Outdoor Dining Area[5]	400	25	270	27
Combined Noise Level		**33**		**33**
City Noise Standards (day/night)		**55/50**		**55/50**
Exceed City Noise Standard?		**No/No**		**No/No**

Source: Noise Impact Analysis, 2021, Appendix G
[1] Rooftop equipment is based on a reference noise measurement of 65.1 dBA at 6 feet.
[2] Dog Relief Area is based on a reference noise measurement of 60.2 dBA at 10 feet.
[3] Roof deck common area is based on the outdoor dining area reference noise measurement.
[4] Pool and spa area is based on a reference noise measurement of 66.6 dBA at 15 feet.
[5] Outdoor dining area is based on a reference noise measurement of 62.6 at 5 feet.
Noise calculation methodology from Caltrans, 2013.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact.

Construction

Construction activities associated with the proposed project would require the operation of off-road equipment and trucks that are known sources of vibration. Construction activity can result in varying degrees of ground vibration, depending on the equipment used on the site. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance.

Vibrations at buildings could produce results that range from no perceptible effects at the low levels to damage at the highest levels. It should be noted that vibration is much more discernible in a sitting or laying down position, which typically only occur inside a residence. As such, this analysis is based on the vibration levels at the nearest residential buildings, instead of the nearest residential property lines. Table N-7 provides estimated vibration levels for anticipated construction activities.

Table N-7: Vibration Source Levels for Construction Equipment

Equipment	Peak Particle Velocity at 25 feet (inches/second)	Average Vibration Level (VdB or Lv) at 25 feet
Hoe Ram (Mounted Impact Hammer)	0.089	87
Large Bulldozer	0.089	87
Caisson Drill	0.089	87
Loaded Trucks	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Source: Noise Impact Analysis, 2021, Appendix G

Since neither the Municipal Code nor the General Plan provide a quantifiable vibration threshold, guidance from the *Transportation- and Construction-Induced Vibration Guidance Manual*, prepared by Caltrans in 2020, has been utilized for this analysis, which defines the threshold of perception from transient sources such as off-road construction equipment at 0.25 inch per second PPV.

The primary source of vibration during construction would be from the operation of a bulldozer that would create a vibration level of 0.089 inch per second PPV at 25 feet. Based on typical propagation rates, the vibration level at the nearest offsite residential structure (20 feet to north of the site boundary) would be 0.11 inch per second PPV, which is below the 0.25 inch per second PPV threshold. Thus, impacts would be less than significant.

Operation

Operation of the proposed restaurant, art gallery, and multi-family residences would include heavy trucks for residents moving in and out of the residences, large deliveries, and garbage trucks for solid waste disposal. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. However, typical vibration levels for the heavy truck activity at normal traffic speeds would be approximately 0.006 in/sec PPV, based on the FTA Transit Noise Impact and Vibration Assessment. Truck movements on site would be travelling at very low speed, so it is expected that truck vibration at nearby sensitive receivers would be less than the vibration threshold of 0.08 in/sec PPV for fragile historic buildings and 0.04 in/sec PPV for human annoyance, and therefore, would be less than significant.

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?

No Impact. The proposed project is not within an airport land use plan and is not within 2 miles of an airport. The closest airport to the project site is John Wayne Airport, which is located 5.2 miles southeast of the project site. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels related to an airport or airstrip, and no impact would occur.

Existing Plans, Programs, or Policies

PPP N-1: Construction Noise. Project construction activities shall occur in compliance with Municipal Code Section 6.28.070, Special Provisions Construction activities, which states that construction shall occur between 7:00 a.m. and 8:00 p.m., Monday through Friday; or between 9:00 a.m. to 8:00 p.m. on Saturday; and at no time on Sunday or any legal holiday.

PPP N-2: Building Code. Residential units will be required to comply with the interior noise standards of the California Building Code.

Mitigation Measures

None.

Sources

City of Fountain Valley General Plan Noise Element, 1995. Accessed: https://www.fountainvalley.org/DocumentCenter/View/517/Chapter-7-Noise-Element-March-21-1995

City of Fountain Valley Municipal Code. Accessed: http://qcode.us/codes/fountainvalley/

Federal Transit Administration. Transit Noise and Vibration Impact Assessment, 2006. Accessed: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf

Noise Impact Analysis, 2021. Prepared by Vista Environmental, Appendix G.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned 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)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a) Induce substantial unplanned population growth in an area, either directly or indirectly?

Less Than Significant Impact. The project would remove the existing restaurant and two two-story office buildings and construct a new restaurant, art gallery, and 270 multi-family residential units. The California Department of Finance (CDF) data details that the City of Fountain Valley had a residential population of 54,953 and 19,408 residential units in January of 2021. Of these residential units, 12,730 (65.6%) are single-family detached units and 3,606 (18.6%) are within buildings containing 5 or more units. In addition, it is estimated that the City has an average of 2.91 persons per household.

Based on this information, the proposed 270 multi-family dwelling units would result in a net increase of approximately 786 new residents. This is a conservative estimate as 167 of the proposed residential units would be studio and one-bedroom units that would not generally house 2.91 residents. The addition of 786 new residents would represent a population increase of 1.4 percent and the new housing units would result in a 1.4 percent increase in residential units within the City (270 units / 19,408 existing residential units in the City = 1.4% increase). The 1.4 percent increase does not constitute substantial growth.
In addition, according to the Regional Housing Needs Assessment (RHNA) adopted by SCAG, the City of Fountain Valley must plan to accommodate 4,839 new housing units, including 2,093 lower income units, during the 2021-2029 planning period. The project would consist of 5.6 percent of the overall housing need, and 1.6 percent of the lower income units required by the City's RHNA. Thus, the proposed project would not result in growth that is greater than what was anticipated.

Also, development of the site for the proposed uses is planned for in the current General Plan update and is identified in the proposed Housing Element as a site that would assist the City in meeting its RHNA. Therefore, development of the site for the proposed uses is planned for, and the project would not result in unplanned growth.

Furthermore, the proposed project is located in an urbanized area that is adjacent to residential and community retail and office uses and is already served by the existing roadways and infrastructure systems. No infrastructure would be extended or constructed to serve areas beyond the project site, and indirect impacts related to growth would not occur from implementation of the

proposed project. Therefore, potential impacts related to inducement of unplanned population growth, either directly or indirectly, would be less than significant.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The project site is developed with a restaurant and two office buildings. The site does not include housing and no people are located onsite. Therefore, the project would not displace any people or housing, and no impacts would occur.

Existing Plans, Programs, or Policies

None.

Mitigation Measures

None.

Sources

California Department of Finance. May 2021. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark*. Accessed: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/

City of Fountain Valley 2021-2029 Housing Element and Regional Housing Needs Assessment (RHNA) data. Accessed: https://www.fountainvalley.org/1409/Housing-Element

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. PUBLIC SERVICES.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for 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:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

a) 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:

Fire protection?
Police protection?
Schools?
Parks?
Other public facilities?

***Fire Protection* – Less Than Significant Impact.** The Fountain Valley Fire Department provides fire protection services throughout the City. The Fire Department has two fire stations, as described below:

- Station 1 is closest to the project site. It is located at 17737 Bushard Street, which is 1 mile from the project site. This station is staffed with one battalion command unit, one paramedic engine company, and one paramedic ladder truck company.
- Station 2 is located 2.1 miles from the project site at 16767 Newhope Street. Station 2 is staffed with one California Office of Emergency Services (OES) engine, one paramedic engine company, and one reserve engine (FVFD 2020).

The proposed project would remove the existing restaurant and two office buildings and develop a new restaurant, art gallery, and 270 multi-family residences. Implementation of the project would be required to adhere to the California Fire Code, as included in the City's Municipal Code Chapter 17.02, as part of the permitting process the project plans would be reviewed by the City's Building and Safety Division to ensure that the project plans meet the fire protection requirements.

Due to the increase in onsite people that would occur from implementation of the project, an incremental increase in demand for fire protection and emergency medical services would occur. However, the increase in residents onsite is limited (786 residents, which is a 1.4 percent increase) and would not increase demands such that the existing two fire stations would not be able to accommodate servicing the project in addition to its existing commitments. Provision of a new or physically altered fire station would not be required that could cause environmental impacts. Therefore, impacts related to fire protection services from the proposed project would be less than significant.

***Police Protection* – Less Than Significant Impact.** The Fountain Valley Police Department is located at 10200 Slater Avenue, which is across the intersection of Slater Avenue and San Mateo Street from the project site. The Police Department staffing consists of 58 sworn officers and 30 professional staff, augmented by over 50 volunteers. Based on the CDF population data for the city in 2021 of 54,953, the city has approximately1.06 sworn officers per 1,000 residents.

The 786 residents that are anticipated to result from the project would generate a 24-hour onsite population that would result in an incremental increase in demands on law enforcement services. The project would have onsite management and utilize private security patrols, reducing the need for police services. The increase in demand for police services would not be significant when compared to the current demand levels. As described previously, a conservative estimate of the residential population of the project site at full occupancy would be approximately 786 residents and based on the Police Department's staffing of 1.06 officers per thousand population, the proposed project would require 0.83 additional officer.

Since the need by the project is less than one full-time officer, the project would not require the construction or expansion of the City's existing policing facilities. Thus, substantial adverse physical impacts associated with the provision of new or expanded facilities would not occur. Thus, impacts related to police services would be less than significant.

***Schools* – Less Than Significant Impact.** The project site is located within the Fountain Valley School District that is comprised of 10 schools (7 elementary and 3 middle) and the Huntington Beach Union High School District that has 9 high schools. The schools that serve the site are listed below:

- Cox Elementary School located at 17615 Los Jardines East, which is 0.6 mile from the project site, and has an approximate total capacity of 836 students (FVSD 2016).
- Masuda Middle School, 17415 Los Jardines West, which is 0.6 miles from the project site, and has an approximate total capacity of 1,024 students (FVSD 2016).
- Fountain Valley High School located at 17816 Bushard Street, which is 1.1 miles west of the project site, and has an approximate total capacity of 3,558 students (FV 2021).

The project would develop 270 multi-family residences. The Fountain Valley School District student generation rate is 0.33 student per residence for grades K-5 and 0.09 student per residence for

grades 6-8 and the Huntington Beach Union High School District student generation rate is 0.2 student per residence for grades 9-12 (FV 2021). Based on the existing capacity of the schools serving the project area and the number of students that would be generated by the project, the existing elementary and middle schools would be able to serve the project. However, the high school is currently over capacity by approximately 28 students and the project would add 54 students, as shown in Table PS-1.

Table PS-1: School Capacity and Project Generated Students

School	School Capacity	2019-2020 Enrollment[1]	Existing Remaining Capacity	Students Generated by Project	Remaining Capacity with Project
Cox Elementary	836	691	145	89	56
Masuda Middle	1,024	797	227	24	203
Fountain Valley High	3,558	3,530	-28	54	-82

[1] Source: https://dq.cde.ca.gov/dataquest/

Pursuant to Government Code Section 65995 et seq., the need for additional school facilities is addressed through compliance with school impact fee assessment. SB 50 (Chapter 407 of Statutes of 1998) sets forth a state school facilities construction program that includes restrictions on a local jurisdiction's ability to condition a project on mitigation of a project's impacts on school facilities in excess of fees set forth in the Government Code. These fees are collected by school districts at the time of issuance of building permits for development projects. Pursuant to Government Code Section 65995 applicants shall pay developer fees to the appropriate school districts at the time building permits are issued; and payment of the adopted fees provides full and complete mitigation of school impacts. As a result, impacts related to school facilities would be less than significant with the Government Code required fee payments.

***Parks* – Less Than Significant Impact.** The City of Fountain Valley has over 150 acres of parks, activity buildings, and athletic facilities. The parks closest to the project site include the following:

- Colony Park located at 10252 Cinco de Juarez, which is approximately 250 feet northeast of the project site. This park is 0.68 acre and includes play equipment and picnic tables.
- Heritage Park located at 17641 Los Alamos, which is 0.2 mile from the project site. This park is 2.3 acres and includes: benches, bocce ball court, fire house (replica), gazebo, historical Japanese bath house, library, picnic tables, historical real estate office, reflecting pond, and veteran's memorial monument.
- Mile Square Park, bounded by Warner Avenue, Brookhurst Street, Edinger Street, and Euclid Street, is less than 0.5 mile from the project site. This is a regional park that is operated by the Orange County Department of Parks and Recreation (OC Parks). The park totals 607 acres of land and includes three regulation golf courses, three soccer fields, three baseball and three softball diamonds, an archery range, a nature area, two fishing lakes, concession-operated bike and paddle boat operations, bike trails, various picnic areas, and picnic shelters.
- La Capilla Park, located at 9720 La Capilla Avenue, which is 0.6 mile from the project site. This park is 2.37 acres and includes benches, play equipment, swings, sandpit, walking paths, and drinking fountains.

- Los Alamos Park, located at 17901 Los Alamos Street, which is 0.6 mile from the project site. This park is 4.02 acres and includes a basketball court, benches, play equipment, barbeques, picnic tables, fountains, swings, and sandpit.
- Recreation Center & Sports Park, located at 16400 Brookhurst Street, which is 1.5 miles north of the site. This facility is located on 65 acres of land and includes: a gymnasium, multi-purpose rooms, play area, play equipment, slides, swings, utility/soccer field, 3 handball courts, 3 soccer fields, drinking fountains, 5 racquetball courts (2 Indoor, 3 Outdoor), 6 lighted outdoor basketball court, restrooms, 9 picnic tables, 12 tennis courts (2 additional half courts), 15 softball/baseball fields, benches.

The project would develop 270 multi-family residences and recreation and open space amenities within courtyard and rooftop areas that include pool, spa, cabanas, outdoor kitchen, barbeques, shade structures, lounge chairs, tables and chairs, pet relief areas, a club room, lounge, golf simulator, fitness room, and game lawns. As described above, there is currently a substantial quantity of parks within 2 miles of the project site that provide a variety of park and recreational activities and park space. The 786 residents that would be generated by full occupancy of the project site would result in an increase in use to these facilities. However, many recreational needs would be met by the proposed onsite facilities.

In addition, the City collects development related fees for the enhancement of the City's park inventory resulting from all new development, as a condition of approval (included as PPP PS-2), which would be used by the City for the purpose of acquiring, developing, improving and expanding open space and park lands. Therefore, impacts related to the need to provide new or altered park and recreation facilities in order to maintain acceptable service ratios would be less than significant.

***Other Services* – Less Than Significant Impact.** The proposed project would redevelop the project site with a new restaurant to replace the existing restaurant and develop 270 multi-family residential units and an art gallery within a developed area along an arterial roadway. The additional residences would result in an incremental increase in the need for additional services, such as public libraries and post offices, etc. Because the project area is already served by other services and the project would result in a limited increase in residences, the project would not result in the need for new or physically altered facilities to provide other services, the construction of which could cause significant environmental impacts. Therefore, impacts would be less than significant.

Existing Plans, Programs, or Policies

PPP HAZ-1: Fire Code. As listed previously in Section 9, *Hazards and Hazardous Materials*.

PPP PS-1: Schools Development Impact Fees. Prior to issuance of building permit, the project shall pay applicable development fees levied by the Fountain Valley School District and the Huntington Beach Union High School District pursuant to the School Facilities Act (Senate Bill [SB] 50, Stats. 1998, c.407).

PPP PS-2: Park Fees. As a condition of project approval, the project shall pay applicable park related fees pursuant to Municipal Code Section 21.79.

Mitigation Measures

None.

Sources

California Department of Education DataQuest Database. Accessed: https://www.cde.ca.gov/ds/ad/dataquest.asp

City of Fountain Valley Facilities Website. Accessed: https://www.fountainvalley.org/Facilities?clear=False

City of Fountain Valley Fire Department Website (FVFD 2020). Accessed: https://www.fountainvalley.org/240/Fire-Department

City of Fountain Valley Municipal Code. Accessed: http://qcode.us/codes/fountainvalley/

City of Fountain Valley Police Department Website. Accessed: https://www.fountainvalley.org/1307/Police-Department

Fountain Valley School District Facilities Master Plan, 2016 (FVSD 2016). Accessed: https://www.fvsd.us/ourpages/FacilitiesArchive/MeasureOArchive/FVSD_FMP_FINAL_combined_2016-0609.pdf

Fountain Valley School District Website. Accessed: https://www.fvsd.us/

City of Fountain Valley Starfish Residential Project Mitigated Negative Declaration, June 2, 2021 (FV 2021). Accessed: https://www.fountainvalley.org/DocumentCenter/View/13579/Starfish-Residential-Draft-MND

Huntington Beach Union High School District Website. Accessed: https://www.hbuhsd.edu/

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. RECREATION.				
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would be accelerated?

Less Than Significant Impact. As described previously, the project would develop 270 multi-family residences and many of the recreation needs of the residents would be met by the proposed recreation amenities that include: pool, hot tub/spa, cabanas, barbeques, shade structures, lounge chairs, tables and chairs, and pet relief areas, a club room, lounge, golf room, fitness room, and fitness lawn.

The project would likely result in an increase in the use of the existing neighborhood and regional parks. However, due to the number and size of the existing facilities that includes the 607-acre Mile Square Park and Recreation Center and Sports Park and four closer neighborhood parks (listed previously in Section 15, *Public Services*), the increased use of each facility would not result in their substantial physical deterioration.

In addition, the project would be required to pay parkland fees pursuant to Municipal Code 21.79, as a condition of the approval (included as PPP PS-2), which would be used by the City for the purpose of acquiring, developing, improving and expanding open space and park lands. Therefore, impacts related to the increase in the use of existing parks and recreational facilities, such that physical deterioration of the facility would be accelerated would be less than significant.

b) Require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. As described above, the project includes recreation amenities that include: pool, hot tub/spa, cabanas, barbeques, shade structures, lounge chairs, tables and chairs, and pet relief areas, a club room, lounge, golf room, fitness room, and fitness lawn. The impacts of development of these recreation facilities are considered part of the impacts of the proposed project as a whole and are analyzed throughout the various sections of this MND. For example, activities such as excavation, grading, and construction as required for these recreation amenities are analyzed in the Air Quality, Greenhouse Gas Emissions, Noise, and Transportation Sections.

In addition, while the project would contribute park development fees pursuant to Municipal Code 21.79 (included as PPP PS-2) to be used towards the future expansion or maintenance parks and recreational facilities, these fees are standard with every residential development, and the proposed project would not require the construction or expansion of other recreational facilities that might have an adverse physical effect on the environment. As a result, impacts would be less than significant.

Existing Plans, Programs, or Policies

PPP PS-2: Park Fees. Listed previously in Section 15, *Public Services*.

Mitigation Measures

None.

Sources

City of Fountain Valley Municipal Code. Accessed: http://qcode.us/codes/fountainvalley/

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

The discussion below is based on the Traffic Impact Analysis prepared by EPD Solutions, 2022 (EPD 2021) included as Appendix H.

Traffic Threshold

As described in the Fountain Valley General Plan Circulation Element, LOS D is the lowest acceptable Level of Service (LOS) for peak hour intersection volumes in the City. The City identifies a project effect on an intersection when an intersection operating at an acceptable LOS degrades to an unacceptable LOS; or the project causes an increase of 0.01 or greater at an intersection already operating at unacceptable LOS E or F.

However, automobile delay, as described solely by LOS or similar measure of traffic congestion, is no longer considered a significant impact under CEQA, except in locations specifically identified in the Guidelines. (Pub. Resources Code, § 21099(b)(2).) CEQA Guidelines Section 15064.3 - Determining the Significance of Transportation Impacts states that Vehicle Miles Traveled (VMT) is the most appropriate measure of transportation impacts and provides lead agencies with the discretion to choose the most appropriate methodology and thresholds for evaluating VMT. Any impacts related to LOS are therefore provided for informational purposes only and do not constitute impacts requiring mitigation under CEQA.

Thus, the LOS analysis using a threshold of LOS D and an LOS based delay is provided to describe the project effect on local intersections only. Also, analysis of project consistency with the *City of Fountain Valley Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency* is provided to identify any roadway improvements needed to meet City circulation standards.

Traffic Study Area and Existing Conditions

The following eight intersections are included in the study area:

1. Brookhurst Street/Slater Avenue
2. Slater Avenue/San Mateo Avenue
3. Ward Street/Slater Avenue
4. Brookhurst Street/La Alameda Avenue
5. Brookhurst Street/La Hacienda Avenue
6. Brookhurst Street/Warner Avenue
7. San Mateo Street/Warner Avenue
8. San Mateo Avenue/Project Driveway 1

Traffic counts at the study area intersections were collected on Thursday, May 27, 2021. As many schools and businesses remain closed due to the Covid-19 pandemic, the existing counts required appropriate adjustments to represent typical weekday traffic volumes. For this reason, the approach volumes from the counts collected in 2021 were compared to the approach volumes from counts taken in 2015 obtained from *the Fountain Valley Crossings Specific Plan Traffic Study* report to estimate appropriate Covid-pandemic-factor. As per the approach volume comparison, a 75% escalation factor was obtained and applied to a.m. peak hour counts, and a 52% escalation factor was obtained and applied to p.m. peak hour counts.

As shown in Table T-1, all of the study intersections currently operate at satisfactory a LOS D or better during the weekday a.m. and p.m. peak hours, except for the intersections of Brookhurst Street/Slater Avenue that operates at LOS E; and the intersections of Brookhurst/Warner and San Mateo Street/Warner Avenue that operates at LOS F in one or both of the peak hours.

Table T-1: Existing Peak Hour Levels of Service

Intersection	Control	AM Peak		PM Peak	
		ICU/ Delay[1]	LOS	ICU/ Delay[1]	LOS
1. Brookhurst St/Slater Ave	Signal	0.830	D	0.911	E
2. Slater Ave/San Mateo Ave	Signal	0.498	A	0.658	B
3. Ward St/Slater Ave	Signal	0.577	A	0.628	B
4. Brookhurst St/La Alameda Ave	Signal	0.576	A	0.667	B
5. Brookhurst St/La Hacienda Ave	Signal	0.672	B	0.750	C
6. Brookhurst St/Warner Ave	Signal	0.838	D	1.047	F
7. San Mateo St/Warner Ave	TWSC	10000	F	10000	F
8. San Mateo Ave/Project Dwy	TWSC	-	-	-	-

Source: EPD 2021, Appendix H.
[1] ICU in Volume/Capacity Ratio, Delay in Seconds

San Mateo Street/Warner Avenue is a two-way stop controlled (TWSC) intersection, and the northbound left and right turning movement experienced delay of 10,000 seconds, which is the maximum representable delay using HCM 6th Edition methodology. Any delay 10,000 seconds or greater is represented as 10,000 secs by HCM 6th Edition methodology.

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Operation

Less Than Significant Impact. The proposed project would redevelop the project site with 270 multi-family residences, 7,000 square feet of restaurant space, and a 1,660-square-foot art gallery within the leasing office area. The project site is currently developed with 52,000 square feet of office space and 6,500 square feet of restaurant space. To be consistent with the pre-Covid existing traffic assumptions, a 95 percent occupancy rate was assumed for the office space. Based on the Institute of Transportation Engineers, *Trip* Generation 10th Edition vehicle trip generation rates, the proposed 270 dwelling units and 7,000 square feet of restaurant space would generate approximately 994 net daily trips including 53 net trips during the a.m. peak hour and 45 net trips during the p.m. peak hour. Due to the location of the art gallery within the leasing office area, and the small size of this facility, it is expected to primarily serve occupants and guests of the residential project and patrons of the restaurant, and would not generate additional trips to the site. Peak-hour trip generation for this use is less than one trip; therefore, this use is not treated separately in the traffic analysis.

Table T-2: Project Trip Generation

				AM Peak Hour			PM Peak Hour		
Land Use		**Units**	**Daily**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Trip Rates									
Multifamily Housing (Mid-Rise)[1]		DU	5.44	0.09	0.27	0.36	0.27	0.17	0.44
High-Turnover (Sit-Down) Restaurant[2]		TSF	112.18	5.25	4.29	9.54	6.06	3.71	9.77
General Office Building[3]		TSF	9.740	1.00	0.16	1.16	0.18	0.97	1.15
Project Trip Generation[9]									
Multifamily Housing (Mid-Rise)[1]	270	DU	1469	25	72	97	72	46	118
Internal Capture[5]			-125	-1	-7	-8	-5	-6	-11
High-Turnover (Sit-Down) Restaurant[2]	7	TSF	785	37	30	67	42	26	68
Pass By Trips[4]							-18	-11	-29
Internal Capture[6]			-108	-7	-1	-8	-6	-5	-11
			2021	54	94	148	86	50	135
Existing Uses on Site									
General Office Building[3]	49.4		481	49	8	57	9	48	57
Internal Capture[7]			-97	-7	-5	-12	0	-1	-1
High-Turnover Restaurant (Silky Sullivans)[2]	6.5		729	34	28	62	39	24	64
Pass By Trips[4]							-17	-10	-27
Internal Capture[8]			-86	-5	-7	-12	-1	-1	-2
			1027	71	24	95	30	60	90
Net Trip Generation			994	-17	70	53	55	-10	45

DU = Dwelling Unit
TSF = Thousand Square Feet
[1] Trip rates from the Institute of Transportation Engineers, *Trip Generation, 10th Edition,* 2017, Land Use Code 221-Multifamily Housing (Mid-Rise)
[2] Trip rates from the Institute of Transportation Engineers, *Trip Generation, 10th Edition,* 2017, Land Use Code 932- High-Turnover (Sit-Down) Restaurant
[3] Trip rates from the Institute of Transportation Engineers, *Trip Generation, 10th Edition,* 2017, Land Use Code 710-General Office Building. A 95% occupancy was assumed for the general office building totaling an area of 52,000 square feet.
[4] PM Peak Period Pass-By trip rates of 47% for Land Use Code 932- High-Turnover (Sit-Down) Restaurant, from the Institute of Transportation Engineers, Trip Generation, 10th Edition, 2017.
[5] Internal capture of 8% assumed for Daily trips obtained from an average of AM and PM peak hour internal trip capture percentages. Internal capture of AM inbound - 4%, AM outbound - 10%. Internal capture of PM inbound - 6%, PM outbound -12%. Peak hour internal capture rates were obtained from NCHRP Report 684 Internal Capture Estimator.
[6] Internal capture of 14.25% assumed for Daily trips obtained from an average of AM and PM peak hour internal trip capture percentages. Internal capture of AM inbound - 21%, AM outbound - 3%. Internal capture of PM inbound - 14%, PM outbound -19%. Peak hour internal capture rates were obtained from NCHRP Report 684 Internal Capture Estimator.
[7] Internal capture of 20.25% assumed for Daily trips obtained from an average of AM and PM peak hour internal trip capture percentages. Internal capture of AM inbound - 14%, AM outbound - 63%. Internal capture of PM inbound - 2%, PM outbound -2%. Peak hour internal capture rates were obtained from NCHRP Report 684 Internal Capture Estimator.
[8] Internal capture of 11.75% assumed for Daily trips obtained from an average of AM and PM peak hour internal trip capture percentages. Internal capture of AM inbound - 15%, AM outbound - 25%. Internal capture of PM inbound - 3%, PM outbound -4%. Peak hour internal capture rates were obtained from NCHRP Report 684 Internal Capture Estimator.

[9] The art gallery is expected to obtain a majority of its traffic from residents and guests of the apartment community and patrons of the restaurant. If the art gallery did not benefit from internal capture it would generate approximately 1 trip during peak hours. Due to the nominal number of trips this feature would generate, it is not treated as a separate use.
Source: EPD 2021, Appendix H.

Existing Plus Project. An intersection operations analysis was conducted for the study area to evaluate the existing plus project weekday a.m. and p.m. peak hour conditions with operation of the proposed project. As shown in Table T-3, all study intersections are forecast to continue to operate at a satisfactory LOS D or better, except for the intersections of Brookhurst Street/Slater Avenue, Brookhurst Street/ Warner Avenue, and San Mateo Street/Warner Avenue which operate at LOS E or worse during one or both peak hours. The increase in V/C ratio with the addition of the project at Brookhurst Street/Warner Avenue would be less than 0.01. However, traffic at the intersection of Brookhurst Street/Slater Avenue would increase the V/C ratio by 0.013 in the a.m. peak hour. It would not be possible to ascertain accurate impacts at the intersection of San Mateo Street/Warner Ave in terms of delay as changes in delay are not measurable over 10,000 seconds. This intersection was therefore identified as an impacted intersection as the project would add trips to an existing intersection experiencing LOS F conditions.

Table T-3: Existing Plus Project Conditions

Intersection		Existing				Existing plus Project				Increase in V/C Ratio		Impact?	
		AM Peak		PM Peak		AM Peak		PM Peak					
		ICU/ Delay[1]	LOS	ICU/ Delay[1]	LOS	ICU/ Delay[1]	LOS	ICU/ Delay[1]	LOS	AM	PM	AM	PM
1	Brookhurst St/ Slater Ave	0.830	D	0.911	E	0.843	D	0.912	E	0.013	0.001	Yes	No
2	Slater Ave/ San Mateo Ave	0.498	A	0.658	B	0.513	A	0.687	B	0.015	0.029	No	No
3	Ward St/ Slater Ave	0.577	A	0.628	B	0.581	A	0.630	B	0.004	0.002	No	No
4	Brookhurst St/ La Alameda Ave	0.576	A	0.667	B	0.576	A	0.667	B	0.000	0.000	No	No
5	Brookhurst St/La Hacienda Ave	0.672	B	0.750	C	0.672	B	0.750	C	0.000	0.000	No	No
6	Brookhurst St/ Warner Ave	0.838	D	1.047	F	0.838	D	1.048	F	0.000	0.001	No	No
7	San Mateo St/ Warner Ave	10000	F	10000	F	10000	F	10000	F	-	-	Yes	Yes
8	San Mateo Ave/ Project Dwy	-	-	-	-	11.8	B	7.9	A	-	-	No	No

Source: EPD 2021, Appendix H.
[1] ICU in Volume/Capacity Ratio, Delay in Seconds

Opening Year 2023 Plus Project. Opening Year Baseline (2023) traffic volumes were developed by applying a growth rate of two percent per year to the existing traffic volumes and adding traffic generated from five cumulative development projects (approved and not yet built and those under review) in the vicinity of the project. As shown in Table T-4, all of the study area intersections would operate at a satisfactory LOS of D in the Opening Year condition with addition of project traffic except for the intersections of Brookhurst Street/Slater Avenue, Brookhurst Street/ Warner Avenue, and San Mateo Street/Warner Avenue, which would operate at LOS E or F. The increase in V/C ratio with the addition of the project would be less than 0.01 at the intersection of Brookhurst Street/ Warner Avenue. The increase in the V/C ratio at Brookhurst Street/Slater Avenue would be 0.013 during the AM peak hour. It would not be possible to ascertain accurate impacts at the intersection of San Mateo Street/Warner Ave in terms of delay as changes in delay are not

measurable over 10,000 seconds. This intersection was therefore identified as an impacted intersection as the project would add trips to Opening baseline scenario experiencing LOS F conditions. The project includes fair-share for restriping of the second eastbound-through lane to be an eastbound shared through-right lane, which would reduce the increase in delay to 0.007, and also signal installation at the intersection of San Mateo St/Warner Ave which would result in satisfactory LOS operations at the intersection, as shown in Table T-5. As level of service cannot be used to establish a significant impact under CEQA, the analysis in this section is provided for informational purposes only and does not identify any impacts requiring mitigation.

Table T-4: Opening Year (2023) Plus Project Conditions

		Opening Year				Opening Year plus Project				Increase in V/C Ratio		Impact?	
		AM Peak		PM Peak		AM Peak		PM Peak					
	Intersection	ICU/ Delay[1]	LOS	ICU/ Delay[1]	LOS	ICU/ Delay[1]	LOS	ICU/ Delay[1]	LOS	AM	PM	AM	PM
1	Brookhurst St/Slater Ave	0.875	D	0.954	E	0.888	D	0.955	E	0.013	0.001	Yes	No
2	Slater Ave/San Mateo Ave	0.523	A	0.689	B	0.537	A	0.718	C	0.014	0.029	No	No
3	Ward St/Slater Ave	0.605	B	0.663	B	0.609	B	0.666	B	0.004	0.003	No	No
4	Brookhurst St/La Alameda Ave	0.604	B	0.699	B	0.604	B	0.699	B	0.000	0.000	No	No
5	Brookhurst St/La Hacienda Ave	0.704	C	0.787	C	0.704	C	0.787	C	0.000	0.000	No	No
6	Brookhurst St/Warner Ave	0.883	D	1.102	F	0.883	D	1.104	F	0.000	0.002	No	No
7	San Mateo St/Warner Ave	10000.0	F	10000.0	F	10000.0	F	10000.0	F	-	-	Yes	Yes
8	San Mateo Ave/Project Dwy	-	-	-	-	11.9	B	7.9	A	-	-	No	No

Source: EPD 2021, Appendix H.
[1] ICU in Volume/Capacity Ratio, Delay in Seconds

Table T-5: Opening Year (2023) Plus Project with Slater Avenue Restriping and Signalization of San Mateo Street/Warner Avenue Peak Hour Conditions

		Opening Year				Opening Year Plus Project with Roadway Improvements				Increase in V/C Ratio		Impact?	
		AM Peak		PM Peak		AM Peak		PM Peak					
	Intersection	ICU/ Delay[1]	LOS	ICU/ Delay[1]	LOS	ICU/ Delay[1]	LOS	ICU/ Delay[1]	LOS	AM	PM	AM	PM
1	Brookhurst St/ Slater Ave	0.875	D	0.954	E	0.882	D	-	-	0.007	-	No	-
7	San Mateo St/ Warner Ave	10000	F	10000	F	0.593	A	0.677	B	-	-	No	No

Source: EPD 2021, Appendix H.
[1] ICU in Volume/Capacity Ratio, Delay in Seconds

Transit Services. The vicinity of the project area receives bus service via Orange County Transportation Authority (OCTA) bus route 35 that runs north-south on Brookhurst Street through Fountain Valley, Westminster, Garden Grove, Anaheim, and Fullerton. Route 35 connects to east

west bus routes and train service by Metrolink. Route 35 operates with 15-minute headway during the a.m. and p.m. peak periods.

The Metrolink Santa Ana Station is located approximately 8.3 miles to the northeast of the project site at 1000 E. Santa Ana Boulevard. The Metrolink station connects to the OCTA bus system and provides direct access to Downtown Los Angeles (to the north), to Riverside and San Bernardino (to the east), and to San Diego County (to the south).

These existing transit services would serve project residents, employees, and patrons. The proposed restaurant, art gallery, and 270 multi-family residential units would not alter or conflict with existing transit stops and schedules, and impacts related to transit services would not occur.

Bicycle Circulation. Class II bicycle lanes are on-street bicycle lanes that are designated by roadway striping to provide separation between bicyclists and parked or moving vehicles. Class II bicycle lanes exist along both sides of Slater Avenue and Ward Street. The proposed project does not involve any off-site improvements that would remove the existing bicycle lanes. The existing bicycle lanes would provide bicycle transportation opportunities for residents and patrons of the project. Therefore, the proposed project would not conflict with any bicycle facilities.

Pedestrian Facilities. Sidewalks currently exist adjacent to the site along San Mateo Street, both sides of Slater Avenue, Brookhurst Street, and Warner Avenue. The proposed project would provide new sidewalks and lighting along Slater Avenue and San Mateo Street. This would facilitate pedestrian use and walking to nearby locations. Therefore, the proposed project would not conflict with pedestrian facilities, and no impact would occur. Overall, impacts related to transit, bicycle, and pedestrian facilities would be less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less Than Significant Impact. Senate Bill (SB) 743 was signed by Governor Brown in 2013 and required the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to LOS for evaluating transportation impacts. SB 743 specified that the new criteria should promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks and a diversity of land uses. The bill also specified that delay-based level of service could no longer be considered an indicator of a significant impact on the environment. In response, Section 15064.3 was added to the CEQA Guidelines.

CEQA Guidelines Section 15064.3 - Determining the Significance of Transportation Impacts states that VMT is the most appropriate measure of transportation impacts and provides lead agencies with the discretion to choose the most appropriate methodology and thresholds for evaluating VMT. The City of Fountain Valley has adopted *Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency* (June 2020), which include VMT analysis methodology and thresholds. The Guidelines provide that detailed project-level assessment is not required if a project meets any of three screening criteria:

1. Transit Priority Areas Screening – for sites located within one-half mile of a major transit stop, and meeting certain other criteria.
2. Low VMT-generating Areas Screening – for sites mapped as generating below-average VMTs using traffic analysis zones in the OCTAM travel forecasting model.

3. Project Type Screening – for certain local-serving uses.

As shown in Figure 11, the project site is located within a low VMT-generating area, as designated by Appendix B of the *Transportation Impact Assessment Guidelines for Land Use Projects in CEQA and for General Plan Consistency*. Specifically, the site generates VMTs of 0 to 15 percent below the citywide average of 27.51 VMT/service population (population plus employment). Therefore, pursuant to the City's screening thresholds, the project would have a less than significant impact related to VMT.

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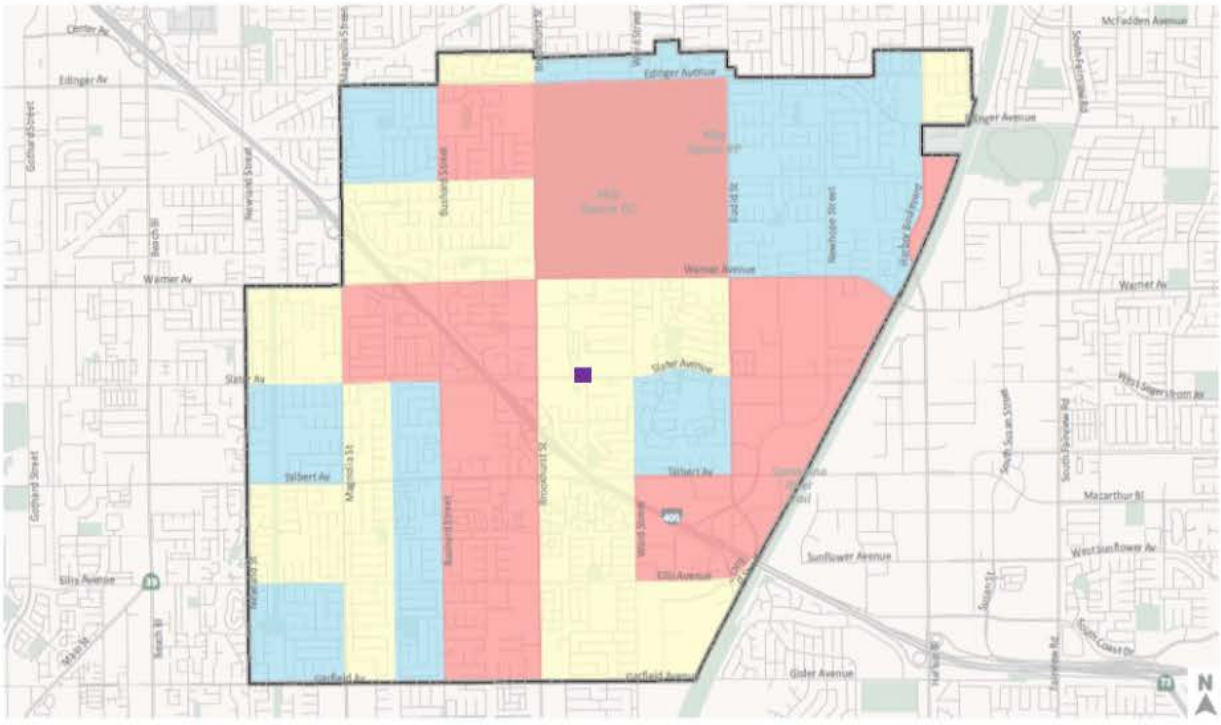
Low VMT Generating Areas



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c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The project includes development of a restaurant, art gallery, and multi-family residences. The project includes community type uses and does not include any incompatible uses, such as farm equipment.

The project would also not increase any hazards related to a design feature. The project would be accessed from San Mateo Street, and all of the onsite circulation, such as the parking garage design would be developed in conformance with City design standards. The City's construction permitting process includes review of project plans to ensure that no potentially hazardous transportation design features would be introduced by the project. For example, the design of the project streets would be reviewed to ensure fire engine accessibility and turn around area is provided to the fire code standards.

The parking garage would have one access point. To ensure that residential vehicle queues do not back up within the parking structure, a queuing analysis of the residential gate was prepared as part of the Traffic Impact Analysis (Appendix H). The analysis used a ratio of the average arrival rate and the average service rate (number of vehicles that can be serviced by the gate) to determine the number of vehicles that would be queued behind the access gate. As shown in Table T-2, there would be 27 passenger vehicles entering the gate during the a.m. peak hour and 77 passenger vehicles entering the gate during the p.m. peak hour. The proposed gates are designed to open or close in 25 seconds. A two second clearance time was assumed for the passenger vehicles to pass through the gate. This brings the total time per vehicle to 27 seconds. Utilizing this information, a service rate of 133 passenger vehicles per hour was obtained given the number of vehicles entering the structure during the p.m. peak hour.

As shown on Table T-6, the anticipated traffic intensity would be 0.58, which corresponds to two-cars queuing. The parking structure allows for a queuing of 110 feet from the residential parking access gate within the structure, which is able to accommodate a queue of four passenger vehicles exceeding the two-car queue without causing an overflow to the entrance of the parking structure. Overall, impacts related to vehicular circulation design features would be less than significant.

Table T-6: Residential Parking Gate Queuing

	Average Arrival Rate	Average Service Rate	Traffic Intensity[1]
AM Peak Hour (Hour of Highest Inbound Volume)			
Residential Gate	77	133	0.58

[1]Traffic Intensity = Average Arrival Rate ÷ Average Service Rate.

d) Result in inadequate emergency access?

Less than Significant Impact.

Construction

The proposed construction activities, including equipment and supply staging and storage, would occur within the project site and would not restrict access of emergency vehicles to the project site or adjacent areas. The installation of the driveway and connections to existing infrastructure systems that would be implemented during construction of the proposed project could require the temporary

closure of Slater Avenue and San Mateo Street. However, the construction activities would be required to ensure emergency access in accordance with Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9), which would be ensured through the City's permitting process. Thus, implementation of the project through the City's permitting process would ensure existing regulations are adhered to and would reduce potential construction related emergency access impacts to a less than significant level.

Operation

As described previously, the proposed project site would be accessed from a driveway along San Mateo Street. Permitting of the driveway and circulation through the parking garage would provide adequate and safe circulation through the project site and would provide appropriate emergency access throughout the project site, which would be ensured through City permitting of the project and implementation of emergency access as required by the California Fire Code, which is included as PPP HAZ-3. Because the project is required to comply with all applicable City codes, as verified by the City potential impacts related to inadequate emergency access would be less than significant.

Existing Plans, Programs, or Policies

PPP HAZ-3: Fire Code. As listed previously in Section 9, *Hazards and Hazardous Materials*.

Mitigation Measures

None.

Sources

Traffic Impact Analysis prepared by EPD Solutions, 2021.

City of Fountain Valley Circulation Element, 2008. Accessed: https://www.fountainvalley.org/DocumentCenter/View/513/Chapter-3-Circulation-Element-June-2-2008

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. TRIBAL CULTURAL RESOURCES.				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☐	☒	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☒	☐	☐

The discussion below is based on the Historical Resources Preliminary Findings Memo, prepared by ESA Associates, 2019 (ESA 2019), included as Appendix B; the Phase 1 Cultural and Paleontological Resources Assessment, prepared by Material Culture Consulting, 2021 (MCC 2021), included as Appendix C, and the Phase I Environmental Site Assessments for the site that are included as Appendix D and E.

AB 52 and SB 18 Requirements

The project would be required to comply with AB 52 and SB 18 regarding tribal consultation. Chapter 532, Statutes of 2014 (i.e., AB 52), requires that Lead Agencies evaluate a project's potential to impact "tribal cultural resources." Such resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register or included in a local register of historical resources (PRC Section 21074). AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource falling outside the definition stated above nonetheless qualifies as a "tribal cultural resource."

SB 18 requires cities and counties acting as Lead Agency to contact and consult with California Native American tribes before adopting or amending a General Plan. The intent of SB 18 is to establish meaningful consultation between tribal governments and local governments at the earliest possible point in the planning process and to enable tribes to manage "cultural places." Cultural

places are defined as a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9), or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register, including any historic or prehistoric ruins, any burial ground, or any archaeological or historic site (PRC Section 5097.993).

In compliance with these requirements, on September 2, 2021 and September 29, 2021, the City sent letters to the following Native American tribes that may have knowledge regarding tribal cultural resources in the project vicinity.

- Campo Band of Diegueno Mission Indians
- Ewiiaapaayp Band of Kumeyaay Indians
- Gabrieleno Band of Mission Indians – Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrielino/Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino-Tongva Tribe
- Juaneno Band of Mission Indians
- Juaneno Band of Mission Indians Acjachemen Nation
- Juaneno Band of Mission Indians Acjachemen Nation – Belardes
- Juaneno Band of Mission Indians Acjachemen Nation – Romero
- La Posta Band of Diegueno Mission Indians
- Manzanita Band of Kumeyaay Nation
- Mesa Grande Band of Diegueno Mission Indians
- Pala Band of Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Soboba Band of Luiseno Indians

To date, one response has been received from the tribal consultation process, and consultations were initiated on October 19, 2021.

In addition, as part of the Phase 1 Cultural and Paleontological Resources Assessment (MCC 2021) a Sacred Lands File search was requested from the NAHC on January 12, 2021. The NAHC responded on January 25, 2021, stating that there are no known sacred lands within a 1 mile radius of the project site, and requested that 11 Native American individuals be contacted for further information regarding the general area vicinity.

In compliance with the NAHC request, on January 29, 2021, letters were sent to all of the 11 Native American tribes that may have knowledge regarding tribal cultural resources in the project area. Additional attempts at contact by letter, email, or phone call were made on February 11, 2021 and February 17, 2021. Three responses were received:

- On February 14, 2021, MCC spoke to Andrew Salas, Chairman of Gabrieleno Band of Mission Indians-Kizh Nation via phone call. Mr. Salas stated the tribe requests consultation with the Lead Agency.

- On February 14, 2021, MCC spoke to Joseph Ontiveros, Tribal Historic Preservation Officer for the Soboba Band of Luiseño Indians (Soboba). Mr. Ontiveros stated that the project area outside of the tribe's area and defers to local tribes.
- On March 10, 2021, MCC spoke to Anthony Morales, Chairman of Gabrieleno/Tongva San Gabriel Band of Mission Indians. Mr. Morales deferred to make comment until he receives an update regarding the tribal outreach results.

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

Less Than Significant Impact. As detailed previously in Section 5, *Cultural Resources*, the project site was used for agricultural purposes prior to its development of the three existing buildings on the site. The Historical Resources Preliminary Findings Memo, included as Appendix B, and the Phase 1 Cultural and Paleontological Resources Assessment, included as Appendix C, detail that the site does not meet any of the historic resource criteria and does not meet the definition of an historical resource pursuant to CEQA (DPR 2020).

In addition, the Phase 1 Cultural and Paleontological Resources Assessment prepared for the project included a search of the California Historical Resource Information System (CHRIS) at the South Central Coastal Information Center (SCCIC), located at California State University, Fullerton, and did not identify any historical resources as defined in Public Resources Code section 5020.1(k) on the project site. Furthermore, the Sacred Lands File search completed by the NAHC stated that there are no known sacred lands within a 1-mile radius of the project site. Therefore, no substantial evidence exists that tribal cultural resources are present in the project site, and potential impacts would be less than significant.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less Than Significant Impact with Mitigation Incorporated. The project site is developed with three buildings and was previously used for agricultural activities. No substantial evidence exists that tribal cultural resources are present in the project site. In addition, the search of the CHRIS at the SCCIC at California State University, Fullerton did not identify any tribal cultural resources within one mile of the site. Although Native American tribal cultural resources are not known to occur on the project site, through the consultation process, the parties agreed to impose mitigation measures to mitigate potential impacts to previously unidentified TCRs. Therefore, to avoid potential adverse effects to tribal cultural resources, Mitigation Measure TCR-1 has been included to provide for Native American monitoring of excavation and grading activities to avoid potential impacts to inadvertent discovery of tribal cultural resources, human remains, and funerary object that may be unearthed by project construction activities.

Additionally, as described previously and included as PPP CUL-1, California Health and Safety Code, Section 7050.5 requires that if human remains are discovered in the project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation. If the coroner determines that the remains are those of a Native American, he or she shall contact, by telephone

within 24 hours, the Native American Heritage Commission. Therefore, with implementation of Mitigation Measure TCR-1 and the existing regulations, impacts to TCRs would be less than significant.

Existing Plans, Programs, or Policies

PPP CUL-1: Human Remains. Listed previously in Section 5, Cultural Resources.

Mitigation Measures

Mitigation Measure TCR-1: Native American Monitoring. Prior to the issuance of a permit for initial site clearing (such as pavement removal, grubbing, tree removals) or issuance of the first grading permit allowing ground-disturbing activities (including boring, grading, excavation, drilling, potholing or auguring, and trenching) the applicant shall provide a letter to the City Planning Department, or designee, from a qualified Native American Monitor(s) who has been approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government (Tribe) indicating that they have been retained to be present on-site during site clearing, excavation, and grading activities. The monitor shall be present at the pre-grading conference to conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered. The Native American monitor(s) shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for tribal cultural resources, whichever occurs first.

Inadvertent discovery: In the event that tribal cultural resources are inadvertently discovered during ground-disturbing activities, work shall be halted within 50 feet of the find until it can also be evaluated by a qualified archaeologist in cooperation with a Native American monitor to determine if the potential resource meets the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or resource (Public Resources Code 21083.2(g)). Construction activities could continue in other areas. If the find is considered an "archeological resource" the archaeologist, in cooperation with a Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. If unique a tribal cultural resource cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the project applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation in an established accredited professional repository.

Human remains and funerary remains: Upon discovery of human remains, the tribal and/or archaeological monitor/consultant shall immediately divert work at a minimum of 150 feet from the discovery and place an exclusion zone around the discovery location. The monitor/consultant(s) shall then notify the Tribe, the qualified lead archaeologist, and the construction manager who shall call the coroner. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure

to prevent any further disturbance. If the finds are determined to be Native American, the coroner shall notify the NAHC as mandated by state law who shall then appoint a Most Likely Descendent (MLD). Funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremation soils are to be treated in the same manner as bone fragments that remain intact.

Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or funerary remains and ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a guard should be posted outside of working hours. The Tribe shall make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed. The Tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure complete recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Sources

Historical Resources Preliminary Findings Memo. Prepared by ESA Associates, 2019 (ESA 2019), Appendix B.

Phase 1 Cultural and Paleontological Resources Assessment. Prepared by Material Culture Consulting. 2021 (MCC 2021, Appendix C).

Phase I Environmental Site Assessment for 10221 and 10231 Slater Avenue. Prepared by Partner Engineering and Science (Phase 1 2017), Appendix D.

Phase I Environmental Site Assessment for 10201 Slater Avenue. Prepared by Partner Engineering and Science (Phase 1 2018), Appendix E.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

a) Require or result in the relocation or construction of new or expanded water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact.

Water Infrastructure

The proposed project would redevelop the project site, which is currently served by the City's water infrastructure. The proposed project would install new 8-inch water lines on the project site that would connect to the existing 8-inch water pipelines in Slater Avenue, San Mateo Street, and along the western portion of the project site. The new onsite water system would convey water supplies to the proposed residences and landscaping through plumbing/landscaping fixtures that are compliant with the CalGreen Plumbing Code for efficient use of water.

The proposed project would continue to receive water supplies through the existing 8-inch water lines that have the capacity to provide the increased water supplies needed to serve the proposed project, and no expansions of the water pipelines that convey water to the project site would be

required. Installation of the new water distribution lines would only serve the proposed project and would not provide new water supplies to any off-site areas.

The construction activities related to the onsite water infrastructure that would be needed to serve the proposed multi-family residences and restaurant is included as part of the proposed project and would not result in any physical environmental effects beyond those identified throughout this MND. For example, construction emissions for excavation and installation of the water infrastructure is included in Sections 3, *Air Quality* and 8, *Greenhouse Gas Emissions*. Therefore, the proposed project would not result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant.

Wastewater Infrastructure

The project site is currently served by the existing 8-inch sewer line within El Corazon Avenue that flows to a 12-inch sewer line along the eastern boundary of the site that flows to a 15-inch sewer main within Slater Avenue. The project includes installation of onsite 8-inch sewer lines that would connect to the existing 8-inch sewer line in El Corazon Avenue. A Sewer Capacity Study (Appendix I) has been prepared to evaluate the capacity of the existing City sewer lines and its ability to serve the proposed project.

The Sewer Capacity Study describes that the existing wastewater flows from the project site are approximately 7,555 gallons per day (gpd) with a peak flow of 12,844 gpd or 0.019 cubic feet per second (cfs). The existing wastewater flows utilize 6 percent of the capacity within 8-inch sewer line in El Corazon Avenue. The proposed project would generate 63,533 gpd with a peak flow of 194,771 or 0.29 cfs. As shown on Table UT-1, the project would result in an increase of 55,978 gpd and project flows would utilize 36 percent of the capacity of the sewer line in El Corazon Avenue. This is below the 50 percent maximum pipeline capacity. Thus, the existing offsite sewer system that would operate at 36 percent capacity with the proposed project would be under the pipeline maximum capacity of 50 percent and would be able to accommodate the project. No off-site sewer line capacity enhancements would be required.

Table UT-1: Project Increase in Wastewater Flow

	Sewer Generation (gpd)	Peak Flow (gpd)	Peak Flow Cubic Feet Per Second	Peak Flow Sewer Line Capacity
Existing Flows	7,555	12,844	0.019	6%
Project Flows	63,533	194,771	0.29	36%
Increased Flows	**55,978**	**181,927**	**0.271**	**--**

Source: Sewer Capacity Study, Appendix I

The construction activities related to installation of the onsite sewer infrastructure that would serve the proposed project, is included as part of the proposed project and would not result in any physical environmental effects beyond those identified throughout this MND. For example, construction emissions for excavation and installation of the sewer infrastructure is included in Section 3, *Air Quality* and 8, *Greenhouse Gas Emissions*, and noise volumes from these activities are evaluated in Section 13, *Noise*. As the proposed project includes facilities to serve the proposed development, it would not result in the need for construction of other new wastewater facilities or expansions, the construction of which could cause significant environmental effects. Therefore, impacts would be less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less Than Significant Impact.
The proposed project would result in an increased demand for water supplies from the 270 multi-family residential units, which would generate increased water consumption in comparison to the existing office buildings. The City's 2020 Urban Water Management Plan (UWMP) details that the City is projected to increase by 3.7 percent over the next 25 years. The UWMP describes that there is limited vacant land left and that most growth is projected to be from infill developments and densification of existing communities, such as the proposed project. In the 2019-2020 year the City's water supply consisted of 88 percent groundwater and 12 percent recycled water. The 2020 UWMP describes that by the year 2045, the City's water supply would shift to 73 percent groundwater, 13 percent imported water, and 14 percent recycled water.

In 2020, the City's demand for water supplies was 8,686 acre-feet (AF), and total water demand is projected to be 9,989 AF in 2025 (a 4.0% increase from 2020 actual usage) and 10,118 AF in 2045. In 2020 the actual 2020 consumption was 91 gallons per capita per day (GPCD), which is lower than the City's 2020 water use target of 142 GPCD. To provide a conservative estimate of project water use, a generation rate of 142 gallons per capita per day was used to estimate water demand from the proposed project. As described in Section 14, *Population and Housing*, the proposed project would result in 786 residents at full occupancy. Based on the City's 2020 water use target of 142 gallons per capita per day, the 786 residents would generate a water demand of 111,612 gallons per day (125.02 acre-feet per year). The project would limit water demand by inclusion of low-flow plumbing and irrigation fixtures, pursuant to the California Title 24 requirements.

The City's 2020 UWMP anticipates an increase in water demand and supply of 1,303 acre-feet between 2020 and 2025. The project's demand of 125.02 acre-feet equates to 10 percent of the anticipated increase in the five years. Therefore, the City would have water supplies available to serve the project. In addition, the City's 2020 UWMP details the available supply, including groundwater, imported water, and recycled water that would meet the projected demand during normal, single dry and multiple dry years. Therefore, impacts related to water supplies from the proposed project would be less than significant.

c) Result in a determination by the wastewater 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?

Less than Significant Impact. The City operates and maintains the local sewer collection pipes that feed into the Orange County Sanitation District's (OCSD) trunk sewer system to convey wastewater to OCSD's wastewater treatment Plant No. 1 in Fountain Valley that has a capacity of 320 million gallons per day (MGD). In 2019, the estimated average daily flow received at Plant No. 1 was 120 MGD. Thus, the plant has additional capacity of 200 MGD.

As described previously, the proposed project would generate an increase of approximately 55,008 gallons of wastewater per day, which would be within the capacity of wastewater treatment Plant No. 1. Therefore, impacts related to wastewater system capacity would be less than significant.

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?

Less Than Significant Impact. In 2019, a large majority (over 93 percent) of the solid waste from the city of Fountain Valley, which was disposed of in landfills, went to the Frank Bowerman Sanitary Landfill (CalRecycle 2021). The Frank Bowerman Sanitary Landfill is permitted to accept 11,500 tons per day of solid waste and is permitted to operate through 2053. In April 2021, the maximum tonnage received was 8,594 tons. Thus, the facility had additional capacity of approximately 2,906 tons per day (CalRecycle 2021).

Construction
Project construction would generate solid waste for landfill disposal in the form of demolition debris from the existing buildings and infrastructure that would be removed from the site. Demolition waste would be properly characterized as required by law and recycled or disposed of at an appropriate type of landfill for such materials. Construction waste in the form of packaging and discarded materials would also be generated by the proposed project. Utilizing a construction waste factor of 4.34 pounds per square foot (EPA 2003), demolition of the 52,000 square feet of office buildings and 7,725 square foot restaurant building would generate approximately 129.6 tons of solid waste during demolition and additional solid waste during construction, which would occur over a 15-month period. However, Section 5.408.1 of the 2016 California Green Building Standards Code requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste. Thus, the demolition and construction solid waste that would be disposed of at the landfill would be approximately 35 percent of the waste generated. Therefore, demolition activities, which would generate the most solid waste would generate approximately 45.36 tons of solid waste. As shown in Table 7 of the Project Description section, demolition activities would occur over 20 working days (4 week) period. This equates to approximately 2.3 tons of debris per day.

As described above, the Frank Bowerman Sanitary Landfill had additional capacity of approximately 2,906 tons per day. Therefore, the facility would be able to accommodate the addition of 2.3 tons of solid waste per day during demolition of the proposed project.

Operation
The CalEEMod solid waste generation rate for residential land use is 0.41 tons per resident per year. As described previously, full occupancy of the proposed project would generate approximately 786 residents at full capacity. Thus, operation of the proposed residences would generate approximately 322.26 tons per solid waste per year; or 6.2 tons per week. However, at least 75 percent of the solid waste is required by AB 341 to be recycled, which would reduce the volume of landfilled solid waste from the proposed residences to approximately 1.55 tons (3,100 pounds) per week.

In addition, the project includes a 7,000 sq. ft. restaurant and a 1,660-square-foot art gallery. The CalEEMod solid waste generation rate for a quality restaurant is 0.91 tons per 1,000 square feet per year. Thus, the proposed restaurant would generate approximately 6.37 tons of solid waste per year. Of this, 75 percent would be recycled as required by AB 341, which would result in approximately 1.59 tons (3,180 pounds) per year or 61.15 pounds per week of solid waste disposed of in the landfill.

CalEEMod does not include a solid waste rate for art galleries; therefore, the solid waste rate for

an office was utilized, which is 0.93 tons per 1,000 square feet per year. Based on this generation rate, the proposed art gallery would generate approximately 1.5 tons per year. After recycling of 75 percent of this solid waste, the art gallery would generate approximately 0.39 tons (780 pounds) of solid waste per year or approximately 15 pounds per week.

The total solid waste that would be landfilled from the project would be approximately 3,176.15 pounds (1.59 tons) per week (3,100 pounds from residential + 61.15 pounds from restaurant +15 pounds from art gallery = 3,176.15 pounds)

As the Frank Bowerman Sanitary Landfill has additional capacity of approximately 2,906 tons per day, the solid waste generated by the project would be within the capacity of the landfill. Thus, the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and the project would not impair the attainment of solid waste reduction goals. Impacts related to landfill capacity would be less than significant.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact. The proposed project would result in new development that would generate an increased amount of solid waste. All solid waste-generating activities within the city is subject to the requirements set forth in Section 5.408.1 of the 2016 CalGreen Code that requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, and AB 341 that requires diversion of a minimum of 75 percent of operational solid waste. Implementation of the proposed project would be consistent with all state regulations, as ensured through the City's development project permitting process. Therefore, the proposed project would comply with all solid waste statute and regulations; and impacts would not occur.

Existing Plans, Programs, or Policies

PPP E-1: CalGreen Compliance. As listed previously in Section 6, *Energy*.

PPP UT-1: AB 341. Implementation of the project shall comply with AB 341 that would divert a minimum of 75 percent of operational solid waste from landfill facilities.

Mitigation Measures

None.

Sources

California Emissions Estimator Model Appendix D Default Data Tables. Table 10.1 Solid Waste Disposal Rates. Accessed: http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/05_appendix-d2016-3-1.pdf?sfvrsn=2

CalReycyle Solid Waste Information System. Accessed at: http://www.calrecycle.ca.gov/SWFacilities/Directory/Search.aspx

CalReycyle Disposal Reporting System: Jurisdiction Tons by Facility. Accessed at:

https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility

City of Fountain Valley 2020 Urban Water Management Plan. Accessed: https://www.fountainvalley.org/490/Urban-Water-Management-Plan

Orange County Sanitation District Regional Sewer Service. Accessed: https://www.ocsan.gov/services/regional-sewer-service

Orange County Sanitation District Design and Construction Requirements for Sanitary Sewers. Accessed: https://www.ocsd.com/Home/ShowDocument?id=28159

Sewer Capacity Study, 2021. Prepared By Huitt-Zollars. Appendix I

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. WILDFIRES. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The project site is developed and within a completely urbanized area. The project site is surrounded by roadways, City Hall, office uses, school administration buildings, and multi-family residential units. Vegetation is limited to scattered ornamental landscaping that is regularly irrigated. The project site is not adjacent to any wildland areas. According to the CAL FIRE Hazard Severity Zone map, the project site is not within a fire hazard zone. Also, as described previously, the proposed project area would be accessed from San Mateo and El Corazon Avenue is adjacent to the north of the site. Permitting of the site driveway, parking garage design, and onsite emergency accessibility would ensure compliance with the California Fire Code requirements, included as Municipal Code Chapter 17.02.20. Because the project is not located in a fire hazard area and is required to comply with all applicable City codes, as verified by the City, potential impacts related to an emergency response or evacuation would not occur.

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

No Impact. The project site is developed and within an urbanized area. The project site is surrounded by roadways, City Hall, office uses, school administration buildings, and multi-family

residential units. Vegetation is limited to scattered ornamental landscaping that is regularly irrigated. The project site is not adjacent to any wildland areas, and as determined by the CAL FIRE Hazard Severity Zone map, the project site is not within a fire hazard zone. In addition, the project site is flat and within a flat area. The site is adjacent to roadways and multi-family residential development. There are no factors on or adjacent to the project site that would exacerbate wildfire risks. Thus, no impact related to other factors that would expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire would occur from the project.

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

No Impact. As described previously, the project site is developed and within a developed and urban area that is not within a wildfire hazard zone. The project does not include any infrastructure that would exacerbate fire risks. In addition, the project would provide emergency access and fire suppression facilities (e.g., hydrants and sprinklers) that conform to the California Fire Code requirements, included as Municipal Code Chapter 17.02.20, as verified through the City's permitting process. Therefore, impacts related to infrastructure that could exacerbate fire risks would not occur with the proposed project.

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

No Impact. As described previously, the project site is developed and within a developed and urban area that is not within a wildfire hazard zone. In addition, the project site is flat and surrounded by flat areas. There are no slopes or hillsides that would become unstable. In addition, the project would install onsite drainage that would be conveyed to the existing flood control channel, which is consistent with the existing condition. Therefore, impacts related to flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes would not occur from the proposed project.

Existing Plans, Programs, or Policies

PPP HAZ-1: Fire Code. As listed previously in Section 9, *Hazards and Hazardous Materials*.

Mitigation Measures

None.

Sources

California Department of Forestry and Fire Protection (CAL FIRE) 2021. Fire Hazard Severity Zone Map. Accessed: https://forestwatch.maps.arcgis.com/apps/Styler/index.html?appid=5e96315793d445419b6c96f89ce5d153

21. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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?	☐	☒	☐	☐
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)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

a) Does the project have the potential to substantially 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, substantially 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?

Less Than Significant Impact with Mitigation Incorporated. As described in Section 4, *Biological Resources*, the project site is located within an urban area and currently developed with three buildings and contains paved surfaces and ornamental landscaping. No endangered, rare, threatened, or special status plant species (or associated habitats) or wildlife species designated by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), or California Native Plant Society (CNPS) occur on the site. The proposed project would redevelop the project site with a new restaurant, art gallery, and multi-family residences, which would include installation of new ornamental landscaping. No sensitive species or habitats are located within the urban and developed site. The project area contains scattered ornamental trees that could be used for nesting by common bird species that are protected by the federal Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code Sections 3503.5, 3511, and 3515. Compliance with these state and federal regulations is included as Mitigation Measure BIO-1. With implementation of this mitigation, potential impacts related to reduction of habitat of a fish or

wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or impact a plant or animal community would be less than significant.

As described in Section 5, *Cultural Resources*, the project site does not contain any buildings or structures that meet any of the California Register of Historical Resources (California Register) criteria or qualify as "historical resources" as defined by CEQA. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource. Also, the Phase 1 Cultural and Paleontological Resources Assessment determined that the potential for archaeological resources to be located within the project site is low. However, Mitigation Measure CUL-1 has been included to provide procedures to be followed in the event that potential archaeological resources are discovered during grading, excavation, or construction activities. Mitigation Measure CUL-1 requires that work in the vicinity of a find be halted until the find can be assessed for significance by a qualified archaeologist to determine the appropriate treatment and documentation of the discovery (California Code of Regulations [CCR], Title 14, Chapter 3, Section 15064.5(f). Mitigation Measure CUL-1 would reduce potential impacts to undiscovered archaeological resources to a less than significant level.

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)?

Less than Significant Impact. The project would redevelop the project site for a replacement restaurant, a new art gallery, and new multi-family residences within a developed area. The project would provide land uses that are consistent with the adjacent multi-family residential and nearby retail, office, and civic uses. As described above, all of the potential impacts related to implementation of the project would be less than significant or reduced to a less than significant level with implementation of mitigation measures that are imposed by the City that effectively reduce environmental impacts.

The City has identified 5 cumulative projects, which include the following:

1. Fountain Valley Retail Project (18050 Brookhurst Street)
2. Moiola Park Residences (9790 Finch Avenue)
3. Villa Asteria Residences (9801 Starfish)
4. Villa Serena Residential (Slater Avenue at Talbert Avenue)
5. Fountain Valley Crossings Specific Plan (Euclid Avenue at Talbert Avenue)

Like the proposed project, the 5 cumulative projects involve redevelopment of parcels within the existing urban environment. The cumulative projects are located on or nearby arterial roadways, and as detailed in Section 17, *Transportation*, the cumulative projects would not generate a cumulative traffic impact with implementation of the identified improvements with the proposed project. Additionally, the cumulative projects consist of residential, retail, restaurant, and office uses, which would complement the proposed restaurant and multi-family residential uses.

The other cumulative effects of the proposed project taken into consideration with these other projects would be limited, because the project site and cumulative project sites have already been developed and disturbed and the new uses onsite would not result in substantial change in the urban use of the area. As the project is currently used for a restaurant and offices, the existing public services and utility infrastructure are in place to serve the project and would not result in

cumulatively considerable increases in service and utility needs to serve the project. In addition, the project would not result in substantial effects to any environmental resource topic, as described throughout this document.

Overall, the proposed project would develop an area that has been subject to previous urban uses, is disturbed, and is surrounded by consistent development and roadways. Impacts to environmental resources or issue areas would not be cumulatively considerable; and cumulative impacts would be less than significant with implementation of the previously identified mitigation measures related to biological resources, cultural resources, paleontological resources, and tribal cultural resources.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant with Mitigation Incorporated. The project proposes redevelopment of the project site for restaurant, art gallery, and multi-family residential uses. As described previously, the project site is within an urban area and surrounded by urban land uses. The project would not consist of any use or any activities that would result in a substantial negative affect on persons in the vicinity. This includes potential impacts related to construction, demolition, and the proposed restaurant and residential activities. All resource topics associated with the proposed project have been analyzed in accordance with CEQA and the State CEQA Guidelines and were found to pose no impacts or less-than-significant impacts with implementation of mitigation measures related to, biological resources, cultural resources, paleontological resources, and tribal cultural resources; and existing plans, programs, or policies that are required by the City. Consequently, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings directly or indirectly, and impacts would be less than significant with mitigation.

Existing Plans, Programs, or Policies

As listed in previous responses.

Mitigation Measures

As listed in previous responses.

5 DOCUMENT PREPARERS AND CONTRIBUTORS

Lead Agency:
City of Fountain Valley

CEQA Document Preparer:
EPD Solutions, Inc.
Konnie Dobreva, JD
Renee Escario
Rafik Albert

Air Quality, Energy, and Greenhouse Gas Impact Analysis, Appendix A
EPD Solutions, Inc.
Alex Garber

Historical Resources Preliminary Findings Memo, Appendix B
ESA Associates, Inc.
Margarita Jerabek, PhD

Phase 1 Cultural and Paleontological Resources Assessment, Appendix C
Material Culture Consulting, Inc.
Tria Marie Belcourt, M.A., Registered Professional Archaeologist
Jennifer Kelly, M.Sc., Geology, Professional Paleontologist
Erika McMullin, B.A.

Phase I Environmental Site Assessment 10221 and 10231 Slater Avenue, Appendix D
Partner Engineering and Science, Inc.
Arcie Propster

Phase I Environmental Site Assessment 10201 Slater Avenue, Appendix E
Partner Engineering and Science, Inc.
Arcie Propster

Preliminary Water Quality Management Plan, Appendix F
Huitt-Zollars
Jeffrey Okamoto, PE

Technical Noise Analysis, Appendix G
Vista Environmental, Inc.
Greg Tonkovich, INCE

Traffic Impact Analysis Report, Appendix H
EPD Solutions, Inc.
Meghan Macias, TE

Sewer Capacity Study, Appendix I
Huitt-Zollars, Inc.
Jeffrey Okamoto, PE

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Mitigation Monitoring and Reporting Program

CEQA requires a lead or public agency that approves or carries out a project for which a Mitigated Negative Declaration has been adopted which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "…reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the project. The City of Fountain Valley is the Lead Agency for the project and is responsible for implementation of the MMRP. This report describes the MMRP for the project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

The MMRP for the project will be active through all phases of the project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the project. The table identifies the Standard Conditions; Plan, Program, Policies (PPPs); and Mitigation Measures required by the City to mitigate or avoid significant adverse impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies; and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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Mitigation Monitoring and Reporting Program
Slater Avenue Mixed-Use Project

Standard Condition/ Plan, Program, Policy/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AESTHETICS			
PPP AES-1: Exterior lighting on the project site shall conform to the regulations within Municipal Code Section 21.18.060. Light and glare sources from the site, shall be shielded or modified to prevent emission of light or glare beyond the property line.	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	
AIR QUALITY			
PPP AQ-1: Rule 402. The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.	In Construction Plans and Specifications. Prior to the issuance of Grading and Building Permits.	City of Fountain Valley Building & Safety Division	
PPP AQ-2: Rule 403. The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following: • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day. The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.	In Construction Plans and Specifications. Prior to the issuance of Grading Permits. Ongoing during Construction Activities.	City of Fountain Valley Building & Safety Division	
PPP AQ-3: Rule 1113. The construction plans shall include a note that the project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only "Low-Volatile Organic Compounds" paints (no more than 50 gram/liter of	In Construction Plans and Specifications. Prior to the issuance of Building Permits	City of Fountain Valley Building & Safety Division	

Standard Condition/ Plan, Program, Policy/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.			
BIOLOGICAL RESOURCES			
PPP BIO-1: The project shall comply with the Migratory Bird Treat Act (United States Code Title 33, Section 703 et seq.; see also Code of Federal Regulations Title 50, Part 10) and Section 3503 of the California Fish and Game Code. A nesting bird survey is required to be conducted prior to the removal of any trees within the site during the nesting bird season (February 15 to August 1).	In Construction Plans and Specifications. Prior to issuance of Grading or Demolition Permits.	City of Fountain Valley Building & Safety Division	
PPP BIO-2: The trees shrubs and plants installed on public property shall conform to the regulations within Municipal Code Chapter 12.04.	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	
Mitigation Measure BIO-1: Migratory Bird Treaty Act. Prior to issuance of grading or demolition permits that include vegetation and/or tree removal activities that will occur within the active breeding season for birds (February 1–September 15), the project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities. The nesting survey shall include the project site and areas immediately adjacent to the site that could potentially be affected by project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet (ft) of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 ft for raptors and 300 ft for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.	In Construction Plans and Specifications. Prior to issuance of Grading or Demolition Permits.	City of Fountain Valley Building & Safety Division	
CULTURAL RESOURCES			
PPP CUL-1: Human Remains. In the event that human remains are encountered on the project site, work within 50 ft of the discovery shall cease and the County Coroner shall be notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5. State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. Prior to the issuance of grading permits, the City	In Construction Plans and Specifications. Prior to the issuance of Grading Permits. Ongoing during Construction Activities.	City of Fountain Valley Building & Safety Division	

Standard Condition/ Plan, Program, Policy/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
Community and Planning, Building, and Code Enforcement Department Director, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5, State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.			
Mitigation Measure CUL-1: Inadvertent Discoveries. Prior to commencement of grading activities, the Building & Safety Division shall verify that all project grading and construction plans and specifications state that in the event that potential archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified archaeologist has evaluated the find to determine whether the find constitutes a "unique archaeological resource," as defined in Section 21083.2(g) of the California Public Resources Code. Any resources identified shall be treated in accordance with California Public Resources Code Section 21083.2(g). In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall flag the area in the field and shall determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)). If the find is considered a "resource" the archaeologist in coordination with the Native American monitor shall pursue either protection in place or recovery, salvage, and treatment of the deposits. Recovery, salvage, and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery,	In Construction Plans and Specifications. Prior to the issuance of Grading Permits. Ongoing during Construction Activities.	City of Fountain Valley Planning Division	

Standard Condition/ Plan, Program, Policy/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
salvage and treatment shall be required at the developer/applicant's expense.			
ENERGY			
PPP E-1. CalGreen Compliance: The project is required to comply with the CalGreen Building Code as included in the City's Municipal Code Section 18.28.010 to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	
PPP E-2: Idling Regulations. The project is required to comply with California Air Resources Board (CARB) Rule 2485 (13 CCR, Chapter 10 Section 2485), Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.	In Construction Plans and Specifications. Prior to the issuance of Grading Permits. Ongoing during Construction Activities.	City of Fountain Valley Building & Safety Division	
GEOLOGY AND SOILS			
PPP GEO-1: California Building Code. Prior to issuance of any construction permits, the project is required to demonstrate compliance with the California Building Code as included in the City's Municipal Code Chapter 18.26 to preclude significant adverse effects associated with seismic hazards. California Building Code related and geologist and/or civil engineer specifications for the project are required to be incorporated into grading plans and specifications as a condition of construction permit approval.	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	
PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.	In Construction Plans and Specifications. Prior to the issuance of Grading and Demolition Permits.	City of Fountain Valley Building & Safety Division	
Mitigation Measure PAL-1: Paleontological Resources. A paleontologist selected from the roll of qualified paleontologists maintained by the City or the County shall be retained to provide spot check monitoring services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite. The PRIMP shall require that the paleontologist be	In Construction Plans and Specifications. Prior to the issuance of Grading Permits. Ongoing during Construction Activities.	City of Fountain Valley Planning Division	

Standard Condition/ Plan, Program, Policy/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological spot-check monitoring of excavation that exceeds depths of 5 feet. The PRIMP shall state that the project paleontologist shall re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than 5 feet have been completed. In the event that paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered. Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.			
GREENHOUSE GAS EMISSIONS			
PPP E-1: CalGreen Compliance. As listed above in Energy.	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	
HAZARDS AND HAZARDOUS MATERIALS			
PPP WQ-1: NPDES/SWPPP. As listed below in Hydrology and Water Quality.	In Construction Plans and Specifications. Prior to the issuance of Grading Permits.	City of Fountain Valley Building & Safety Division	
PPP HAZ-1: Fire Code. The project shall conform to the California Fire Code, as included in the City's Municipal Code in Section 17.020	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	

Standard Condition/ Plan, Program, Policy/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
PPP HAZ-2: SCAQMD Rule 1403, Asbestos. Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted on the structures proposed for demolition. If asbestos is found, the Project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.	In Construction Plans and Specifications. Prior to the issuance of Demolition Permits	City of Fountain Valley Building & Safety Division	
PPP HAZ-3: Lead. Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted on the structures proposed for demolition. If lead-based paint is found, the project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. Cal-OSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.	In Construction Plans and Specifications. Prior to the issuance of Demolition Permits	City of Fountain Valley Building & Safety Division	
HYDROLOGY AND WATER QUALITY			
PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building and Safety Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.	In Construction Plans and Specifications. Prior to the issuance of Grading and Demolition Permits.	City of Fountain Valley Building & Safety Division	
PPP WQ-2: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be prepared by the project applicant and submitted to and approved by the City Building and Safety Division. The WQMP shall identify all Post-Construction, Site Design. Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.	In Construction Plans and Specifications. Prior to the issuance of Grading Permits.	City of Fountain Valley Building & Safety Division	

Standard Condition/ Plan, Program, Policy/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
NOISE			
PPP N-1: Construction Noise. Project construction activities shall occur in compliance with Municipal Code Section 6.28.070, Special Provisions Construction activities, which states that construction shall occur between 7:00 a.m. and 8:00 p.m., Monday through Friday; or between 9:00 a.m. to 8:00 p.m. on Saturday; and at no time on Sunday or any legal holiday.	In Construction Plans and Specifications. Prior to the issuance of Grading and Building Permits. Ongoing during Construction Activities.	City of Fountain Valley Building & Safety Division	
PPP N-2: Building Code. Residential units will be required to comply with the interior noise standards of the California Building Code.	In Construction Plans and Specifications. Prior to the issuance of Demolition Permits.	City of Fountain Valley Building & Safety Division	
PUBLIC SERVICES			
PPP HAZ-1: Fire Code. As listed above in *Hazards and Hazardous Materials*.	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	
PPP PS-1: Schools Development Impact Fees. Prior to issuance of building permit, the project shall pay applicable development fees levied by the Fountain Valley School District and the Huntington Beach Union High School District pursuant to the School Facilities Act (Senate Bill [SB] 50, Stats. 1998, c.407).	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	
PPP PS-2: Park Fees. As a condition of the approval of a tentative map, the project shall pay applicable park related fees pursuant to Municipal Code Section 21.79.	Prior to approval of a tentative map.	City of Fountain Valley Planning Division	
RECREATION			
PPP PS-2: Park Fees. As listed above in *Public Services*.	Prior to approval of a tentative map.	City of Fountain Valley Planning Division	
TRANSPORTATION			
PPP HAZ-1: Fire Code. As listed above in *Hazards and Hazardous Materials*.	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	
TRIBAL CULTURAL RESOURCES			
PPP CUL-1: Human Remains. As listed above in *Cultural Resources*.	In Construction Plans and Specifications. Prior to the issuance of Grading Permits. Ongoing during Construction Activities.	City of Fountain Valley Building & Safety Division	
Mitigation Measure TCR-1: Native American Monitoring. Prior to the issuance of a permit for initial site clearing (such as pavement removal, grubbing, tree removals) or issuance of the first grading permit allowing ground-disturbing activities (including boring, grading, excavation, drilling, potholing or auguring, and trenching) the applicant shall provide	In Construction Plans and Specifications. Prior to the issuance of Demolition and Grading Permits. Ongoing during Construction Activities.	City of Fountain Valley Planning Division	

Standard Condition/ Plan, Program, Policy/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
a letter to the City Planning Department, or designee, from a qualified Native American Monitor(s) who has been approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government (Tribe) indicating that they have been retained to be present on-site during site clearing, excavation, and grading activities. The monitor shall be present at the pre-grading conference to conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered. The Native American monitor(s) shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for tribal cultural resources, whichever occurs first. **Inadvertent discovery:** In the event that tribal cultural resources are inadvertently discovered during ground-disturbing activities, work shall be halted within 50 feet of the find until it can also be evaluated by a qualified archaeologist in cooperation with a Native American monitor to determine if the potential resource meets the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or resource (Public Resources Code 21083.2(g)). Construction activities could continue in other areas. If the find is considered an "archeological resource" the archaeologist, in cooperation with a Native American monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. If unique a tribal cultural resource cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the project applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation in an established accredited professional repository. **Human remains and funerary remains:** Upon discovery of human remains, the tribal and/or archaeological monitor/consultant shall			

Standard Condition/ Plan, Program, Policy/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
immediately divert work at a minimum of 150 feet from the discovery and place an exclusion zone around the discovery location. The monitor/consultant(s) shall then notify the Tribe, the qualified lead archaeologist, and the construction manager who shall call the coroner. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner shall notify the NAHC as mandated by state law who shall then appoint a Most Likely Descendent (MLD). Funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremation soils are to be treated in the same manner as bone fragments that remain intact. Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or funerary remains and ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a guard should be posted outside of working hours. The Tribe shall make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed. The Tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure complete recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does			

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not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains. Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.			
UTILITIES AND SERVICE SYSTEMS			
PPP E-1: CalGreen Compliance. As listed above in *Energy*.	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	
PPP UT-1: AB 341. Implementation of the project shall comply with AB 341 that would divert a minimum of 75 percent of operational solid waste from landfill facilities.	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	
WILDFIRES			
PPP HAZ-1: Fire Code. As listed above in *Hazards and Hazardous Materials*.	In Construction Plans and Specifications. Prior to the issuance of Building Permits.	City of Fountain Valley Building & Safety Division	