

October 2023 | Final Environmental Impact Report
State Clearinghouse No. 2022100563

**CITY OF FOUNTAIN VALLEY
GENERAL PLAN UPDATE EIR
CEQA FINDINGS OF FACT AND STATEMENT OF
OVERRIDING CONSIDERATIONS REGARDING THE
FINAL ENVIRONMENTAL IMPACT REPORT**

City of Fountain Valley

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**CEQA FINDINGS OF FACT
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REGARDING THE
FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE
CITY OF FOUNTAIN VALLEY GENERAL PLAN
STATE CLEARINGHOUSE NO. 2022100563**

Exhibit A

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires that written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA. The potential environmental effects of the proposed City of Fountain Valley General Plan (proposed project) have been analyzed in a Draft Environmental Impact Report (Draft EIR) (State Clearinghouse [SCH] 2022100563) dated June 2023. A Final EIR has also been prepared that incorporates the Draft EIR and contains comments received on the Draft EIR, responses to the individual comments, revisions to the Draft EIR including any clarifications based on the comments and the responses to the comments, and the Mitigation Monitoring and Reporting Program for the proposed project (MMRP). This document provides the findings required by CEQA for approval of the proposed project.

A. Statutory Requirements for Findings

The CEQA (Pub. Res. Code §§ 21000, *et seq.*) and the State CEQA Guidelines (Guidelines) (14 Ca. Code Regs §§ 15000, *et seq.*) promulgated thereunder, require the environmental impacts of a project be examined before a project is approved. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained

workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

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

B. Certification

Having received, reviewed, and considered the EIR for the City of Fountain Valley General Plan Update, as well as other information in the record of proceedings on this matter, the City of Fountain Valley City Council adopts the following Findings and Statement of Overriding Considerations, in its capacity as the legislative body for the City of Fountain Valley (City), which is the CEQA Lead Agency. The Findings and Statements of Overriding Considerations (Findings) set forth the environmental and other bases for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the proposed project.

In addition, the City of Fountain Valley City Council (City Council) hereby make findings pursuant to and in accordance with Section 21081 of the California Public Resources Code and State CEQA Guidelines Sections 15090 and 15091 and hereby certifies that:

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

C. Project Environmental Report and Discretionary Actions

The Final EIR addresses the direct, indirect, and cumulative environmental effects of construction and operation activities associated with the proposed project. The Final EIR provides the environmental information necessary for the City to make a final decision on the requested discretionary actions for all phases of this project. The Final EIR was also intended to support discretionary reviews and decisions by other responsible agencies. Discretionary actions to be considered by the City may include, but are not limited to, the following:

- Certify that the Final EIR for the proposed project has been completed in compliance with CEQA, and reflects the independent judgement and analysis of the City; find that the City Council has reviewed and considered the information contained in the Final EIR prior to approving the project; adopt the Mitigation Monitoring and Reporting Program, finding that the Mitigation Monitoring and Reporting Program is adequately designed to ensure compliance with the mitigation measures during project implementation; and determine that the significant adverse effects of the project either have been reduced to an acceptable level, or are outweighed by the specific overriding considerations of the project as outlined in the CEQA Findings of Fact and Statement of Overriding Considerations, as set forth herein.
 - Approve the proposed project and related discretionary actions needed for project construction and operation.

II. PROCEDURAL COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City published a Draft EIR on June 9, 2023. A Final EIR was prepared in September 2023 in compliance with CEQA requirements. The Final EIR has been prepared in accordance with CEQA and the CEQA Guidelines, as amended. As authorized in State CEQA Guidelines Section 15084(d)(2), the City retained a consultant to assist with the preparation of the environmental documents. City staff from multiple departments, representing the Lead Agency, have directed, reviewed, and modified where appropriate all material prepared by the consultant. The Final EIR reflects the City's independent analysis and judgement. The key milestones associated with the preparation of the EIR are summarized below. As presented below, an extensive public involvement and agency notification effort was conducted to solicit input on the scope and content of the EIR and to solicit comments on the results of the environmental analysis presented in the Draft EIR.

A. Public Notification and Outreach

In conformance with CEQA, the State CEQA Guidelines, and the City of Fountain Valley CEQA Guidelines, the City of Fountain Valley conducted an extensive environmental review of the proposed project.

- Completion of a Notice of Preparation (NOP) on October 25, 2022. The public review period extended from October 25, 2022, to November 24, 2022. The NOP was published in the *Fountain Valley View* on October 25, 2022. The NOP was posted at the Orange County Clerk's office on October 25, 2022. Copies of the NOP were mailed to interested persons and organizations.
- Preparation of a Draft EIR, which was made available for a 45-day public review period beginning June 9, 2023, and ending July 24, 2023. The scope of the Draft EIR was determined based on the

CEQA Guidelines Appendix G Checklist, and comments received in response to the NOP. The Notice of Availability (NOA) for the Draft EIR was sent to interested persons and organizations, sent to the State Clearinghouse in Sacramento for distribution to public agencies, posted at the City of Fountain Valley's website, and published in the *Fountain Valley View*. The NOA was posted at the Orange County Clerk's office on June 8, 2023. The Notice of Availability of the Draft EIR was published in the *Fountain Valley View* on June 8, 2023.

- Preparation of a Final EIR, including the responses to comments to the Draft EIR, was released for a 10-day agency review period prior to certification of the Final EIR.
- Public hearings on the proposed project, including a Planning Commission hearing and a City Council hearing.

In summary, the City conducted all required noticing and scoping for the proposed project in accordance with Section 15083 of the CEQA Guidelines, and conducted the public review for the EIR, which exceeded the requirements of Section 15087 of the CEQA Guidelines.

B. Final Environmental Impact Report and City Council Proceedings

The City prepared a Final EIR, including Responses to Comments to the Draft EIR. The Final EIR/Response to Comments contains comments on the Draft EIR, responses to those comments, revisions to the Draft EIR, and appended documents. A total of two comment letters were received.

None of the comment letters resulted in the need to modify the environmental analysis in the Draft EIR.

The Final EIR found that prior to mitigation, implementation of the proposed project will result in potentially significant impacts to Geology and Soils, Cultural Resources, and Tribal Cultural Resources. Impacts to Air Quality, Greenhouse Gas Emissions, Noise, Population and Housing, and Transportation were found to be significant and unavoidable, and no feasible mitigation measures were available. The City prepared a Statement of Overriding Considerations (see Section V, below) for the following impacts which were found to be significant and unavoidable:

Air Quality

- **Impact 5.2-1:** Buildout of the General Plan Update, and associated emissions, would exceed the assumptions of the South Coast AQMD's AQMP.
- **Impact 5.2-2:** Construction activities associated with future development that would be accommodated under the General Plan Update could generate short-term emissions in exceedance of the South Cost AQMD's threshold criteria.
- **Impact 5.2-3:** Implementation of the proposed project would generate additional, long-term emissions in exceedance of South Coast AQMD's threshold criteria and cumulatively contribute to the South Coast Air Basin's nonattainment designations.

Greenhouse Gas Emissions

- **Impact 5.5-1:** Implementation of the General Plan Update would not result in a substantial increase in emissions but would not place the city on a trajectory to achieve the goals established under Executive Order S-03-05 or progress toward the State's carbon neutrality goal.

Noise

- **Impact 5.9-1:** Construction activities associated with the buildout of the plan area would result in temporary noise increases at sensitive receptors.

Population and Housing

- **Impact 5.10-1:** The proposed project would directly induce substantial unplanned population growth.

Transportation

- **Impact 5.12-2:** The proposed project would conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).

The public can view searchable agendas for scheduled City Council meetings and access agenda-related City information and services directly on the following website: <https://www.fountainvalley.gov/156/City-Council>.

The Final EIR document will be posted for viewing and download with the previously posted Draft EIR prior to the City's consideration of the Final EIR and project recommendations on the City's website.

A date for consideration of the Final EIR and project recommendations at the City Council was set for the proposed project and notice of the meeting was provided consistent with the Brown Act (Government Code Sections 54950 et seq.). The City Council will take testimony on the proposed project and may continue on its calendar to a subsequent meeting date in its discretion.

C. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the proposed project.
- The Draft EIR and Final EIR for the proposed project.
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR.
- All written and verbal public testimony presented during a noticed public hearing for the proposed project.

- The Mitigation Monitoring and Reporting Program.
- The reports and technical memoranda included or referenced in the Final EIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR.
- The Resolutions adopted by the City in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto.
- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings.
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

D. Custodian and Location of Records

The documents and other materials that constitute the administrative record for the City’s actions related to the proposed project are at the City of Fountain Valley – Community Development Department, 10200 Slater Avenue, Fountain Valley, CA. The City Community Development Department is the custodian of the administrative record for the proposed project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request of the Community Development Department. Additionally, the documents will be available online at: [https://www.fountainvalley.gov/1282/General-Plan Update](https://www.fountainvalley.gov/1282/General-Plan-Update) during the consideration period for the proposed project, and at City Hall. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

E. Project Location

The City of Fountain Valley and its Sphere of Influence (SOI) are centrally located in the County of Orange and is bounded by the Santa Ana River to the east, the City of Huntington Beach to the west and south, and the City of Westminster to the north. Interstate 405 (I-405) bisects the City, running diagonally northwest to southeast.

F. Project Objectives

Objectives for the proposed City of Fountain Valley General Plan Update project will aid decision makers in their review of the project and associated environmental impacts:

1. Provide well-designed and accessible residential neighborhoods and commercial and industrial districts to provide opportunities for people to live, work, and play.
2. Ensure that the City meets its proportionate share of affordable and market rate housing demand by accommodating the Regional Housing Needs Assessment (RHNA) allocation.
3. Increase jobs in the City to encourage more residents to work locally and reduce commuting out of the City to work.

4. Ensure that people, goods, and services move safely and efficiently through the City and connect to the larger region.
5. Ensure that Fountain Valley is a safe community for residents, businesses, and visitors.
6. Foster a vibrant community that supports healthy lifestyles, historical resources, arts, education, and culture for all residents.

G. Project Description

The project is an update to the City of Fountain Valley’s adopted General Plan. The General Plan is a state-required legal document that provides guidance to decision-makers regarding the allocation of resources and determining the future physical form and character of development in the City. It is the official statement of the City regarding the extent and types of development needed to achieve the community’s physical, economic, social, and environmental goals. Although the General Plan is composed of individual sections, or “elements,” that individually address a specific area of concern, the General Plan embodies a comprehensive and integrated planning approach for the jurisdiction.

The land use designations in the City of Fountain Valley will largely remain as designated under the current General Plan, with the addition of Very High Density Residential (VHDR), Mixed Use 1 (MU1), and Mixed Use 2 (MU2) designations. The General Plan Update would result in an increase of 6,238 units, 16,073 residents, 1,305,886 non-residential square footage, and 4,057 jobs.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

A. Format

Section 15091 of the CEQA Guidelines requires that a Lead Agency make a finding for each significant effect for the project. This section summarizes the significant environmental impacts of the proposed project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This remainder of this section is divided into the following subsections:

Section B, Issues Deemed “No Impact,” “Less Than Significant Impact,” or “Less Than Significant With Mitigation Incorporated” in Chapter 8 presents topical areas that would result in no impact, less than significant impacts, or less than significant impacts with mitigation incorporated as detailed in Chapter 8 of the Draft EIR.

Section C, Findings on “No Impact” and “Less Than Significant Impacts,” in Chapter 5 presents environmental issues, as identified in Chapter 5 of the Draft EIR, which would result in no impact or less than significant impacts.

Section D, Findings on Impacts Mitigated to Less Than Significant, presents significant impacts of the proposed project that were identified in Chapter 5 of the Draft EIR, the mitigation measures identified in the Mitigation Monitoring Program, and the rationales for the findings.

Section E, Significant and Unavoidable Impacts that Cannot be Mitigated to Below the Level of Significance, presents significant impacts of the proposed project that were identified in the Draft EIR, the mitigation measures identified in the Mitigation Monitoring Program, the findings for significant impacts, and the rationales for the findings.

Section IV, Alternatives to the Proposed Project, presents alternatives to the proposed project and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines, which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, social, or other considerations.

Section V, Findings on Responses to Comments on the Draft EIR and Revisions to the Final EIR, presents the City's findings on the response to comments and revisions to Final EIR, and decision on whether a recirculated Draft EIR is necessary.

Section VI, Statement of Overriding Considerations, presents a description of the proposed project's significant and unavoidable adverse impacts and the justification for adopting a statement of overriding considerations.

B. Issues Deemed “No Impact,” “Less Than Significant Impact,” or “Less Than Significant With Mitigation Incorporated” in Chapter 8

In accordance with Section 15128 of the CEQA Guidelines, as described in Chapter 8 of the Draft EIR, the City concluded that project impacts related to the following topical environmental issues would result in no impact, would be less than significant, or would be less than significant with mitigation incorporated: Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Mineral Resources, Public Services, Tribal Cultural Resources and Wildfire.

1. Agricultural and Forestry Resources

A majority of the City is classified as Urban and Built-up, with the exception of a number of parcels categorized as Prime Farmland and Grazing Land. As the existing General Plan currently designates these areas as non-agricultural uses, the General Plan Update would not convert agricultural land to non-agricultural uses. There is no land zoned for Williamson Act contracts in the City. Additionally, there is no land in the City designated as forestland or timberland. Given the highly urbanized nature of the City and its surroundings, no forestland or timberland exist. Impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to agricultural and forestry resources. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

2. Biological resources

The City of Fountain Valley is urbanized with buildings, and contains a few areas of open space, such as Mile Square Regional Park. As such, it is unlikely to contain sensitive species or habitats. Nonetheless, trees and buildings, as well as open space areas, could contain special status species, such

as nesting birds. There are no riparian habitats present within the city, however wetland habitats are present in the Santa Ana River and Mile Square Regional Park. Future projects would be required to comply with local, state, and federal regulations pertaining to sensitive natural communities.

The City has a few scattered open areas that could serve as migration corridors. Migratory birds are protected under the Migratory Bird Treaty Act. Moreover, Chapter 12.04, Trees, Shrubs, and Plants, of the Fountain Valley Municipal Code protects trees by ensuring that permission is obtained from the Director of Public Works prior to cutting, trimming, pruning, or removing a tree within public property. There are no habitat conservation plans or natural community conservation plans within the City.

Future development would be required to comply with local, state, and federal regulations pertaining to the protection of special status species, sensitive communities, migratory species, and trees should they occur on or near a development site, particularly, those near Mile Square Regional Park. Additionally, with the incorporation of the General Plan Update policies, such as Policy OSC-2.1, which calls for maintaining and enhancing a diverse and healthy urban forest; Policy OSC-2.2, which calls for replacing dead, missing, or removed trees and facilitating tree replacement; Policy OSC- 2.6, which calls for the coordination with the County to maintain and enhance the Mile Square Park Urban Nature Center and minimize impacts to biological resources within Mile Square Regional Park; Policy OSC-3.5, which calls for improving groundwater quality; and Policy OSC-3.6, which calls for minimizing stormwater pollution, impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to biological resources. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

3. Cultural Resources

Heritage Park consists of a historical Japanese Bath house, the 1898 Courreges Tank House, and a historical real estate office; however, there are no historical resources in the City as listed in the California Register of Historic Places and the National Register of Historic Places. Buildings that reach 50 years are eligible for listed. Future development under the proposed project could adversely impact historic resources, and ground-disturbing activities have the potential to uncover archaeological resources and/or human remains. Implementation of Mitigation Measures CUL-1 through CUL-4, which require a historical resources assessment prior to construction, a qualified historian to be present during the relocation, rehabilitation, or alteration of a historical resource to ensure the *Secretary of the Interior's Standards for the Treatments of Historic Properties* are enforced and that a report identifying and specifying the treatment of character-defining features is provided to the City, recordation of a historic resource that is subject to demolition or significant alteration prior to construction activities, and construction limits to be clearly flagged within or adjacent to resources eligible for listing in historic registers, would reduce impacts to historic resources; Mitigation Measure CUL-5, which requires a qualified archeologist to monitor ground disturbing activities, would reduce impacts to archaeological resources; and compliance with California Health and Safety Code, Section 7050.5, CEQA Section 15064.5, and Public Resources Code, Section 5097.98, which mandate the process to be followed in the event of an accidental discovery of human remains, would reduce impacts in the event that human remains are discovered. Additionally, implementation of the General Plan Update policies, such as

Policy OSC-2.3, which calls for the preservation of national and state historic resources, and Policy OSC-2.4, which calls for the preservation and maintenance of local historic resources, would reduce impacts to historic resources. Impacts would be less than significant with mitigation incorporated.

Mitigation Measure:

CUL-1 Prior to any construction activities that may affect historical resources (i.e., structures 45 years or older), a historical resources assessment shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professionally Qualified Standards (PQS) in architectural history or history. This shall include a records search to determine if any resources that may be potentially affected by a project have been previously recorded, evaluated, and/or designated in the National Register of Historic Places (NRHP), California Register of Historic Resources (CRHR), or other registers of historic resources. Following the records search, the qualified architectural historian or historian shall conduct a reconnaissance-level and/or intensive-level survey in accordance with the California Office of Historic Preservation (OHP) guidelines to identify any previously unrecorded potential historical resources that may be potentially affected by a proposed project. Pursuant to the definition of a historical resource under CEQA, potential historical resources shall be evaluated under a developed historic context.

CUL-2 To ensure that projects requiring the relocation, rehabilitation, or alteration of a historical resource not impair its significance, the *Secretary of the Interior's Standards for the Treatments of Historic Properties* shall be used to the maximum extent possible. The application of the standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. Prior to any construction activities that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City of Fountain Valley.

CUL-3 If a proposed project would result in the demolition or significant alteration of a historical resource, it cannot be mitigated to a less than significant level. However, recordation of the resource prior to construction activities will assist in reducing adverse impacts to the resource to the greatest extent possible. Recordation shall take the form of Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), or Historic American Landscape Survey (HALS) documentation, and shall be performed by an architectural historian or historian who meets the PQS. Documentation shall include an architectural and historical narrative; medium- or large-format black and white photographs, negatives, and prints; and supplementary information such as building plans and elevations, and/or historic photographs. Documentation shall be reproduced on archival paper and placed in appropriate local, state, or federal institutions. The specific scope and details of documentation would be developed at the project level.

CUL-4 If cultural resources that are eligible for listing to the NRHP, CRHR, or other registers of historic resources are identified within or adjacent to the proposed development, the construction limits shall be clearly flagged to assure impacts to

eligible cultural resources are avoided or minimized to the extent feasible. Prior to implementing construction activities, a qualified archaeologist shall verify that the flagging clearly delineates the construction limits and eligible resources to be avoided. Since the location of some eligible cultural resources is confidential, these resources will be flagged as environmentally sensitive areas (ESA).

CUL-5 Prior to construction activities, the future project applicant shall retain a qualified archaeologist to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. If cultural resources are discovered during ground disturbing activities, all ground disturbing activities within 50 feet of the find shall be halted until a meeting is convened between the developer, archaeologist, tribal representatives, and the Director of the Community Development Department. At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representatives, developer, and archaeologist, a decision shall be made, with the concurrence of the Director of the Community Development Department, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the cultural resources. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Rationale for Finding

Mitigation Measure CUL-1 requires a historical resource assessment to be performed by a qualified historian prior to construction activities that may affect historical resources; Mitigation Measure CUL-2 requires a qualified historian to be present during the relocation, rehabilitation, or alteration of a historical resource to ensure the *Secretary of the Interior's Standards for the Treatments of Historic Properties* are enforced and that a report identifying and specifying the treatment of character-defining features is provided to the City; Mitigation Measure CUL-3 requires documentation of historical resources if a project would result in demolition or significant alteration of a historical resource; Mitigation Measure CUL-4 requires that construction limits are flagged if cultural resources are eligible for listing within or adjacent to the proposed development; and Mitigation Measure CUL-5 requires project applicants to have a qualified archaeologist monitoring all ground disturbing activities to identify unknown archaeological resources. These mitigation measures would reduce potential impacts to cultural resources to less than significant.

4. Mineral Resources

The City of Fountain Valley is designated as MRZ-3 which is an area where the available geologic information indicates that while mineral deposits are likely to exist, the significance of the deposit is undetermined. No mineral resources sectors and active or inactive mines are present in the City, and there are no areas in the City designated for mineral resources. The proposed project would not impact mineral resources, and no impact would occur.

Finding. The proposed project would have no significant direct, indirect, and cumulative impact relating to mineral resources. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

5. Public Services

The proposed project would increase intensity within the City and SOI boundaries, and would not expand development into undeveloped areas of the County. The Fountain Valley Fire Department and Fountain Valley Police Department provide fire and police protection services for the City, respectively. The Orange County Sheriff's Department services the Mile Square Regional Park.

While the proposed project would increase the need for fire and police protection services, the proposed project includes policies aimed at maintaining staffing, facilities, and training activities to respond to emergencies and service calls, such as Policy PFS-3.1, and continuing to participate in mutual aid and automatic aid, such as Policy PFS-3.2. All development in the City would be required to comply with applicable regulations, such as the California Fire Code, and would be reviewed for consistency by the Fountain Valley Fire Department.

The City is serviced by four school districts—the Fountain Valley School District, Huntington Beach Union High School District, Garden Grove Unified School District, and Ocean View School District. Buildout of the proposed project would increase the number of school-aged children and increase enrollment at schools. The General Plan Update includes policies aimed at addressing future school demands within a growing city, such as Policy LU-1.6 and Policy LU-1.7. In addition, new development under the proposed project would also be required to pay development fees. For example, the Fountain Valley School District requires a \$4.79 residential, \$0.78 commercial, and \$0.07 assessable space for self-storage development fee per square foot. In addition, the Garden Grove Unified School District requires a \$4.79 residential, \$0.78 commercial, and \$0.03 assessable space for self-storage development fees per square foot. Pursuant to Section 65996 of the Government Code, payment of school fees is deemed to provide full and complete school facilities mitigation.

The Fountain Valley Library provides library services to the City; the current square footage, staff, and collection size are adequate to serve future growth. The General Plan Update includes Policy PFS-6.1 which calls for coordination with the County to maintain, expand, and improve library services to meet the needs of the community.

Impacts to public services would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to public services. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

6. Tribal Cultural Resources

Future development under the proposed project could include ground disturbing activities that may have the potential to impact sensitive tribal cultural resources. Implementation of Mitigation Measure TCR-1, which requires the project applicant to retain a Native American Monitor prior to any ground disturbing construction activities, as well as Policy OSC-2.7, which ensures compliance with statutory

tribal notification and consultation requirements and CEQA mitigation measures as part of planning, permitting, and construction activities, would reduce impacts to less than significant.

Mitigation Measure:

The following mitigation measures were included in the Draft EIR and the Final EIR and are applicable to the proposed project.

TCR-1 Prior to any ground disturbing construction activities, the project applicant shall retain a Native American monitor. The tribal monitor shall only be present onsite during the construction phases that involve ground-disturbing activities. Ground-disturbing activities are defined as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within a project site. The tribal monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when the grading and excavation activities are completed or when the tribal representatives and monitor have indicated that the project site has a low potential for affecting tribal cultural resources.

Upon discovery of any tribal cultural resources, construction activities shall cease in the immediate vicinity of the find until the tribal monitor can assess the find. The evaluation of all tribal cultural resources unearthed by project construction activities shall be evaluated by a qualified archaeologist and/or tribal monitor. If the resources are Native American in origin, the tribal monitor shall coordinate with the project applicant and Director of the Community Development Department regarding treatment and curation of these resources as well as notifying local tribes of the find. Typically, the tribe(s) will request reburial or preservation for educational purposes. The project applicant may continue work on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If the tribal monitor determines a resource to constitute a "historical resource" or "unique archaeological resource," time and funding sufficient to allow for implementation of avoidance measures or appropriate mitigation must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Section 21083.2(b) for unique archaeological resources.

If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. The project applicant and Director of the Community Development Department shall be responsible for ensuring that a public, nonprofit institution with a research interest in the materials, such as the Orange County Museum of Natural History, curate any historic archaeological material that is not Native American in origin if such an institution agrees to accept the material. If no institution accepts the archaeological material, the project applicant and Director of the Community Development Department shall offer it to a local

historical society for educational purposes or retain the material and use it for educational purposes.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Fountain Valley hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Rationale for Finding

Mitigation Measure TCR-1 requires the project applicant to have a tribal monitor present for ground disturbing activities and coordinate with the tribal monitor if cultural resources are discovered on the site. This mitigation measure would reduce potential impacts to tribal cultural resources to less than significant.

7. Wildfire

The City of Fountain Valley is not within a Very High Fire Hazard Severity Zone (VHFHSZ). The City is flat, highly urbanized, and surrounded by urbanized cities, and the General Plan Update would not affect the weather or topography.

The City of Fountain Valley Municipal Code includes Chapter 2.57, Emergency Preparedness, and Chapter 17.06, Emergency Response Systems and Hazardous Materials Ordinance; the purposes of these chapters are to provide for the preparation and carrying out of plans for the protection of persons and property, and to ensure new buildings have approved radio coverage for emergency responders. Buildout of the City under the proposed General Plan Update would not result in substantial changes to the circulation patterns or emergency access routes in the City. During an emergency, standard response procedures of the City of Fountain Valley Police Department and the City of Fountain Valley Fire Department are conducted in tandem. Future development would be required to comply with applicable fire and building codes, as well as the General Plan Update policies, such as Policy PFS-2.6, Policy PFS-4.1, and Policy PFS-4.3. To ensure emergency services in the City are not impaired by future development, all development projects in the City are reviewed by the Fountain Valley Fire Department, prior to approval.

Future development may require connections to existing utility lines and/or new infrastructure. All utilities would be installed to meet the requirements of service providers. The City is not at risk of landslides or slope instability and would not likely result in downslope or downstream flooding or landslides as a result of post fire slope instability. Therefore, the impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to wildfire. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

C. Findings on “No Impact” and “Less Than Significant Impacts” in Chapter 5

The City determined that the proposed project would have no impact or less than significant impacts, including direct, indirect, and cumulative impacts, for the environmental issues summarized below.

The rationale for the conclusion that no significant impact would occur in each of the issue areas is based on the environmental evaluation in the listed topical EIR sections in Chapter 5 of the Draft EIR.

CEQA Guidelines Section 15901 states that an EIR may not be certified for a project that has one or more significant environmental effects unless one of three possible findings is made for each significance effect. Since the following environmental issue areas were determined to have no impact or a less than significant impact, no findings under Section 15091 for these issues are required.

1. Aesthetics

Impact 5.1-1: Development in accordance with the General Plan Update would not substantially alter or damage scenic vistas or substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. [Thresholds AE-1 and AE-2]

Fountain Valley is highly urbanized, and therefore, views of the City are characterized by an urban landscape. Visual relief of the urban landscape is provided by the parks and limited views of the San Gabriel Mountains. The existing Open Space and Parks land use designation would remain under the General Plan Update. Because the City is urbanized, the buildout in accordance with the General Plan Update would consist mainly of infill and redevelopment efforts. Although new development would alter the appearance of the existing conditions, it would not create a substantial adverse impact on scenic vistas or degrade the City's visual character or quality due to the urbanized character of the City. Development standards under the City's Municipal Code, such as height and setback requirements, guide future development characteristics. Therefore, the limited views of scenic resources within the City would not be adversely impacted.

There are no scenic highways in or near the City that would be adversely affected by future development under the General Plan Update; SR-1 is eligible for listing as a designated state scenic highway and is 2.7 miles south of the City. SR-91 is an officially designated highway, approximately 9.25 miles northeast. Due to the distance, varying topography, and developed nature of the City, no impacts would occur to SR-1 or SR-91, which is an officially designated scenic highway.

Buildout under the General Plan Update would not have a substantial adverse effect on scenic vistas due to the urbanized nature of the City, and future development of projects consistent with the General Plan Update would be required to comply with the design and development specifications outlined in the Land Use Element and the City's Municipal Code. The City is in the process of updating the zoning code since it is legally required to bring the zoning code in compliance with the General Plan Update, as well as to include the addition of the Very High Density Residential (VHDR), Mixed Use 1 (MU1) and Mixed Use 2 (MU2) designations. Consistency with existing state and local regulations and the General Plan Update policies, such as Policy LU-1.1, Policy LU-3.1, Policy LU-3.2, and Policy LU-3.4, would ensure that development in the City of Fountain Valley would not degrade the views and visual character of the City and would not conflict with zoning and other regulations that govern scenic quality. Impacts on scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to scenic vistas and resources. Accordingly, no changes or alterations to the proposed

project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.1-2: Buildout in accordance with the proposed land use plan would alter the existing visual appearance of the City but would not substantially degrade its existing visual character or quality and would not conflict with applicable zoning and other regulations governing scenic quality. [Threshold AE-3]

Future development and redevelopment facilitated under the General Plan Update would allow development of currently undeveloped parcels and intensification of already developed areas in Fountain Valley. Although new development would alter the visual appearance of the City, because the City is highly urbanized, it would not substantially degrade Fountain Valley's visual character or quality. Buildout proposed under the General Plan Update would occur in areas already developed. Under the implementation of the General Plan Update, areas designated as Open Space and Parks would remain undeveloped.

The General Plan Update goals and policies would ensure that future development and redevelopment would enhance vitality, context, form, and function. These policies support development in the City and seek to establish and/or retain the City's sense of place. Therefore, implementation of the General Plan Update would not introduce a substantial amount of new development or intensify development to the point that it would damage or substantially alter the existing visual character or quality of the City. Development under the General Plan Update would be required to comply with existing City regulations that maintain the City's character, such as the City's Development Code. By complying with the City's existing regulations and the General Plan Update policies, such as Policy LU-1.1, Policy LU-3.1, Policy LU-3.2, and Policy LU-3.4, future development would be built to reflect and maintain Fountain Valley's existing visual character and resources. The proposed project would conflict with applicable zoning and other regulations governing scenic quality.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to altering the existing visual appearance of the city. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.1-3: Development in accordance with the General Plan would not generate substantial additional light and glare. [Threshold AE-4]

The two major causes of light pollution are glare and spillover light. Spillover light is caused by misdirected light that illuminates areas outside the intended area. Glare is light that shines directly or is reflected from a surface into a viewer's eyes. Spillover light and glare impacts are effects of a project's exterior lighting on adjoining uses and areas.

Light and glare may be caused by street and parking lot lighting, building or landscape lighting, illuminated signs, recreational facilities, and to some extent interior lighting of residential and nonresidential buildings. Materials such as glass, metal, and polished surfaces can contribute to glare. Excessive light and glare can interfere with the scenic quality of an area and contribute to light

pollution. In the Planning Area, light and glare are concentrated in the western and central portions where commercial and more densely developed residential areas are located.

Future development in accordance with the General Plan Update would allow for the intensification and redevelopment of existing land uses, which could increase nighttime light and glare in the City. For instance, the conversion of underutilized or vacant areas into residential or commercial uses would introduce new sources of light. However, future development and redevelopment projects in the City would be required to comply with the City Municipal Code Section 21.18.060, Exterior Lighting, which requires outdoor lighting to be shielded to reduce lighting directly visible from any point five feet or more beyond the property line. This would ensure that substantial light and glare does not extend substantially beyond the site where it is generated. Development in accordance with the General Plan would not generate substantial additional light and glare and the impact would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the generation of additional light and glare. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

2. Air Quality

Impact 5.2-4: The proposed project would not expose sensitive receptors to substantial toxic air contaminant concentrations. [Threshold AQ-3]

Development and operation of new land uses accommodated under the proposed project's proposed land use plan could generate new sources of localized criteria air pollutant and Toxic Air Contaminants (TACs) in the City from area/stationary sources and mobile sources.

CO Hotspots

Areas of vehicle congestion have the potential to create pockets of Carbon Monoxide (CO) called hotspots. In 2007, the South Coast Air Basin (SoCAB) was designated in attainment for CO under both the California Ambient Air Quality Standards (AAQS) and National AAQS. The CO hotspot analysis conducted for the attainment by South Coast Air Quality Management District (AQMD) did not predict a violation of CO standards at the busiest intersections in Los Angeles during the peak morning and afternoon periods. As identified in South Coast AQMD's 2003 Air Quality Management Plan (AQMP) and the 1992 Federal Attainment Plan for Carbon Monoxide, peak carbon monoxide concentrations in the SoCAB in previous years, prior to redesignation, were a result of unusual meteorological and topographical conditions and not of congestion at a particular intersection.

Under existing and future vehicle emission rates, 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 generate a significant CO impact. Implementation of the proposed project under horizon year conditions would not result in hourly traffic increases of this magnitude. This net increase would be below the screening criteria. Thus, implementation of the proposed project would not produce the volume of traffic required to generate a CO hotspot, and CO hotspots impacts would be less than significant.

Permitted Stationary Sources

Various industrial and commercial processes (e.g., manufacturing, dry cleaning) allowed under the proposed land use plan would be expected to release TACs. Industrial land uses, such as chemical processing facilities, chrome-plating facilities, dry cleaners, and gasoline-dispensing facilities, have the potential to be substantial stationary sources that would require a permit from South Coast AQMD. Emissions of TACs would be controlled by South Coast AQMD through permitting and would be subject to further study and health risk assessment prior to the issuance of any necessary air quality permits under South Coast AQMD Rule 1401, which would ensure less than significant impacts.

Industrial Land Uses

Warehousing or industrial operations generate substantial diesel particulate matter (DPM) emissions from off-road equipment use, truck idling, and/or use of transport refrigeration units for cold storage. However, the General Plan Update would not result in a net increase in new industrial or warehousing in Fountain Valley. The proposed project would result in a net reduction of 201,182 square feet of industrial land uses and a net increase of retail (123,511 square feet), and commercial, office, and research and development (531,771 square feet) land uses. Additionally, implementation of Policy OSC-3.2, which calls for supporting and facilitating the expansion of infrastructure for alternatively fueled public and private vehicles and trucks to reduce emissions and improve local air quality, and Policy CM-1.8, which calls for planning and designating truck routes that support the effective transport of goods while minimizing impacts on local circulation, neighborhoods and other noise-sensitive land uses, would reduce localized impacts from existing and future development in the City. Impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to exposing sensitive receptors to toxic contaminants. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.2-5 The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. [Threshold AQ-4]

Growth within the City under the proposed project could generate new sources of odors. Nuisance odors from land uses in the SoCAB are regulated under South Coast AQMD Rule 402, Nuisance, which states that a person shall not discharge harmful quantities of air contaminants to the public or cause injury or damage to business or property.

Industrial Land Uses

Compost facilities, landfills, solid-waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), asphalt batch manufacturing plants, chemical manufacturing, and food manufacturing facilities are typical sources of odors from industrial land uses. Industrial land uses are required to comply with South Coast AQMD Rule 402. The General Plan Update would not result in a net increase in new industrial or warehousing in Fountain Valley. The proposed project would result in a net reduction of 201,182 square feet of industrial land uses and a net increase of retail (123,511 square feet) and commercial, office, and research and development

(531,771 square feet) land uses. Therefore, impacts from potential odors generated from industrial land uses associated with the proposed project are considered less than significant.

Residential and Other Retail/Commercial Land Uses

Residential and other nonresidential, nonindustrial land uses that would be accommodated by the proposed project could result in the generation of odors such as exhaust from landscaping equipment and from cooking. Unlike industrial land uses, these are not considered potential generators of odor that could affect a substantial number of people. Nuisance odors are regulated under South Coast AQMD Rule 402, which requires abatement of any nuisance generating a verified odor complaint. Therefore, impacts from potential odors generated from residential and other nonresidential land uses associated with the proposed project are considered less than significant.

Construction

During construction activities of development projects that would be accommodated by the proposed project, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Noxious odors would be confined to the immediate vicinity of the construction equipment in use. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Short-term construction-related odors are expected to cease upon the drying or hardening of odor-producing materials. Therefore, impacts associated with construction-generated odors are considered less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the generation of emissions relating to odors adversely affecting a substantial number of people. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

3. Energy

Impact 5.3-1: Implementation of the General Plan Update would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. [Threshold E-1]

Short-Term Construction Impacts

Development projects constructed under the General Plan Update would create temporary demands for electricity. Natural gas is not generally required to power construction equipment, and therefore is not anticipated during construction phases. Electricity use would fluctuate according to the phase of construction. Additionally, it is anticipated that most electric-powered construction equipment would be hand tools (e.g., power drills, table saws, compressors) and lighting, which would result in minimal electricity usage during construction activities.

Development projects would also temporarily increase demands for energy associated with transportation. Transportation energy use depends on the type and number of trips, vehicle miles travelled (VMT), fuel efficiency of vehicles, and travel mode. Energy use during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and

construction employee vehicles that would use diesel fuel or gasoline. The use of energy resources by these vehicles would fluctuate according to the phase of construction and would be temporary. It is anticipated that most off-road construction equipment, such as those used during demolition and grading, would be gas or diesel powered. In addition, all operation of construction equipment would cease upon completion of project construction.

Furthermore, construction contractors would minimize nonessential idling of construction equipment during construction in accordance with the California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449. Such required practices would limit wasteful and unnecessary energy consumption in development in Fountain Valley. Moreover, future development projects within the City would be similar to the construction processes of any current development projects within Fountain Valley. Therefore, the proposed project would not result in wasteful, inefficient, or unnecessary consumption of fuel use during construction.

Long-Term Impacts During Operation

The operation of new development projects accommodated under the General Plan Update would create additional demands for electricity and natural gas compared to existing conditions. Operational use of electricity and natural gas would include heating, cooling, and ventilation of buildings; water heating; operation of electrical systems; use of on-site equipment and appliances; and lighting.

Non-transportation Energy

Electrical service to the City is provided by (Southern California Edison) SCE through connections to existing off-site electrical lines and new on-site infrastructure. As shown in Table 5.3-4, *Year 2045 Forecast Electricity Consumption*, of the DEIR, by horizon year 2045, electricity use in the City would increase by 39,331,861 kWh/year, or approximately 15 percent, from existing conditions.

As shown in Table 5.3-5, *Year 2045 Forecast Natural Gas Consumption*, of the DEIR, existing natural gas use in the City totals 10,366,302 therms annually. By 2045, natural gas use in the City would increase by 2,021,403 therms annually, or approximately 19 percent, from existing conditions to a total of 12,387,705 therms per year.

While the electricity and natural gas demand for the City would increase compared to existing conditions, development accommodated under the General Plan Update would be required to comply with the current and future updates to the Building Energy Efficiency Standards and CALGreen, which would contribute to reducing the energy demands shown in Tables 5.3-3 *Existing Operation-Related Annual Fuel Usage*, of the DEIR, and 5.3-4 *Year 2045 Forecast Electricity Consumption*, of the DEIR. New and replacement buildings in compliance with these standards would generally have greater energy efficiency than existing buildings. It is anticipated that each update to the Building Energy Efficiency Standards and CALGreen will result in greater building energy efficiency and move closer toward buildings achieving zero net energy usage.

In addition to the Building Energy Efficiency Standards and CALGreen, the General Plan Update includes policies to increase energy efficiency and reduce wasteful, inefficient use of energy resources, such as Policy OSC-3.3, which encourages new development and substantial rehabilitation projects to exceed energy and water conservation and reduction standards set in the City's Municipal Code and the California Building Code, Policy OSC-3.8, which promotes the use of renewable energy sources to

serve public and private sector development to reduce reliance on fossil fuels and increase resiliency during heatwaves, and Policy PFS-4.6, which requires the development or rehabilitation of any public facility or capital improvement to incorporate site design and building practices that promote sustainability, energy efficiency, and resiliency.

Encouraging sustainable and energy-efficient building practices and using more renewable energy strategies will further reduce energy consumption within the City and move closer toward achieving zero net energy.

Transportation Energy

The growth accommodated under the General Plan Update would consume transportation energy from the use of motor vehicles (e.g., gasoline, diesel, compressed natural gas, and electricity). Table 5.3-6, *Operation-Related Annual Fuel Usage: Net Change from Existing*, of the DEIR, shows the net change in VMT, fuel usage, and fuel efficiency under horizon year 2045 General Plan Update conditions from existing baseline year 2021 conditions and existing uses under year 2045 conditions.

As shown in Table 5.3-6, when compared to existing baseline year 2021 conditions, the General Plan Update would result in an increase in VMT for gasoline- and electric-powered vehicles, but not for diesel- and compressed natural gas-powered vehicles. Although annual VMT would increase for gasoline-powered vehicles by 11,525,843 miles, gasoline fuel usage would decrease. For electric-powered vehicles, annual VMT would increase by 56,005,810 miles and annual consumption would increase by 14,385,016 kWh. The decrease in fuel usage for gasoline-powered vehicles and large increase in VMT and fuel usage for electric-powered vehicles are primarily based on the assumption in Emission Factor Model (EMFAC) that a greater mix of light-duty automobiles would be electric-powered in future years based on regulatory (e.g., Advanced Clean Cars) and consumer trends. Compared to existing uses under year 2045 conditions, the General Plan Update would result in an increase in VMT and fuel usage for all fuel types (see “Net Change from Existing Year 2045” column). However, the fuel efficiency will be the same, and implementation of the General Plan Update would not result in less efficiency in transportation fuel usage.

The overall VMT as shown in the table would be primarily attributable to the growth associated with the General Plan Update compared to existing conditions. As discussed in Chapter 5.14, *Population and Housing*, of the DEIR, the projected growth from the proposed project would exceed the growth projections in (Southern California Association of Governments (SCAG)’s RTP/SCS growth forecasts for this region. As shown in Table 5.3-6, of the DEIR, while VMT and fuel usage would generally increase from implementation of the General Plan Update when compared to existing uses under horizon year conditions, the fuel efficiency would be the same. Additionally, fuel efficiency of vehicles under the year 2045 conditions would improve compared to baseline year 2021. The improvement in fuel efficiency would be attributable to regulatory compliance (e.g., Corporate Average Fuel Economy (CAFE) standards), resulting in new cars that are more fuel efficient and the attrition of older, less fuel-efficient vehicles. The CAFE standards are not directly applicable to residents or land use development projects, but to car manufacturers. Thus, residents and employees of Fountain Valley do not have direct control in determining the fuel efficiency of vehicles manufactured and that are made available. However, compliance with the CAFE standards by car manufacturers would ensure that vehicles produced in future years have greater fuel efficiency and would generally result in an overall benefit of reducing fuel usage by providing the population of the City more fuel-efficient vehicle options.

Furthermore, while the demand in electricity would increase under the proposed project, in conjunction with the regulatory (i.e., Renewables Portfolio Standard, SB 350, and SB 100) and general trend toward increasing the supply and production of energy from renewable sources, it is anticipated that a greater share of electricity used to power electric vehicles would be from renewable sources in future years (e.g., individual photovoltaic systems, purchased electricity from SCE, and/or purchased electricity from SCE that is generated from renewable sources).

In addition to regulatory compliance that would contribute to more fuel-efficient vehicles and less demand in fuels, the General Plan Update includes policies that will contribute to minimizing overall VMT, and thus fuel usage associated with the City. The General Plan Update policies focus on minimizing VMT through land use and transportation planning efforts that work in conjunction such as Policy LU-1.3, which maintains a balanced mix of high quality residential, retail, employment, industrial, open space, and public facility land uses to ensure a range of living options, fiscal sustainability, and convenient access to shops, restaurants, services, and well-paid and highly skilled jobs; Policy LU-2.5, which attracts and retains businesses that provide jobs suited to the labor force residing in Fountain Valley, as well as, supports and assists the development affordable housing to the workforce commuting into Fountain Valley; Policy CM-1.7, which utilizes intelligent transportation systems and research trends in mobility to move people and vehicles while managing vehicle speeds more efficiently and safely; and Policy CM-2.1, which plans, designs, and maintains a citywide network of travel ways for motorists, bicyclists, pedestrians, and transit riders of all ages and abilities, while creating safe, desirable, and convenient linkages between neighborhoods, recreational amenities, schools, and economic activities.

Collectively, the General Plan Update policies would minimize overall VMT, and thus fuel usage associated with potential future development in Fountain Valley. Furthermore, the proposed project would rely on infill development for projected growth in the Fountain Valley region, thus contributing to reduced energy use from the transportation sector. Although population and VMT is projected to grow, the jobs-housing ratio will decrease to be closer to a more equal distribution of employment and housing (see Impact 5.14-1 of this DEIR). Having a jobs-rich City would encourage the creation of more employment opportunities for City's residents and workers commuting to Fountain Valley. Therefore, this could result in shorter distances traveled between where people work and live and to amenities. The proposed project also encourages people to forego vehicle travel altogether and either bike, walk, or take public transportation, which would also contribute to minimizing VMT.

Summary

Compliance with federal, State, and local regulations (e.g., Building Energy Efficiency Standards, CALGreen, Renewable Portfolio Standards, and CAFE standards) will increase building energy efficiency and vehicle fuel efficiency and reduce building energy demand and transportation-related fuel usage. Additionally, the General Plan Update includes policies related to land use and transportation planning and design, energy efficiency, public and active transit, and renewable energy generation that will contribute to minimizing building and transportation-related energy demands overall and demands on nonrenewable sources of energy. Implementation of proposed policies under the General Plan Update in conjunction with and complementary to regulatory requirements, will ensure that energy demand associated with growth under the General Plan Update would not be

inefficient, wasteful, or unnecessary. Therefore, energy impacts associated with implementation and operation of land uses accommodated under the General Plan Update would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to energy consumption. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.3-2: The General Plan Update would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. [Threshold E-2]

California Renewables Portfolio Standard Program

The state’s electricity grid is transitioning to renewable energy under California’s Renewable Portfolio Standard (RPS) Program. Renewable sources of electricity include wind, small hydropower, solar, geothermal, biomass, and biogas. As stated, the RPS goals have been updated since adoption of SB 1078 in 2002. In general, California has RPS requirements of 33 percent renewable energy by 2020 (SB X1-2), 40 percent by 2024 (SB 350), 50 percent by 2026 (SB 100), 60 percent by 2030 (SB 100), and 100 percent by 2045 (SB 100). SB 100 also establishes RPS requirements for publicly owned utilities that consist of 44 percent renewable energy by 2024, 52 percent by 2027, and 60 percent by 2030. The statewide RPS requirements do not directly apply to individual development projects, but to utilities and energy providers such as SCE, whose compliance with RPS requirements would contribute to the State of California objective of transitioning to renewable energy. The land uses accommodated under the General Plan Update would comply with the current and future iterations of the Building Energy Efficiency Standards and CALGreen.

Furthermore, as discussed for Impact 5.3-1, the General Plan Update includes Open Space and Conservation element policies (OSC-3.3, OSC-3.8), and Public Facilities and Safety element policies (PFS-4.6), which would support the statewide goal of transitioning the electricity grid to renewable sources. Therefore, implementation of the General Plan Update would not conflict with or obstruct implementation of California’s RPS program, and no impact would occur.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to conflicting with a state or local plan on energy efficiency. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

4. Geology and Soils

Impact 5.4-1: Project residents and visitors would be subject to potential seismic-related hazards. [Threshold G-1i-iv]

Ground Rupture

As there are no Alquist-Priolo Fault Zones in the City, ground rupture in the event of an earthquake would not be experienced.

Strong Seismic Ground Shaking

Ground shaking is responsible for most of the damage from earthquakes and can damage or destroy buildings, structures, pipelines, and other infrastructure. The intensity of shaking depends on the type of fault, distance to the epicenter, magnitude of the earthquake, and subsurface geology. Active and potentially active faults within and near the City include the Newport-Inglewood, San Andreas, Palos Verdes, Whittier-Elsinore, El Modina, San Jacinto, Norwalk, Santa Monica-Raymond Hills Faults. The seismic design of buildings within the City is governed by the most recent California Building Code (CBC). All structures that would be constructed under the General Plan Update would be designed to meet or exceed current design standards as required in the latest CBC. Therefore, while new structures may suffer damage requiring closure and replacement after a seismic event, compliance with the CBC would reduce potential seismic-related hazards on residents and visitors.

Seismic-Related Ground Failure

Secondary effects of earthquakes are nontectonic processes such as ground deformation, including fissures, settlement, displacement, and loss of bearing strength, and are the leading causes of damage to structures during a moderate to large earthquake. Secondary effects could lead to ground deformation including liquefaction, lateral spreading, seismically induced landslides, and ground lurching.

The City has a very high potential for liquefaction due to the high groundwater level throughout the City. As discussed previously, all structures constructed under the General Plan Update would be designed in accordance with current seismic design standards as found in the CBC. Design measures would be implemented according to the most recent CBC, which would reduce the impacts related to liquefaction.

Landslides

Marginally stable slopes (including existing landslides) may be subject to landslides caused by earthquakes. The landslide hazard depends on many factors, including existing slope stability, shaking potential, and presence of existing landslides. Landslides, debris flows, or any movement of earth or rock are most common in areas of high topographic relief, such as steep canyon walls or steep hillsides. The Newport Beach Seismic Hazard Zones Quadrangle does not identify any area within the City as at risk of landslide or slope instability.

With the implementation of existing federal, state, and local regulations, as well as the General Plan Update policies, such as Policy PFS-2.1, which calls for the improvement of the City's ability to prepare for and respond to large-scale disasters through coordination and sharing information; Policy PFS-2.2, which requires adherence to the goals, objectives, and actions in the Local Hazard Mitigation Plan and subsequent amendments to reduce and mitigate damages from hazards in the City; Policy PFS-2.3, which encourages seismically vulnerable structures to be retrofitted to withstand seismic hazards based on the latest building code; Policy PFS-2.6, which requires that new critical and public facilities be located and designed to operate during and minimize their exposure and susceptibility to flooding, seismic and geological effects, and urban fire; and Policy PFS-2.7, which requires that underground utilities be designed to withstand seismic forces, accommodate ground settlement, and hardened to fire risk, impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to seismic-related hazards. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.4-2: Unstable geologic unit or soils conditions, including soil erosion, could result from development of the General Plan Update. [Thresholds G-2, G-3, and G-4]

The proposed General Plan Update buildout would involve soil disturbance, construction, and operation of developed land uses that could each be subject to unstable soil conditions.

Soil Erosion

Soils are particularly prone to erosion during the grading phase of development, especially during heavy rains. The use of a Storm Water Pollution Prevention Plan (SWPPP), which specifies best management practices for temporary erosion control, would reduce the potential for erosion during construction activities. Standard erosion control measures would be implemented as part of a SWPPP for proposed projects within the City to minimize the risk of erosion or sedimentation during construction. The SWPPP must include an erosion control plan that prescribes measures, such as phasing grading, limiting areas of disturbance, designating restricted-entry zones, diverting runoff from disturbed areas, protective measures for sensitive areas, outlet protection, and provisions for revegetation or mulching.

Mandatory compliance with existing regulations, including the preparation and submittal of a SWPPP and a soil engineering evaluation, and compliance with the General Plan Update policies, such as Policy PFS-2.1, Policy PFS-2.2, and Policy PFS-2.6, would reduce impacts to a less than significant level.

Expansive Soils

Most of the City is comprised primarily of alluvial sediments and, therefore, there is some potential for expansive soils throughout the city. Expansive soils are possible wherever clays and elastic silts may be present, including alluvial soils and weathered granitic and fine-grained sedimentary rocks. The presence of expansive soils represents a potential hazard to structures and people.

The City has adopted the CBC and compliance requires that structures be designed to mitigate expansive soils. Methods that could be used to reduce the impact of expansive soils include drainage control devices to limit water infiltration near foundation, over-excavation and recompaction of engineered fill method, or support of the foundation with piles. These methods as well as the General Plan Update policies, such as Policy PFS-2.1, Policy PFS-2.2, and Policy PFS-2.6, would reduce the impact related to expansive soils to less than significant.

Settlement and Collapse

The risk of settlement or collapse has the potential to exist in areas with alluvial soils. Areas of large settlement can damage, or in extreme cases, destroy structures. The presence of compressible soils in the city represents a hazard to structures and people.

The City has adopted the CBC and compliance requires that structures be designed to mitigate compressible soils. Methods that could be used to reduce the impact of compressible soils include transferring the land to underlying non-compressible layers with piles and over excavation of compressible soil and recompaction with engineered fill. These methods, as well as the General Plan Update policies, such as Policy PFS-2.1, Policy PFS-2.2, and Policy PFS-2.7, would reduce the impact of compressible soils to less than significant.

Subsidence

The City is within an area of known subsidence and is considered a hazard. Approximately 95 percent of the City could be affected by subsidence, and there are multiple instances of subsidence adversely affecting buildings in the city. Because overdraft of groundwater can result in subsidence, groundwater storage by Orange County Water District and statutory commitments to sustainable groundwater management practices would reduce the potential for future land subsidence. Further, ongoing surveying of the ground surface by Orange County Water District provides a way to verify that its efforts in preventing subsidence are effective. The statutorily required sustainable groundwater management practices of the Orange County Water District, as well as the General Plan Update policies, such as Policy PFS-2.1, Policy PFS-2.2, and Policy PFS-2.6, would reduce the impact of subsidence to less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to unstable geologic and soil conditions. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.4-3: Future development in the General Plan Area would require connection to the City's sewer system. [Threshold G-5]

The City is fully developed and is highly urbanized. Future development would be required to connect to the City's sewer system and the use of septic tanks or alternative wastewater disposal systems would not be required. There would be no impact related to the use of septic tanks or alternative wastewater disposal systems.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact regarding the use of septic tanks. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

5. Greenhouse Gas Emissions

Impact 5.5-2: Implementation of the General Plan Update would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. [Threshold GHG-2]

CARB Scoping Plan

CARB's Scoping Plan is applicable to state agencies but is not directly applicable to cities/counties and individual projects (i.e., the Scoping Plan does not require local jurisdictions to adopt its policies, programs, or regulations to reduce GHG emissions). However, new regulations adopted by the State agencies from the Scoping Plan result in GHG emissions reductions at the local level. Local jurisdictions benefit from reductions in transportation emissions rates, increases in water efficiency in the building and landscape codes, and other statewide actions that affect a local jurisdiction's emissions inventory from the top down. Statewide strategies to reduce GHG emissions include the low carbon fuel standard, changes in the corporate average fuel economy standards, RPS, and triannual updates to the California building codes.

The GHG emissions shown in Table 5.5-5 *City of Fountain Valley GHG Emissions Forecast*, of the DEIR, includes reductions associated with statewide strategies that have been adopted since AB 32, SB 32, and AB 1279. Development projects accommodated under the proposed project are required to adhere to the programs and regulations identified by the Scoping Plan and implemented by state, regional, and local agencies to achieve the statewide GHG reduction goals of AB 32, SB 32, and AB 1279. For example, new buildings associated with land uses accommodated by implementing the proposed project would be required to meet the CALGreen and Building Energy Efficiency Standards in effect at the time when applying for building permits. Furthermore, as discussed under the discussion for Impact 5.5-1, the proposed project includes goals, policies, and programs that would help reduce GHG emissions and therefore help achieve GHG reduction goals. Implementation of the proposed project would not obstruct implementation of the CARB Scoping Plan, and impacts would be less than significant.

SCAG's Connect SoCal

Connect SoCal, which was adopted in September 2020, is Southern California's regional transportation plan to achieve the passenger vehicle emissions reductions identified under SB 375. Connect SoCal's "core vision" centers on maintaining and better managing the transportation network for moving people and goods while expanding mobility choices by locating housing, jobs, and transit closer together and increasing investment in transit and complete streets. Moreover, Connect SoCal identifies areas in the region that can house near-term and long-term growth and support a diverse economy and workforce. By integrating the Forecast Development Pattern with a suite of financially constrained transportation investments, Connect SoCal can reach the regional target of reducing GHGs from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels).

As demonstrated in Section 5.11, *Land Use and Planning*, of the DEIR, the General Plan Update would be consistent with the Connect SoCal goals (see Table 5.11-1, *SCAG 2020 RTP/SCS Goal Consistency Analysis*). Policies LU-1.3 and LU-2.5 as well as Policies CM-2.1 through CM-2.10 would reduce VMT

per service population consistent with the regional goals. Furthermore, as discussed in Section 5.14, *Population and Housing*, of the DEIR, implementation of the General Plan Update would bring the City closer to a more equal distribution of employment and housing. Thus, the proposed project would provide for residents to both live and work in the City instead of commuting to other areas, which would contribute to minimizing VMT and reducing VMT per service population. Therefore, the proposed project would not interfere with SCAG's ability to implement the regional strategies in Connect SoCal, and no impact would occur.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the conflict of an adopted plan, policy or regulation for the purpose of reducing greenhouse gas emissions. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

6. Hazards and Hazardous Materials

Impact 5.6.1: Project construction and/or operations would involve the transport, use, and/or disposal of hazardous materials. [Thresholds H-1, H-2, and H-3]

Table 5.6-1, *Hazardous Sites in the City of Fountain Valley*, of the DEIR indicates which hazardous sites in the City are still open or active.

Separate and independent of the CEQA process, federal and State laws and regulations require measures to reduce human exposure to hazardous materials. For known or potentially contaminated sites, prior to issuing a grading or building permit, the City would require an assessment of potential hazards. If the development project could pose a human health or environmental risk, the City would require that such hazards be managed appropriately. This could include, but would not be limited to, actions such as removal of the contaminants (remediation), site controls to reduce exposure (e.g., capping soils, installation of soil vapor barriers), or administrative mechanisms (deed restrictions).

Construction

During construction of future projects throughout the City, new development would potentially involve the use of hazardous materials, such as fuels, lubricants, paints, solvents, and greases in construction equipment and coatings used in construction. The release of hazardous materials is a type of human-caused hazard that could impact residents and businesses. Numerous types of hazardous materials and chemicals are transported and used throughout residences and businesses within the City. However, future construction activities would be short-term in nature, and the materials used would not require use or storage of hazardous materials in quantities that would pose a substantial safety hazard. Additionally, the use, transport, and disposal of construction-related hazardous materials would be required to conform with existing laws and regulations. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur; and all contaminated waste would be required to be collected and disposed of at an appropriate licensed disposal or treatment facility.

Grading and excavation in infill areas may expose construction workers and the public to known or potentially unknown hazardous materials in the soil or groundwater. As shown in Table 5.6-1,

Hazardous Sites in the City of Fountain Valley, of the DEIR there are various sites throughout the City that have been identified as containing hazardous materials, which have the potential to pose health hazards. However, contaminated areas on construction sites would be required to be remediated prior to construction activities. Under the General Plan Update, the City would encourage and facilitate the adequate and timely cleanup of existing and future contaminated sites and the compatibility of future land uses. Remediation would be required to satisfy the appropriate responsible agency and would prevent exposure of people and the environment to these hazards.

New development would potentially involve the demolition of older buildings, which may contain Asbestos Containing Material (ACM) or Lead Based Paint (LBP) and could result in potential exposure of workers or residents living near these project sites to these hazardous materials. However, demolition of structures throughout the City for future development would be required to comply with the California Health and Safety Code, Occupational Safety and Health Administration (OSHA), and South Coast Air Quality Management District Rule 1403 related to removal of ACM and LBP. These requirements include the preparation of ACM and LBP surveys and appropriate remediation measures for removal of LBP and ACM during demolition activities; asbestos and lead abatement performed and monitored by certified contractors; and proper labeling, safety training, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation. Additionally, implementation of the General Plan Update policies, such as Policy PFS-3.3, which is intended to ensure that the use and storage of hazardous materials comply with applicable federal, state, county, and local laws and management plans to prevent and mitigate hazardous materials releases, would reduce potentially significant impacts. Therefore, implementation of the General Plan Update would not result in substantial hazards to the public due to the transport, use, and/or disposal of hazardous material. Impacts would be less than significant.

Operation

Operation of projects developed pursuant to the General Plan Update would involve hazardous materials used in industrial and commercial land uses as well as hazardous materials used for cleaning and maintenance purposes in almost all developed land uses: cleaners, solvents, paints, pesticides, and fertilizers. The amounts of hazardous materials used would vary by land use type; amounts would be small for residential, school, institutional, and many office uses, and larger for industrial uses; businesses selling hazardous materials, such as gasoline stations; and service businesses using hazardous materials in their operations, such as construction contractors, painters, cleaners, and printers. The General Plan Update buildout is expected to result in an increase in the number of hazardous waste generators. Hazardous wastes would be required to be stored, transported, and disposed of in conformance with existing regulations of the Environmental Protection Agency (EPA), US Department of Transportation, CalRecycle, and other agencies. Additionally, implementation of the General Plan Update policies, such as Policy PFS-3.3, which calls for ensuring that the use and storage of hazardous materials comply with applicable federal, state, county, and local laws and management plans to prevent and mitigate hazardous materials releases, would reduce potentially significant impacts. Therefore, implementation of the General Plan Update would not result in substantial hazards to the public due to the transport, use, and/or disposal of hazardous material. Impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the use of hazardous materials. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.6-2: The Plan Area is on a list of hazardous materials sites that could create a significant hazard to the public or the environment. [Threshold H-4]

As shown in Table 5.6-1, *Hazardous Sites in the City of Fountain Valley*, of the DEIR various hazardous sites in the City are listed as open or active according to the GeoTracker and/or EnviroStor databases. Any development, redevelopment, or reuse on or next to any of these sites would require environmental site assessment by a qualified professional to ensure that future development would not disturb hazardous materials on any of the hazardous materials sites or plumes of hazardous materials diffusing from one of the hazardous materials sites, and that any proposed development, redevelopment, or reuse would not create a substantial hazard to the public or the environment. Phase I Environmental Site Assessments are required for land purchasers to qualify for the Innocent Landowner Defense under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and to minimize environmental liability under other laws, such as the Resource Conservation and Recovery Act (RCRA), and for lenders as a prerequisite to extend a loan for purchase of land. Additionally, implementation of the General Plan Update policies, such as Policy PFS-3.3, would reduce potentially significant impacts. Impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to causing significant hazard to the public or environment. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.6-3: The project site is not located in the vicinity of an airport, nor is it within the jurisdiction of an airport land use plan. [Threshold H-5]

The closest airport, John Wayne Airport in Santa Ana, is approximately 4.3 miles east of the City of Fountain Valley. Therefore, the proposed project would not result in a safety or noise hazard for people residing or working within the Plan Area.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the jurisdiction of an airport land use plan or airport vicinity. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.6-4: Project development would not affect the implementation of an emergency responder or evacuation plan. [Threshold H-6]

Future development under the proposed project would result in construction activities that could temporarily affect roadways as a result of lane closures or narrowing for roadway and/or utility improvements. This could affect emergency response times or evacuation routes. The proposed General Plan Update would allow development of increases of square footage and dwelling units in

the city. By increasing the population, traffic congestion may increase in these areas as well. Therefore, in the event of an accident or natural disaster, evacuation plans and routes could be adversely affected by the increased traffic.

The buildout of the General Plan Update would not result in substantial changes to the circulation patterns or emergency access routes and would not block or otherwise interfere with use of evacuation routes. Buildout would not interfere with operations of emergency response agencies or with coordination and cooperation between such agencies. The General Plan Update includes policies that would ensure emergency access is not affected, such as Policy PFS-2.1 and Policy PFS-2.2; therefore, impacts to emergency response planning would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the implementation of an emergency responder or evacuation plan. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.6-5: Fountain Valley is not in a designated fire hazard zone, and implementation of the General Plan Update will not expose structures and/or residences to wildland fire danger. [Threshold H-7]

The Plan Area is not within a fire hazard severity zone, nor is it surrounded by a fire severity hazard zone. The nearest fire hazard severity zone to the Plan Area is over 5 miles away to the southeast. Therefore, development pursuant to the General Plan Update would not pose wildland fire hazards. Nonetheless, the General Plan Update includes policies governing fire protection such as Policy PFS-2.1, Policy PFS-2.2, and Policy PFS-3.1. Impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the exposure of structures or residences to wildland fire danger. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

7. Hydrology and Water Quality

Impact 5.7-1: Development pursuant to the General Plan would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. [Threshold HYD-1]

Urban runoff from storms or nuisance flows (runoff during dry periods) from development projects can carry pollutants to receiving waters. Runoff can contain pollutants such as oil, fertilizers, pesticides, trash, soil, and animal waste. This runoff can flow directly into local streams or lakes or into storm drains and continue through pipes until it is released untreated into a local waterway and eventually the ocean. Untreated stormwater runoff degrades water quality in surface waters and groundwater and can affect drinking water, human health, and plant and animal habitats if left unregulated and unmitigated.

Construction Phase

Clearing, grading, excavation, and construction activities associated with development under the General Plan Update could impact water quality due to erosion of exposed soils and subsequent deposition of particulates in local drainages. Grading activities lead to exposed areas of loose soil and sediment stockpiles that are susceptible to uncontrolled sheet flow. Although erosion occurs naturally in the environment, primarily from weathering by water and wind action, improperly managed construction activities can lead to substantially accelerated rates of erosion that are considered detrimental to the environment.

Both state and local regulations effectively mitigate construction stormwater runoff impacts from the proposed land use changes under the General Plan Update. Standard erosion control practices shall be implemented for all construction within the City. Chapter 14.40, Stormwater Regulations, of the Fountain Valley Municipal Code states that the City is a co-permittee pursuant to the National Pollution Discharge Elimination System Permit and adheres to the regulations of the Federal Clean Water Act. Development of projects with one acre or greater of soil disturbance are required to comply with the Statewide Construction General Permit, associated local National Pollutant Discharge Elimination System (NPDES) regulations to ensure that the potential for soil erosion is minimized on a project-by-project basis and is subject to oversight by the Santa Ana Regional Water Quality Control Board.

Construction sites will be required to prepare and implement SWPPPs in accordance with the site-specific sediment risk analyses based on the grading plans. The SWPPP must describe construction Best Management Practices (BMPs) that address pollutant source reduction and provide measures/controls to mitigate potential pollutant sources. These include, but are not limited to: pollutant source reduction, erosion controls, sediment controls, tracking controls, nonstorm water management, materials and waste management, and good housekeeping practices.

Operational Phase

Development resulting from the City of Fountain Valley General Plan Update may result in long-term impacts to the quality of stormwater and urban runoff, subsequently impacting downstream water quality. Development pursuant to the General Plan Update could potentially create new sources for runoff contamination. Consequently, implementation of the General Plan Update may have the potential to increase the post-construction pollutant loadings of certain constituent pollutants associated with the proposed land uses and their associated features, such as landscaping, and parking and plaza areas.

As stated in the Infrastructure Technical Report (Appendix 5.14-1 of the DEIR), to prevent long-term impacts associated with land use changes and in accordance with requirements of the City of Fountain Valley Local Implementation Plan and consistency with Orange County Drainage Area Management Plan and Fourth-Term MS4 permit, new development and significant redevelopment projects must incorporate Local Improvement District (LID)/site design and source control BMPs to address post-construction stormwater management. Projects Identified as Priority Projects are required to implement site design/LID and source control BMPs applicable to their specific priority project categories and implement treatment control BMPs where necessary. Priority and Non-Priority projects must develop a project-specific Water Quality Management Plan (WQMP) which describes BMPs

chosen for the project, as well as include operation and maintenance requirements for all structural and any treatment control BMPs.

As part of the statewide mandate to reduce trash in receiving waters, the City of Fountain Valley is required to adhere to the requirements of the amended trash total maximum daily load (TMDL). The requirements include the installation and maintenance of trash screening devices at all public curb inlets, grate inlets, and catch basin inlets. The trash screening devices must be approved by the local agency and consistent with the minimum standards of the trash TMDL. New industrial uses (manufacturing and processing) are also required to file a General Industrial Permit with the state and prepare a SWPPP that addresses operational features to control stormwater pollutants and monitoring and reporting requirements.

Conclusion

With the implementation of federal, state, and local regulations, runoff from the construction and operational phases of development pursuant to the GENERAL PLAN UPDATE would not violate any water quality standards or waste discharge requirements. In terms of post-construction related impacts, the incorporation of site design, LID features and BMPs as required under the North Orange County MS4 Permit, the individual development and redevelopment projects within the General Plan Update will effectively retain or treat the 85th percentile 24-hour storm water runoff for pollutants such as bacteria, metals, nutrients, oil & grease, organics, pesticides, sediment, trash, and oxygen demanding substances prior to discharge off their property. As the properties within the City undergoes redevelopment existing properties will be replaced with properties incorporating LID BMPs; therefore, surface water quality from the General Plan Update area would be expected to improve over existing conditions with more LID BMPs implemented. Additionally, implementation of the General Plan Update policies, such Policy OSC-3.5 and Policy OSC-3.6, would maintain water quality. Therefore, impacts to surface water and ground water quality would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to water quality standards or waste discharge requirements. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.7-2: Buildout of the General Plan would generate a substantial increase in water demand but would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin. [Threshold HYD-2]

Water supplies are from local groundwater aquifers managed by Orange County Water District (OCWD) that is pumped from the City-owned wells and imported water from Metropolitan Water District of Southern California that is provided by the Municipal Water District of Orange County (MWDOC).

According to the 2020 Urban Water Management Plan (UWMP), the City relied on 88 percent groundwater, 12 percent recycled water, and 0 percent imported water in the fiscal year 2019-2020, and it is projected that by 2045, the water supply portfolio will shift to 73 percent groundwater, 14 percent recycled water, and 13 percent imported water. In 2020, the total water supply was 9,870 acre-feet (AF)

and the total water demand was 8,686 AF. The UWMP indicates that the water supply would be the same as the water demand for normal, single dry, and multiple dry years from 2025 through 2045. The 2020 UWMP projects a population of 58,873 in 2045, which is less than the 2045 population proposed in General Plan Update (73,668). In 2023, OCWD anticipates the final expansion to the Groundwater Replenishment System (GWRS) will be operational and increase water supply production into the groundwater basin by 31,000-acre feet per year (AFY), significantly boosting the groundwater resources that serve Fountain Valley and far more than the 1,096 AFY of demand anticipated from the General Plan Update, though it is recognized that the increased water resources will also serve other jurisdictions.

Additionally, OCWD oversees groundwater recharge and groundwater levels and has multiple mechanisms to prevent groundwater overdraft. OCWD actively participates in reviewing land development projects, which are required to show they will not impact recharge facilities. The basin is covered by Alternative Plan 8-1, and the groundwater management strategies laid out in the Alternative Plan have been approved by DWR. The Alternative Plan will be updated and resubmitted every five years as part of Sustainable Groundwater Management Act (SGMA) requirements. Additionally, because Fountain Valley is a built-out City, any proposed land use changes and development will occur within areas that are already built out and will not interfere with groundwater recharging. The General Plan Update includes policies such as Policy OSC-3.3 and Policy OSC-3.5, which call for the conservation of water resources. Impacts related to the depletion of groundwater would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to groundwater supplies or sustainable groundwater management of the basin. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.7-3: Development pursuant to the General Plan Update would increase the amount of pervious surfaces in the Plan Area and therefore could alter drainage patterns, but would not increase the potential for erosion and siltation on- or off-site, or create runoff water that would exceed the capacity of storm drain systems, or provide substantial additional sources of polluted runoff, or impede or redirect flood flows. [Threshold HYD-3 (i) – (iv)]

The City is largely built-out except for three vacant parcels and will likely be developed under buildout conditions. Therefore, peak flows would be decreased overall due to the implementation of landscaping requirements as well as LID features associated with water quality regulations. These LID features would allow water to pass through gradually which lessens stormwater runoff peak flows compared to areas that would be developed into higher intensity uses. Therefore, areas of higher intensity use proposed under the General Plan would introduce new impervious surfaces that could result in increases of stormwater runoff peak flow rates.

With new development, drainage patterns would largely be maintained; new development would use the existing drainage facilities within the public right-of-way. Current runoff is captured and conveyed by existing storm drain infrastructure in the City before discharging to County drainage channels and to the Pacific Ocean. Standard flood control requirements for new development would minimize impacts of increased flows and volumes on downstream receiving waters. On-site storm drain systems

would likely change with the individual project components but would still use the existing City facilities within the public right-of-way. Implementation of proposed land uses in future redevelopment areas would not result in substantial increases in surface water peak flows or volumes over the existing conditions and would likely result in reduced discharges due to onsite water quality and LID features and BMPs.

Future development in the City would involve construction activities that could increase the potential for erosion and/or siltation. Standard erosion control measures would be implemented as part of the SWPPP for any proposed project to minimize the risk of erosion or sedimentation during construction. The SWPPP must include an erosion control plan that prescribes measures such as phased grading, limiting areas of disturbance, designating restricted-entry zones, diverting runoff from disturbed areas, protective measures for sensitive areas, outlet protection, and provisions for revegetation or mulching. The erosion control plan would also include treatment measures to trap sediment, including inlet protection, straw bale barriers, straw mulching, straw wattles, silt fencing, check dams, terracing, and siltation or sediment ponds.

In addition, the majority of streams and channels that collect runoff within the City are concrete lined and not suspected of scouring or erosion. For those areas that are tributary to streams that may be susceptible to scour, hydromodification requirements as part of the regional MS4 permit will ensure that impacts are minimized. There is only one area within the Green Valley neighborhood in the southeast corner of the City that is susceptible to hydromodification requirements. The Green Valley neighborhood drains entirely to the Fountain Valley Channel which is concrete-lined, and it does not overlap with any of the Opportunity Sites.

The majority of the City is within Flood Zone X, and the northwestern portion of the City is within Flood Zone A. Zone X is determined to be within the 500-year flood area with minimal or 0.2 percent chance of flooding, but protected by levee from 100-year flood risks. The northwestern portion of the City designated as Zone A, represents areas within the 100-year flood areas that have a 1 percent annual chance of flooding. Flooding hazards have the potential to impact a portion of the community. Section 21.14.040, Floodplain (-FP) Overlay Zoning District—Flood Damage Prevention, of the Fountain Valley Municipal Code was created to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions. Development within flood hazard areas would comply with flood protection standards that reduce vulnerability to flood impacts and ensure safe use and occupation of structures.

With the implementation of applicable measures during the construction and operational phases of future development, the implementation of federal, state, and local regulations, as well as the General Plan Update policies, such as Policy OSC-3.7, impacts as a result of erosion, siltation, polluted runoff, or flood hazard would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to drainage patterns. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.7-4: The proposed project would not result in flood hazards associated with flood zones, tsunami, or seiche zones, or due to dam inundation. [Threshold HYD-4]

Flood Hazards

As discussed in Impact 5.7-3, the City is within Flood Zones X and A and have a low percentage of flooding; with the implementation of federal, state, and local regulations, future development pursuant to the General Plan Update would not increase flood hazards associated with flood zones. The City of Fountain Valley has a policy to avoid placing new housing within 100-year flood hazard area based on FEMA floodplain maps, and all existing homes within Flood Zones A and AE require flood insurance. The City and County regularly maintain and improve storm drain and flood control infrastructure based on priority. Additionally, implementation of the General Plan Update policies, such as Policy OSC-3.5 and Policy PFS-2.4, would ensure impacts would be less than significant.

Tsunami

The General Plan Area is approximately 2.6 miles northwest of the Pacific Ocean and therefore, the chances of a tsunami impacting the City are negligible.

Seiches

A seiche is a surface wave created when an inland water body is shaken, usually by an earthquake or due to a change in atmospheric pressure. Inland water bodies near the City include Irvine Lake, Prado Dam, and the Santiago Creek Recharge Basins. Due to the distance and varying topography, seiche impacts would be less than significant.

Dam Inundation

The City is adjacent to the Santa Ana River and is likely subject to inundation in the event of failure or collapse of the Prado Dam. However, due to the distance from Prado Dam and current emergency procedures that address dam failure or flooding, the likelihood of dam failure is low, and impacts are anticipated to be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to flood hazards. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.7-5: Development pursuant to the General Plan Update would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. [Threshold HYD-5]

New development and redevelopment pursuant to the General Plan Update would adhere to regulatory requirements that ensure surface water and groundwater quality are not adversely impacted during construction and operational activities pursuant to the General Plan Update. As a result, new site development or redevelopment would not obstruct or conflict with the implementation of local or regional water quality control plans or sustainable groundwater management plans. All development within the City will follow the North Orange County MS4 Permit and the Santa Ana River Basin Water

Quality Control Plan. Proposed development will be connected to the City's public water supply, and there would be no onsite wells for use of groundwater. OCWD manages groundwater levels and reviews development projects to be compatible with OCWD's groundwater management goals. Increased demand due to development pursuant to the General Plan Update would not adversely impact the sustainable management of the Basin. Therefore, the proposed project would not obstruct or conflict with the Basin 8-1 Alternative Plan. Additionally, implementation of the General Plan Update policies, such as Policy OSC-3.5, would ensure impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to a water quality control plan or sustainable groundwater plan. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

8. Land Use and Planning

Impact 5.8-1: Project implementation would not divide an established community. [Threshold LU-1]

Division of an established community commonly occurs because of development and construction of physical features that constitute a barrier to easy and frequent travel between two or more constituent parts of a community. For example, a large freeway structure with few crossings could effectively split a community.

The design direction for the General Plan Update is to improve access and mobility for existing and future residents by providing vehicular connections and non-motorized transportation options. The land use pattern proposed in the General Plan Update increases building intensity throughout the City. The City provides access through major roadways, and transit and pedestrian pathways.

No aspect of the proposed General Plan Update would divide the existing City. In addition, the updated General Plan includes provisions that directly address land use connectivity, compatibility, and encroachment of new development on existing neighborhoods and land uses. The General Plan Update includes policies aimed at improving connectivity, such as Policy LU-1.1, Policy LU-1.2, and Policy LU-3.2. Therefore, the General Plan Update would not result in any impact regarding division of an established community or land use compatibility issues.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the division of an established community. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.8-2: Project Implementation would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect. [Threshold LU-2]

SCAG Connect SoCal Consistency

The 2045 population projection for Fountain Valley in the RTP/SCS is 59,000, which is less than the projected population for the planning period buildout of the General Plan Update of 73,668. Because the General Plan Update may result in the City's population exceeding the 2045 population forecast for the City, this could be considered a conflict. However, the General Plan Update is both consistent with the goals of the RTP/SCS and would further State goals through emphasis on design and reduction in VMT, as discussed in Table 5.8-1, *SCAG 2020 RTP/SCS Goal Consistency Analysis*, of the DEIR. Therefore, the impacts would be less than significant.

Consistency with City Land Use Plans and Regulations

The General Plan Update will require an update to the City's Development Code and Zoning Map to ensure consistency. Other than updates to specific plans, the Development Code amendments are being processed concurrently with the General Plan Update and are a part of the proposed project. The Crossings, Southpark, and Warner/Newhope specific plans will be updated at a later date to conform to the City's currently adopted Housing Element and the proposed General Plan Update. The specific plan amendments will be needed to ensure that they implement the General Plan as updated. The changes to the land use intensity that will be reflected in the specific plans later, are evaluated in this EIR as part of the proposed project.

The City is responsible for ensuring that any outstanding zoning changes occur within a reasonable time after adoption of the General Plan. The land use designations in the City of Fountain Valley will largely remain as designated under the current General Plan, with the addition of Very High Density Residential, Mixed-Use 1, and Mixed-Use 2 designations. The impacts of the increase in intensification are analyzed throughout the DEIR.

Following the amendments to the zoning code, if zoning and General Plan land use designations are not identical, General Plan policies would be consulted for guidance in amending the Development Code for consistency with the updated General Plan during consideration of any development project. The update to the zoning code would follow this project and bring the code into consistency with the General Plan and will tier from this EIR. Once the Development Code and specific plans are amended, there will be no inconsistency between the General Plan and the Development Code.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to plans adopted for the purpose of avoiding or mitigating an environmental effect. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

9. Noise

Impact 5.9-2 Buildout of the plan area would cause substantial operational noise increases at sensitive receptors in the plan area that exceed established noise standards. [Threshold N-1]

Buildout of the General Plan Update would result in an increase in traffic along local roadways proximate to existing sensitive receptors. Figure 5.9-2 *Existing Traffic Noise Contours*, and Figure 5.9-3, *Future Traffic Noise Contours*, of the DEIR, illustrate the existing and future 2045 noise contours for 60 dBA CNEL, 65 dBA CNEL, and 70 dBA CNEL. The complete distances to the 70, 65, and 60 dBA CNEL noise contours for roadway segments in the City are included in Appendix 5.9-1, *Noise Monitoring and Modeling* of the DEIR. Table 5.9-8, *Traffic Noise Increases Along Study Roadway Segments*, of the DEIR, shows the estimated traffic noise increase along study roadway segments. The traffic noise increases along roadways are the difference between the projected future traffic noise levels and the existing traffic noise levels. As shown in Table 5.9-8, *Traffic Noise Increases Along Study Roadway Segments*, of the DEIR, none of the Project-related traffic noise would cause the ambient noise levels increase by 3 dBA CNEL to or within the “normally unacceptable” or “clearly unacceptable” categories, and the General Plan Update would not cause the ambient noise levels measured at the property line of affected uses to increase by 5 dBA CNEL or more within the “normally acceptable” or “conditionally acceptable” categories. Policy CM-1.8 and Policy PFS-5.4 would help minimize and mitigate traffic noise impacts. Therefore, traffic noise would result in less than significant impact.

In addition to traffic noise, other operational noise can include railroad and airport noise, however the City of Fountain Valley does not have any rail lines or airport within its city limits, nor are there any future plans to build or develop them. However, residents of Fountain Valley are on occasion exposed to aircraft overflight noise from surrounding airports and railroad noise from neighboring city rail lines. However, these are adjacent uses and do not expose residences to excessive noise levels. Therefore, railroad noise and airport noise would not affect future noise-sensitive land uses.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to operational noise. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.9-4: The proximity of the project area to an airport or airstrip would not result in exposure of future residents and/or workers to new airport-related noise. [Threshold N-3]

There are no airports within the City of Fountain Valley. The nearest airport is the John Wayne Airport, in the City of Santa Ana. Though the Fountain Valley residents may be exposed to periodic aircraft overflights from airports at other neighboring cities, the City of Fountain Valley is entirely outside the 60 dBA CNEL noise contour from any surrounding airport including the nearest airport of John Wayne in Santa Ana. Therefore, impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to exposure to airport related noise. Accordingly, no changes or alterations to the

proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

10. Population and Housing

Impact 5.10-2: The proposed project would not displace people and/or housing. [Threshold P-2]

The purpose of the General Plan Update is to provide orderly growth in the City of Fountain Valley through the distribution, location, balance, and extent of land uses. The General Plan Update proposes new land use designations—Very High Density Residential (VHDR), Mixed-Use 1 (MU1), and Mixed-Use 2 (MU2)—which would allow for intensification within the City. The proposed project would include a variety of housing types and provide additional residential opportunities within the City.

Government Code Section 66300(d)(2) requires that any project that would demolish residential units must create at least as many units as will be demolished. Additionally, the General Plan Update provides policies that ensure the rehabilitation of existing housing, provision of new housing, and minimization of displacement, such as Policy H-1.1, Policy H-1.2, Policy H-3.3, and Policy H-6.3. Finally, all of the sites proposed for new development either contain property owners who are actively redeveloping the site, are vacant, or are nonresidential in nature and therefore do not contain any residents. Therefore, the General Plan Update would not displace any people and would provide more housing opportunities than currently exists, and there would be no impact.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the displacement of people and housing. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

11. Recreation

Impact 5.11-1: The proposed project would generate additional residents that would increase the use of existing park and recreational facilities. [Threshold R-1]

The buildout of the proposed project would result in an estimated population of 73,668 residents by 2045, increasing the existing population from 57,595 residents. This increase in population would increase the use of existing park and recreational facilities.

Each jurisdiction determines the appropriate park standard based on the guidance provided by Section 666477 of the California Government Code, commonly referred to as the Quimby Act, which requires a standard of three acres of parkland per 1,000 residents. The City's park standard, as indicated in Chapter 21.79, Parkland Dedications, Reservations, and Fees, of the Fountain Valley Municipal Code, is three acres of parkland per 1,000 residents.

With an existing population of 57,595 residents, the parkland requirements at three acres per thousand would be approximately 173 acres. Using the same three acres per thousand metric, the buildout population of 73,668 residents would result in a need for 221 acres of parkland. The City's 460.5 acres of existing regional, community, and neighborhood parklands within the City (excluding golf course

facilities) far exceed parkland requirements for both existing and buildout populations: 8.0 acres per thousand residents for existing conditions and 6.2 acres per thousand residents under buildout conditions.

Future development in accordance with the General Plan Update would be required to dedicate land or pay in-lieu impact fees per Chapter 21.79, Parkland Dedications, Reservations, and Fees, of the Fountain Valley Municipal Code, as well as the Quimby Act. Collected park development impact fees would fund park maintenance, acquisition, and development and assist the City in maintaining the parkland standard of at least three acres per 1,000 residents. Accordingly, the potential increase in population growth related to the General Plan Update and would not result in a significant impact.

At the General Plan level of analysis, it is speculative and infeasible to evaluate project-specific environmental impacts associated with the specific construction of future recreational facilities since specific sites and time frames for development are unknown. When specific projects are necessitated and subsequently undertaken to meet the growth demands from the buildout of the General Plan Update, the appropriate level of analysis required under CEQA would be conducted by the City. Additionally, the General Plan Update provides policies that pertain to the protection and creation of parks and recreational facilities, such as Policy LU-1.5, Policy LU-3.3, Policy OSC-1.1, and Policy OSC-1.2. Therefore, impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the increase in use of park and recreational facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.11-2: Project implementation would result in environmental impacts to provide new and/or expanded recreational facilities. [Threshold R-2]

The General Plan Update guides growth and development within the City and is not a development project. As the population of the City grows, recreational facilities may be developed and/or improved to provide residents with additional recreational opportunities and to adhere to the City's parkland standard of three acres per 1,000 residents. Parks are also a permitted use under other land use designations (e.g., residential land uses), which could result in the development of recreational facilities outside of park-designated parcels.

Development and operation of new or expanded recreational facilities may have an adverse physical effect on the environment, including impacts related to air quality, biological resources, lighting, noise, and traffic. As this Draft EIR assumes construction would occur on all areas designated for development, the physical environmental impacts associated with the construction of new and/or expansions of existing recreational facilities in accordance with the proposed land use plan are addressed throughout this Draft EIR. Similarly, potentially adverse impacts to the environment that may result from the expansion of parks, recreational facilities, and multiuse trails pursuant to buildout of the proposed project are also addressed throughout this Draft EIR. Subsequent environmental review for individual recreational developments would also be required. Consequently, impacts from the General Plan Update relating to new and/or expanded recreational facilities would not result in additional impacts than disclosed in this Draft EIR and the impact would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact on the expansion of recreation facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

12. Transportation

Impact 5.12-1: The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. [Threshold T-1]

The proposed project includes multiple policies, such as Policy CM-1.7, Policy CM-2.1, Policy CM-2.2, Policy CM-2.9, and Policy OSC-1.7, which focus on improving traffic management and alternative forms of transportation, as well as a redesign for Heil Avenue that would provide multimodal facilities in the City; connect bicycle and pedestrian trails to local and regional trails; accommodate vehicles, transit, bicycles, and pedestrians; enhance the safety of pedestrians and bicyclists; incorporate amenities and pathways so that pedestrians and bicyclists; and provide safe routes to schools. With implementation of these policies, the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the conflict with a program, plan, ordinance, or policy addressing the circulation system. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.12-3: The proposed project would not result in a substantial increase in hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or result in inadequate emergency access. [Thresholds T-3 and T-4]

All future development under the proposed project would undergo an extensive review process at the City to ensure consistency with the City's development standards and roadway design standards. Additionally, the fire department reviews all development applications to ensure that adequate emergency accessibility is provided based on local and state guidance. Since all future projects would undergo such reviews and requirements, this impact is considered less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to a substantial increase in hazards due to a geometric design feature, or incompatible uses, or result in inadequate emergency access. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

13. Utilities and Service Systems

Impact 5.13-1: Sewer and wastewater treatment systems are adequate to meet project requirements. [Threshold U-1 (part) and U-3]

Full implementation of the proposed project has the potential to increase sewer flows by 1.58 million gallons per day (MGD) throughout the entire City, with most of the increased sewer flow (1.33 MGD) representing future development of opportunity sites identified in the Housing Element and remaining nonresidential development potential in specific plans. This accounts for a percent increase of 30 percent within the City.

The estimated increase of 1.58 MGD in sewer flows under the proposed project is not anticipated to exceed the projected future capacity of the City's wastewater infrastructure or Orange County Sanitation District (OCSD)'s regional infrastructure. However, potential development within portions of the City is upstream of six deficiencies; these structural and hydraulic deficiencies are recommended to be added to the City's CIP Program and/or studied further.

The City maintains a regularly updated Sewer Master Plan and CIP and has a process in place to assess local sewer impacts on a project-by-project basis. The Sewer Master Plan would continue to serve as a sewer infrastructure planning tool to make informed decisions about when CIP projects are warranted. The City's Engineering Department works closely with the Maintenance Division to ensure that the sewer system is functioning effectively and has implemented several projects over the past 10 years to improve the sewer system. Therefore, at a Citywide scale, the City's Sewer Master Plan and CIP Process adequately prioritizes necessary projects as developments under the General Plan Update are constructed. In addition, OCSD regularly updates long-term planning documents which include provisions for improving regional treatment plant and conveyance infrastructure capacity. OCSD has identified an operational improvement needed for the Euclid Interceptor A and B line within the General Plan Update area. Through planning and management processes currently in place, OCSD is able to ensure the regional sewer infrastructure would support future developments under the proposed project.

Construction impacts associated with private wastewater infrastructure to support development throughout the City would primarily be confined to trenching for miscellaneous utility lines and connections to public infrastructure. Installation of wastewater infrastructure would be limited to onsite wastewater distribution and minor off-site work associated with connections to the public main. No upgrades to the public main are anticipated, and any work that may affect services to the existing sewer lines would be coordinated with the City. Moreover, when considering impacts resulting from the installation of any required wastewater infrastructure, all impacts are of a relatively short-term duration and would cease to occur once installation is complete.

OCSD's wastewater treatment plants have a total combined capacity of 390 MGD with the ability to route flows to either of the two WWTPs as needed. The 2018-2019 flows were estimated to be 185 MGD, indicating adequate capacity (205 MGD) for the proposed increase in flows of 1.58 MGD under the proposed project. OCSD utilizes a robust CIP process and relies on internal capacity modeling, population projects and land use projections, independent of General Plan Update buildout estimates. Provided that OCSD retains operational proficiency over Diversion No. 40 and Euclid Interceptor A

and B, these lines would be able to handle the increase of 0.01 MGD under the proposed project. Through updating appropriate master plans, long-term capital improvement budgets, and plant capacity assessments, it is anticipated OCSD would be able to receive increases in flows consistent with the buildout of the proposed project.

As detailed in Section 14.36.130, Cost, Replacement and Extension Fee, of the City's Municipal Code, the City imposes a development impact fee to pay for sewer improvements. Additionally, with the implementation of the proposed OCSD CIP improvements, and the General Plan Update policies, such as Policy PFS-1.4, impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the adequacy of sewer and wastewater treatment systems. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.13-2: Water supply and delivery systems are adequate to meet project requirements. [Threshold U-1 (part) and U-2]

The City maintains a regularly updated Water System Master Plan (WSMP) that identifies deficiencies and necessary improvement projects throughout its service area. Improvement projects are regularly incorporated into the City's CIP based on priority. The WSMP did not identify any hydraulic capacity deficiencies within the water system. Improvement projects based on pipe and condition may be required throughout the buildout of the General Plan Update, as suggested in the WSMP, however, as these deficiencies are not capacity based, and are considered maintenance projects that can occur over time, the status or prioritization of these projects is not anticipated to be impacted by the General Plan Update buildout. Individual projects would be subject to City permits, fees, and applications in order to ensure that they would not place an undue burden on existing infrastructure. In instances where infrastructure is expanded or relocated, construction would follow the Construction General Permit, City, and County specific regulations to minimize impacts. Therefore, the impacts would be less than significant.

Metropolitan, MWDOC, OCWD, and the City have performed extensive water planning over the past 30+ years by tracking population, City planning documentation, development projects, water supply augmentation projects (e.g., GWRS final expansion), climate, conservation, and several other factors utilized in local and regional water resources planning processes. Based on this project, it is anticipated that water supplies will be sufficient to support the proposed project over a 25-year horizon. Additionally, the General Plan Update includes policies pertaining to water supply, such as Policy PFS-1.2 and Policy PFS-4.4. The implementation of these policies would ensure impacts are less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the adequacy of water and delivery systems. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.13-3: Existing and/or proposed storm drainage systems are adequate to serve the drainage requirements of the proposed project. [Threshold U-1 (part)]

The City currently requires individual drainage analyses to occur for redevelopments to ensure conformity with the entire Citywide drainage system. New developments and significant redevelopments must analyze the 10- and 25-year storm events of their project and determine if there are any impacts to the public storm drain system.

Orange County Flood Control District (OCFCD) has a 7-year CIP in place to plan for future drainage projects. There are several projects that impact drainage facilities within the General Plan Area:

- **Ocean View Channel Improvements.** Improve capacity by adding two elliptical pipes under I-405 freeway (a cooperative project between OCTA and OCFCD. Completed – 2018-2019.
- **Lower Santa Ana River Projects.** Improve 23-mile channel from Prado Dam to the Pacific Ocean. Completed – 2020.
- **East Garden Grove – Wintersburg Channel Multi-Year Improvements.** Reconstruct existing trapezoidal earthen rip rap channel to a concrete rectangular channel, allowing the channel reach to convey a 100-year storm. CIP Year – 2024-25.

These projects would improve the regional drainage infrastructure serving the General Plan Area. Additionally, General Plan Update policies, such as Policy PFS-1.5 and Policy PFS-2.4, call for the maintenance and minimization of impacts on drainage. Therefore, with the City’s requirement for projects to analyze drainage impacts along with the OCFCD improvements to the drainage system, as well as implementation of the General Plan Update policies, impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the adequacy of storm drainage systems. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.13-4: Existing and/or proposed facilities would/would not be able to accommodate project-generated solid waste. [Threshold U-4]

Solid waste generated by the City is transferred to the Frank Bowerman Sanitary Landfill which has a remaining capacity of 205,000,000 and an anticipated close date of December 31, 2053. Correspondence with Orange County Waste and Recycling (OCWR) staff concluded that existing facilities would be able to accommodate the buildout of the proposed project. Therefore, existing facilities have adequate capacity to accommodate increased volumes of waste from the City through 2045, and impacts would be less than significant.

Impact 5.13-5: The proposed project would comply with federal, state, and local statutes and regulations related to solid waste. [Threshold U-5]

The proposed project would comply with the CALGreen Building Code Standards, which requires that at least 65 percent of nonhazardous construction and demolition waste from nonresidential

construction operations be recycled and/or salvaged for reuse. Furthermore, the proposed project would also comply with the requirements of AB 341 that mandates recycling for commercial land uses. Additionally, any organic waste generated in amounts over a certain threshold would be recycled in accordance with AB 1826. General Plan Update Policy PFS-1.7 would provide additional recycling regulations in the City. Therefore, the proposed project would comply with all applicable federal, state, and local solid waste regulations and impacts would be less than significant.

D. Findings on Significant Environmental Impacts that can be reduced to a Less Than Significant Level

The following summary describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the Draft EIR, these impacts, from Chapter 5, would be considered less than significant.

1. Geology and Soils

Impact 5.4-4: Future development that would be accommodated by the General Plan Update could impact known and unknown paleontological resources. [Threshold G-6]

Paleontological resources are recognized as nonrenewable and, therefore, receive protection under the California Public Resources Code and CEQA. Adoption of the General Plan Update itself would not directly affect paleontological resources. Long-term implementation of the General Plan Update land use plan would allow development (e.g., infill development, redevelopment, and revitalization/restoration), including grading, of known and unknown sensitive areas. Grading and construction activities of undeveloped areas or redevelopment that required more intensive soil excavation than in the past could potentially disturb paleontological resources. Therefore, future development that would be accommodated by the General Plan Update could potentially unearth previously unrecorded resources. Review and protection of paleontological resources are also afforded by CEQA for individual development projects that would be accommodated by the General Plan Update, subject to discretionary actions that are implemented in accordance with the land use plan of the General Plan Update.

Mitigation Measure:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

GEO-1 **High Sensitivity.** Projects involving ground disturbances in previously undisturbed areas mapped as having “high” paleontological sensitivity shall be monitored by a qualified paleontological monitor during all ground disturbing activities. Monitoring shall include inspection of exposed sedimentary units during active excavations within sensitive geologic sediments. The monitor shall have authority to temporarily divert activity away from exposed fossils to evaluate the significance of the find and, if the fossils are determined to be significant, professionally and efficiently recover the fossil specimens and collect associated data. The paleontological monitor shall use field data

forms to record pertinent location and geologic data, measure stratigraphic sections (if applicable), and collect appropriate sediment samples from any fossil localities.

GEO-2 Low-to-High Sensitivity. Prior to issuance of a grading permit for projects involving ground disturbance in previously undisturbed areas mapped with “low-to-high” paleontological sensitivity, the project applicant shall consult with a geologist or paleontologist to confirm whether the grading would occur at depths that could encounter highly sensitive sediments for paleontological resources. If confirmed that underlying sediments may have sensitivity, construction activity shall be monitored by a qualified paleontologist. The paleontologist shall have the authority to halt construction during ground disturbing activities as outlined in Mitigation Measure GEO-3.

GEO-3 All Projects. In the event of any fossil discovery, regardless of depth or geologic formation, ground disturbing activities shall halt within a 50-foot radius of the find until its significance can be determined by a qualified paleontologist. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the Society of Vertebrate Paleontology. The most likely repository is the Natural History Museum of Los Angeles County. The repository shall be identified, and a curatorial arrangement shall be signed prior to collection of the fossils.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Fountain Valley hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Rationale for Finding

Mitigation Measure GEO-1 requires ground-disturbing activities in areas mapped as "high" paleontological sensitivity to be monitored by a qualified paleontological monitor., Mitigation Measure GEO-2 requires during all earthwork activities in areas mapped as “low to high” paleontological sensitivity to be monitored by a paleontological monitor, and Mitigation Measure GEO-3 requires ground disturbing activities to be halted within a 50-foot radius of the find until its significance can be determined by a paleontologist to make an initial determination of significance if fossils are discovered to reduce impacts to geology and soils to less than significant.

2. Noise

Impact 5.9-3: Buildout of the individual land uses and projects for implementation of the General Plan Update may expose sensitive uses to excessive levels of groundborne vibration. [Threshold N-2]

Construction Vibration Impacts

Construction activity at projects within the plan area would generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. The effect on buildings in the vicinity of the construction site varies depending on soil type, ground strata, and receptor-building construction. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Vibration from construction activities rarely reaches the levels that can damage structures but can achieve the audible and perceptible ranges in buildings close to the construction site. Table 5.9-9 *Vibration Levels for Construction Equipment*, of the DEIR, lists reference vibration levels for construction equipment.

As shown in Table 5.9-9 *Vibration Levels for Construction Equipment*, of the DEIR, vibration generated by construction equipment has the potential to be substantial, since it has the potential to exceed the Federal Transit Administration (FTA) criteria for architectural damage (e.g., 0.12 inches per second [in/sec] PPV for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). Construction details and equipment for future project-level developments under the General Plan Update are not known at this time but may cause vibration impacts. As such, this would be a potentially significant impact.

Operational Vibration Impacts

Commercial and industrial operations within the plan area would generate varying degrees of ground vibration, depending on the operational procedures and equipment. Such equipment-generated vibrations would spread through the ground and diminish with distance from the source. The effect on buildings in the vicinity of the vibration source varies depending on soil type, ground strata, and receptor-building construction. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels.

Because specific project-level information is not available at this time, it is not possible to quantify future vibration levels at vibration-sensitive receptors that may be near existing and future vibration sources. However, the City will have the opportunity to review and require new development that is vibration sensitive or a source that generates substantial vibration to mitigate or modify its vibration sources. Therefore, the potential for sensitive uses within the plan area to be exposed to annoying and/or interfering levels of vibration from commercial or industrial operations, operations-related vibration impacts associated with implementation of the General Plan Update would be reduced to a level that is considered less than significant.

Mitigation Measure:

The following mitigation measures were included in the Draft EIR and the Final EIR, and are applicable to the proposed project.

N-2 Prior to issuance of a building permit for a project requiring pile driving during construction within 135 feet of fragile structures, such as historical resources, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or within 75 feet of engineered concrete and masonry (no plaster); or a vibratory roller within 25 feet of any structure, the project applicant shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed Federal Transit Administration (FTA) architectural damage thresholds (e.g., 0.12 inches per second [in/sec] peak particle velocity [PPV] for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving and static rollers as opposed to vibratory rollers shall be used. If necessary, construction vibration monitoring shall be conducted to ensure vibration thresholds are not exceeded.

N-3 During the project-level CEQA process for industrial developments under the General Plan Update or other projects that could generate substantial vibration levels near sensitive uses, a noise and vibration analysis shall be conducted to assess and mitigate potential noise and vibration impacts related to the operations of that individual development. This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer and shall follow the latest CEQA guidelines, practices, and precedents.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Fountain Valley hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding

Mitigation Measure N-2 would require an acoustical consultant to conduct a noise and vibration analysis prior to the issuance of a grade permit for projects requiring pile driving during construction within 135 feet of fragile structures, 100 feet of non-engineered timber and masonry buildings, or within 75 feet of engineered concrete and masonry, or a vibratory roller within 25 feet of any structure. Mitigation Measure N-3 would require a noise and vibration analysis to be conducted by a qualified acoustical consultant for industrial developments to assess and mitigate potential noise and vibration impacts related to the operations of that individual development.

E. Significant and Unavoidable Significant Impacts that Cannot Be Mitigated to Below the Level of Significance

The following summary describes the unavoidable adverse impacts of the proposed project where either mitigation measures were found to be infeasible, or the mitigation measures are under the control of another lead agency. The following impacts would remain significant and unavoidable:

1. Air Quality

Impact 5.2-1: Buildout of the General Plan Update, and associated emissions, would exceed the assumptions of the South Coast AQMD's AQMP. [Threshold AQ-1]

The South Coast AQMD is directly responsible for reducing emissions from area, stationary, and mobile sources in the SoCAB to achieve the National and California AAQS and has responded to this requirement by preparing an AQMP. Since the 2010 EIR was certified, the South Coast AQMD Governing Board adopted the 2022 AQMP, which is a regional and multiagency effort (South Coast AQMD, CARB, SCAG, and EPA).

A consistency determination with the AQMP plays an important role in local agency project review by linking local planning and individual projects to the AQMP. It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration early enough to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to the clean air goals in the AQMP.

The two principal criteria for conformance with an AQMP are:

1. Whether the project would exceed the assumptions in the AQMP.
2. Whether the project would result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timeline attainment of air quality standards.

SCAG is South Coast AQMD's partner in the preparation of the AQMP, providing the latest economic and demographic forecasts and developing transportation measures. Regional population, housing, and employment projects developed by SCAG are based, in part, on general plan land use designations. These projections form the foundation for the emissions inventory of the AQMP.

Criterion 1

Table 5.2-9, *Comparison of Population and Employment Forecast*, of the DEIR, compares the population and employment growth forecast under the proposed project to the existing conditions. The table shows that the proposed project would result in more VMT as a result of an increase in population; however, VMT per service population would decrease from the existing conditions as well as from the current General Plan. As a result, the proposed project provides a more efficient land use than existing conditions and a more efficient land use plan that reduces VMT per resident and employee. Therefore, the proposed project would be consistent with the AQMP under the first criterion.

Criterion 2

The SoCAB is designated nonattainment for O₃ and PM_{2.5} under the California and National AAQS, nonattainment for NO₂ along State Route 60 under the California AAQS, nonattainment for PM₁₀ under the California AAQS, and nonattainment for lead (Los Angeles County only) under the National AAQS. Because the proposed project involves long-term growth associated with buildout of the City, cumulative emissions generated from operation of individual development projects would exceed the South Coast AQMD regional and localized thresholds (see Impact 5.2-2 and Impact 5.2-3). Consequently, emissions generated by development projects in addition to existing sources in the City are considered to cumulatively contribute to the nonattainment designations of the SoCAB. Buildout of the proposed land use plan associated with the proposed project could contribute to an increase in frequency or severity of air quality violations and delay attainment of the AAQS or interim emission reductions in the AQMP, and emissions generated from buildout would result in a significant air quality impact. Therefore, the proposed project would be inconsistent with the AQMP. As identified in Impact 5.2-3, the proposed project would result in a substantial increase in volatile organic compounds (VOC) compared to existing conditions.

Summary

The buildout of the proposed project would be consistent with the AQMP under the first criterion. However, air pollutant emissions associated with buildout of the proposed project would cumulatively contribute to the nonattainment designations in the SoCAB. Therefore, the proposed project would be inconsistent with the AQMP.

Mitigation Measures

AQ-1 Prior to discretionary approval by the City of Fountain Valley for development projects subject to CEQA (California Environmental Quality Act) review (i.e., nonexempt projects), project applicants shall prepare and submit a technical assessment evaluating potential project construction-related air quality impacts to the City of Fountain Valley Planning Department for review and approval. The evaluation shall be prepared in conformance with the South Coast Air Quality Management District (South Coast AQMD) methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the South Coast AQMD-adopted thresholds of significance, the City of Fountain Valley building department shall require feasible mitigation measures to reduce air quality emissions. Potential measures shall be incorporated as conditions of approval for a project and may include:

- Require fugitive dust control measures that exceed South Coast Air Quality Management District's Rule 403, such as:
 - Requiring use of nontoxic soil stabilizers to reduce wind erosion.
 - Applying water every four hours to active soil disturbing activities.
 - Tarping and/or maintaining a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials.

- Using construction equipment rated by the United States Environmental Protection Agency as having Tier 4 interim or higher exhaust emission limits.
- Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.
- Limiting nonessential idling of construction equipment to no more than five consecutive minutes.
- Using Super-Compliant VOC paints for coating architectural surfaces whenever possible. A list of Super-Compliant architectural coating manufactures can be found on the South Coast Air Quality Management District's website at: http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf.

AQ 2

Prior to discretionary approval by the City of Fountain Valley for development projects subject to CEQA (California Environmental Quality Act) review (i.e., nonexempt projects), project applicants shall prepare and submit a technical assessment evaluating potential project operation-phase-related air quality impacts to the City of Fountain Valley Planning Department for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (South Coast AQMD) methodology in assessing air quality impacts. If operation-related air pollutants are determined to have the potential to exceed the South Coast AQMD-adopted thresholds of significance, the City of Fountain Valley Planning Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the conditions of approval. Possible mitigation measures to reduce long-term emissions could include, but are not limited to the following:

- For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions.
- Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power in appropriate applications to optimize renewable energy generation systems and avoid peak energy use.
- Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 sec. 2485).
- Provide changing/shower facilities as specified in the Nonresidential Voluntary Measures of CALGreen.
- Provide bicycle parking facilities per the Nonresidential Voluntary Measures and Residential Voluntary Measures of CALGreen.
- Provide preferential parking spaces for low-emitting, fuel-efficient, and carpool/van vehicles per the Nonresidential Voluntary Measures of CALGreen.

- Provide facilities to support electric charging stations per the Nonresidential Voluntary Measures and Residential Voluntary Measures of CALGreen.
- Applicant-provided appliances shall be Energy Star–certified appliances or appliances of equivalent energy efficiency (e.g., dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star–certified or equivalent appliances shall be verified by the City during plan check.

Finding:

Changes or alterations have been required in, or incorporated into, the project that lessens the significant environmental effect as identified in the Draft EIR.

The City finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.2-2: Construction activities associated with future development that would be accommodated under the General Plan Update could generate short-term emissions in exceedance of the South Coast AQMD’s threshold criteria. [Threshold AQ-2 and AQ-3]

Construction activities under the proposed project would also temporarily increase PM₁₀, PM_{2.5}, VOC, NO_x, SO_x, and CO regional emissions in the SoCAB. The primary source of NO_x, CO, and SO_x emissions is the operation of construction equipment. The primary sources of particulate matter (PM₁₀ and PM_{2.5}) emissions are activities that disturb the soil, such as grading and excavation, road construction, and building demolition and construction. The primary sources of VOC emissions are the application of architectural coating and off-gas emissions associated with asphalt paving. A discussion of health impacts associated with air pollutant emissions generated by construction activities is included under “Air Pollutants of Concern” in Section 5.2.1.1, *Regulatory Framework*, of the DEIR.

Construction activities associated with the proposed project would occur over the buildout horizon of the plan, causing short-term emissions of criteria air pollutants. However, information regarding specific development projects, soil types, and the locations of receptors would be needed in order to quantify the level of impact associated with construction activity. Due to the scale of development activity associated with buildout of the proposed project, emissions would likely exceed the South Coast AQMD regional significance thresholds. In accordance with the South Coast AQMD methodology, emissions that exceed the regional significance thresholds would cumulatively contribute to the nonattainment designations of the SoCAB.

Air quality emissions related to construction must be addressed on a project-by-project basis. For the proposed project, which is a broad-based policy plan, it is not possible to determine whether the scale and phasing of individual projects would exceed the South Coast AQMD's short-term regional or localized construction emissions thresholds. In addition to regulatory measures—e.g., South Coast AQMD Rule 403 for fugitive dust control, Rule 1113 for architectural coatings, and CARB's Airborne Toxic Control Measures—mitigation imposed at the project level may include extension of construction schedules and/or use of special equipment.

While individual projects under the proposed project may not exceed the South Coast AQMD regional significance thresholds, the likely scale and extent of construction activities associated with the future development project under the proposed General Plan would likely continue to exceed the relevant South Coast AQMD thresholds for some projects. Construction-related regional air quality impacts of developments that would be accommodated by the proposed project would be potentially significant.

Mitigation Measures

See Mitigation Measure AQ-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that lessens the significant environmental effect as identified in the Draft EIR.

The City finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.2-3: Implementation of the proposed project would generate additional, long-term emissions in exceedance of South Coast AQMD's threshold criteria and cumulatively contribute to the South Coast Air Basin's nonattainment designations. [Threshold AQ-2]

The General Plan Update guides growth and development in the City by designating allowed land uses by parcel and through implementation of its goals and policies. New development would increase air pollutant emissions in the City and contribute to the overall emissions in the SoCAB. A discussion of health impacts associated with air pollutant emissions generated by operational activities is included under "Air Pollutants of Concern" in Section 5.2.1.1, *Regulatory Framework*, of the DEIR. The proposed project sets up the framework for growth and development but does not directly result in development. Before development can occur, it must be analyzed for conformance with the general plan, zoning requirements, and other applicable local and State requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits.

Criteria Air Pollutant Emissions Forecast

Table 5.2-10, *City of Fountain Valley Regional Criteria Air Pollutant Emissions Forecast*, of the DEIR, shows that buildout of the proposed project would result in an increase in long-term emissions that exceed the daily South Coast AQMD thresholds for VOC. Emissions of NO_x, CO, PM₁₀, and PM_{2.5} would slightly decrease compared to the existing land uses in the City in 2045. VOC are a precursor to O₃. The increase in VOC emissions compared to the existing land uses is a result of the increase in residential uses, which results in an increase in consumer product use in the City. Emissions of VOC that exceed the South Coast AQMD regional significance thresholds would contribute to the O₃ nonattainment designation of the SoCAB.

Furthermore, the proposed project includes policies that would reduce operational emissions associated with development projects. Policies OSC-3.1 through OSC-3.8 would reduce air quality pollutant emissions in the City and Policies LU-2.5 and CM-2.1 through CM-2.10 to 8 to reduce VMT.

Despite the policies in the General Plan, the proposed project would exceed the South Coast AQMD regional significance thresholds and would contribute to the nonattainment designation of the SoCAB.

Mitigation Measures

See Mitigation Measure AQ-2.

Finding:

Changes or alterations have been required in, or incorporated into, the project that lessens the significant environmental effect as identified in the Draft EIR.

The City finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

2. Greenhouse Gas Emissions

Impact 5.5-1: Implementation of the General Plan Update would not result in a substantial increase in emissions but would not place the city on a trajectory to achieve the goals established under Executive Order S-03-05 or progress toward the State's carbon neutrality goal. [Threshold GHG-1]

Development under the General Plan Update would contribute to global climate change through direct and indirect emissions of GHG from land uses within the city. A general plan does not directly result in development without subsequent approvals of development projects. Before any development can occur in the city, it must be analyzed for consistency with the General Plan, zoning requirements, and

other applicable local and State requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits.

Horizon Year 2045 Emissions Forecast

The buildout of the proposed project is not linked to a specific development time frame but is assumed over a 25-year horizon. Implementation of the General Plan Update by the horizon year of 2045 would result in a net increase of 16,073 residents and 4,057 employees in the city. Development that would be accommodated by the proposed project would generate a net increase of 188,180 daily VMT at buildout (based on origin-destination methodology and taking into account the California Air Resources Board (CARB) Regional Targets Advisory Committee methodology; see Appendix 5.2-1). The community GHG emissions inventory for the proposed project at buildout compared to existing conditions is in Table 5.5-5 *City of Fountain Valley GHG Emissions Forecast*, of the DEIR, and shows that the General Plan Update buildout would result in a net decrease in GHG emissions.

In addition, GHG emissions per service population (SP) would decrease. The primary reason for the decrease in overall community-wide GHG emissions, despite an increase in population and employment in the city, is due to regulations adopted to reduce GHG emissions and turnover of California's on-road vehicle fleets.

Consistency with the State's 2045 GHG Reduction Targets and Carbon Neutrality Goals

To determine whether the proposed project would result in a potentially significant impact, the proposed project must demonstrate consistency with the State's 2045 GHG reduction target of carbon neutrality. Under the proposed project, new growth would be focused on areas of the city where services exist or can be expanded and/or extended to serve additional and more intensive development. As identified in Table 5.5-5 *City of Fountain Valley GHG Emissions Forecast*, of the DEIR, the proposed project would result in a substantial increase in emissions but would not achieve an 85 percent reduction in GHG emissions by 2045.

Reduction strategies to meet the long-term 2045 GHG reduction goal would be included in the planned future updates to the Climate Action Plan. Additionally, state strategies to achieve post-2030 targets would be necessary. Therefore, until such time, GHG emissions impacts for the proposed General Plan Update are considered potentially significant regarding meeting the long-term year 2045 reduction goal.

General Plan Policies That May Reduce GHG Emissions

As identified in Table 5.5-5 *City of Fountain Valley GHG Emissions Forecast*, of the DEIR, the majority of emissions are from on-road transportation (43 percent) and building energy use (38 percent). While growth in the city would cumulatively contribute to GHG emissions impacts, implementation of the General Plan Update goals and policies could also help minimize energy and mobile-source emissions, including but not limited to Policy OSC-3.2, which supports and facilitates the expansion of infrastructure for alternatively fueled public and private vehicles to reduce vehicle emissions and improve local and regional air quality, Policy OSC-3.3 which encourages new development and substantial rehabilitation projects to exceed energy and water conservation and reduction standards set in the City's Municipal Code and the California Building Code, Policy OSC-3.8 which promotes the use of renewable energy sources to serve public and private sector development to reduce the city's

reliance on fossil fuels and increase resiliency during prolonged and excessively heatwaves, and Policy CM-2.7 promotes new development and transportation demand management (TDM) strategies that will reduce household and employment vehicle miles traveled (VMT).

Summary

While energy sector emissions would increase overall under the General Plan Update due to the forecast growth in population, it is anticipated that policies proposed under the proposed project would reduce energy sector emissions through increasing energy efficiency, energy conservation, and use of renewable energy. Implementation of these policies, in addition to the other proposed policies of the General Plan Update would contribute to minimizing GHG emissions associated with the city to the extent feasible. However, as described and shown in Table 5.5-5 *City of Fountain Valley GHG Emissions Forecast*, of the DEIR, GHG emissions reduction are only two percent less than the CEQA baseline and not the 85 percent necessary to ensure the City is on a trajectory to achieve the long-term reductions goals AB 1279 and substantial progress toward the State's carbon neutrality goals.

Mitigation Measures

GHG-1 The City of Fountain Valley shall prepare a Climate Action Plan (CAP) to achieve the GHG reduction targets of Senate Bill 32 and chart a trajectory to achieve the long-term GHG reduction goal set by AB 1279. The CAP shall be completed within 18 months of certification of the General Plan EIR. The CAP shall be updated every five years to ensure the City is monitoring the plan's progress toward achieving the City's greenhouse gas (GHG) reduction target and to require amendment if the plan is not achieving specified level. The update shall consider a trajectory consistent with the GHG emissions reduction goal established under SB 32 for year 2030, AB 1279 for year 2045, and the latest applicable statewide legislative GHG emission reduction that may be in effect at the time of the CAP update. The CAP update shall include the following:

- GHG inventories of existing and forecast year GHG levels.
- Tools and strategies for reducing GHG emissions to achieve the GHG reduction goals of Senate Bill 32 for the year 2030.
- Tools and strategies for reducing GHG emissions to ensure a trajectory with the long-term GHG reduction and carbon neutrality goal for year 2045 of Assembly Bill 1279.
- Plan implementation guidance that includes, at minimum, the following components consistent with the proposed CAP:
 - Administration and Staffing
 - Finance and Budgeting
 - Timelines for Measure Implementation
 - Community Outreach and Education

- Monitoring, Reporting, and Adaptive Management
- Tracking Tools.

Finding:

Changes or alterations have been required in, or incorporated into, the project that lessens the significant environmental effect as identified in the Draft EIR.

The City finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

3. Noise

Impact 5.9-1: Construction activities associated with the buildout of the plan area would result in temporary noise increases at sensitive receptors. [Threshold N-1]

As part of implementation of the proposed project, various individual land use development projects would be constructed over the duration of the General Plan buildout. Construction is performed in distinct steps, each of which has its own mix of equipment, and, consequently, its own noise characteristics. Table 5.9-7 *Construction Equipment Noise Emission Levels*, of the DEIR, lists typical construction equipment noise levels recommended for noise-impact assessments, based on a distance of 50 feet between the equipment and noise receptor.

As shown in Table 5.9-7, of the DEIR, construction equipment generates high levels of noise, with maximums ranging from 71 to 101 dBA. Construction of individual developments associated with implementation of the proposed project would temporarily increase the ambient noise environment and would have the potential to affect noise-sensitive land uses in the vicinity of an individual project. According to Fountain Valley Municipal Code Section 6.280.070, construction noise is prohibited between the hours of 8:00 pm and 7:00 am, Monday through Friday, 8:00 pm to 9:00 am Friday going into Saturday, and all-day Sundays and legal holidays.

Implementation of the project would result in an increase in development intensity or redevelopment to accommodate populations and employment growth. Construction noise levels are highly variable and dependent upon the specific locations, site plans, and construction details of individual projects. Significant noise impacts may occur from operation of heavy earth-moving equipment and truck-haul operations that would occur with construction of individual development projects, which have not yet been developed, particularly if construction techniques, such as impact or vibratory pile driving, are proposed. The time of day that construction activity is conducted would also determine the significance

of each project, particularly during the more sensitive nighttime hours. However, construction would be localized and would occur intermittently for varying periods of time.

Because specific project-level information is inherently not available at this time, it is not possible nor appropriate to quantify the construction noise impacts at specific sensitive receptors. In most cases, construction of individual developments associated with implementation of the project would temporarily increase the ambient noise environment in the vicinity of each individual project, potentially affecting existing and future nearby sensitive uses. However, because construction activities associated with any individual development may occur near noise-sensitive receptors and because, depending on the project type, equipment list, time of day, phasing, and overall construction durations, noise disturbances may occur for prolonged periods of time or during the more sensitive nighttime hours, construction noise impacts associated with implementation of the project are considered potentially significant.

Mitigation Measures

N-1 Prior to issuance of demolition, grading and/or building permits on sites adjacent to sensitive receptors, a note shall be provided on construction plans indicating that during grading, demolition, and construction, the project applicant shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:

- During the entire permitted activity, equipment and trucks used for the project shall utilize the best available noise control techniques (e.g., improved mufflers, intake silencers, ducts, engine enclosures, and acoustical attenuation), wherever feasible.
- Require impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered whenever feasible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.
- Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors.
- Prior to the start of construction activities, a sign shall be posted at the job site, clearly visible to the public, which includes permitted construction days and hours, as well as contact information for the City's Building Inspection Supervisor and contractor's authorized representative. If the authorized contractor's representative receives a noise or vibration complaint, they shall investigate, take appropriate corrective action, and report the action to the City.
- Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.

- During the entire active construction period, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall be responsible for adjusting alarms based on the background noise level, or utilizing human spotters when feasible and in compliance with all safety requirements and laws.
- Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the established noise standards and when the anticipated construction duration is greater than is typical (e.g., two years or greater).

Finding:

Changes or alterations have been required in, or incorporated into, the project that lessens the significant environmental effect as identified in the Draft EIR.

The City finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

4. Population and Housing

Impact 5.10-1: The proposed project would directly induce substantial unplanned population growth. [Threshold P-1]

Table 5.10-7, *Comparison of 2045 SCAG and General Plan Update Buildout Projections*, of the DEIR, shows the buildout projections in accordance with the General Plan Update buildout in comparison to the SCAG 2045 projections.

Population and Employment

Under existing conditions, the City has approximately 57,595 residents and 32,485 jobs. Upon buildout of the proposed project in 2045, there would be approximately 73,668 residents and 36,542 jobs, which is an increase of 28 percent and 12 percent, respectively, compared to existing conditions.

The SCAG population and employment projections for Fountain Valley in 2045 are 59,900 residents and 34,200 jobs, respectively. The population and employment projections under the General Plan Update would be 23 percent and 7 percent greater than the SCAG 2045 projections, respectively. Therefore, the population and employment anticipated in the Plan Area at full buildout of the General Plan Update would be substantial and potentially significant.

Housing

There are currently 19,395 housing units in the City and at full buildout there would be 25,633 units, which is an increase of 32 percent from existing conditions. The estimated forecast for housing units under the General Plan Update would exceed the 2045 SCAG projections by 32 percent. It should be noted that the State of California has a shortage of housing. In 2019, Governor Newsom signed several bills aimed at addressing the need for more housing, including the Housing Crisis Act of 2019. While the RTP may not forecast substantial growth, the RTP was prepared prior to California Department of Housing and Community Development (HCD)'s Regional Housing Needs Allocation (RHNA) allocation to SCAG of 1.34 million units, which led SCAG to ultimately assigned a RHNA allocation for the 2021–2029 planning period of 4,839 units. This RHNA allocation is magnitudes larger than the City's previous RHNA allocation (358 units) and larger than the relatively flat growth forecast in the RTP, indicating that SCAG's RTP is out of sync with SCAG's RHNA allocation and that both HCD and SCAG do forecast substantial growth for Fountain Valley that is not yet reflected in the RTP. The City adopted its Housing Element and obtained state certification in 2022, including several policies that support a variety of housing types and densities to accommodate the requirements of the RHNA as well as to ensure the provision of housing units, such as Policy H-1.1, Policy H-1.2, and Policy H-6.2. However, even with a statewide shortage in housing and the requirements of the RHNA, exceeding SCAG's housing projection by approximately 32 percent would be a potentially significant impact.

Jobs-Housing Ratio

According to Table 5.10-7 *Comparison of 2045 SCAG and General Plan Update Buildout Projections*, of the DEIR, the 2045 SCAG jobs-housing ratio would be 1.76. Under the General Plan Update, development based on the land use designations would result in a jobs-housing ratio of 1.43, which is less than the City's existing ratio of 1.67. A ratio of 1.43 would bring the City closer to a more equal distribution of employment and housing. Therefore, the population resulting directly from the proposed General Plan Update would be offset by the level of employment opportunities provided to the City's residents and workers commuting to Fountain Valley.

Finding.

Changes or alterations have been required in, or incorporated into, the project that lessens the significant environmental effect as identified in the Draft EIR.

The City finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

5. Transportation

Impact 5.12-2: The proposed project would conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b). [Threshold T-2]

CEQA Guidelines Section 15064.3 describes how transportation impacts are to be analyzed after SB 743. It eliminates auto delay, LOS, and similar measures of vehicular capacity or traffic congestion as the sole basis for determining significant impacts.

Table 5.12-5, *VMT Summary*, of the DEIR, provides the estimates performed by Fehr and Peers for each scenario of VMT for the Existing Baseline (2019), the currently Adopted General Plan, and the proposed General Plan Update. As shown in Table 5.12-5:

- Proposed General Plan Update compared to Existing Baseline (2019)
 - OD VMT/SP, HBP VMT/Resident, and Boundary VMT/SP are forecast to be lower in the proposed General Plan Update in year 2045 than in the Existing Baseline, indicating that the lower employment-to-household ratio proposed is beneficial from a VMT perspective for total VMT per person and home-based VMT per person.
 - Home-based-work attraction (HBWA) VMT/Emp increases from the Existing Baseline to the proposed General Plan Update, indicating that the proposed General Plan Update land use mix and its relation to other cities will result in longer commute VMT into the City.
- Proposed General Plan Update compared to the currently Adopted General Plan:
 - The Total VMT and HBP VMT are forecast to be higher in the proposed General Plan Update than the currently Adopted General Plan in year 2045, which is due to the higher number of residences in the proposed General Plan Update. Alternatively, the HBWA VMT generated is lower in the proposed General Plan Update as there is higher employment forecast in the currently Adopted General Plan.
 - While some total VMT is higher in both future scenarios, the proposed General Plan Update land use mix is forecast to be more efficient from a VMT perspective as the OD VMT/SP, HBP VMT/Resident, and HBWA VMT/Employee are all lower in the proposed General Plan Update than the currently Adopted General Plan.
 - The HBP VMT/Resident and HBWA VMT/Employee being lower in the proposed General Plan Update indicates a more efficient mix of jobs and households in the proposed General Plan Update as residents and employees are forecast to have shorter commutes on average.
 - While the total boundary VMT is higher under the proposed General Plan Update as compared to the currently Adopted General Plan within the Fountain Valley City boundary, the boundary VMT/SP is lower under the proposed General Plan Update indicating a more efficient land use mix on a per person basis.

Though the proposed General Plan Update results in many benefits from a VMT efficiency perspective, since there would be a net increase in Total VMT and HBWA VMT/Employee from

Existing Baseline to the proposed General Plan Update, the proposed plan is anticipated to result in a significant and unavoidable transportation impact related to VMT.

Mitigation Measures

While General Plan Update Policy CM-2.7 aims to reduce VMT through the implementation of TDM strategies, they are not guaranteed to completely reduce the HBWA VMT/Employee metric that makes this impact significant. As such, there are no applicable mitigation measures to further reduce VMT; this impact would be significant and unavoidable.

Finding:

Changes or alterations have been required in, or incorporated into, the project that lessens the significant environmental effect as identified in the Draft EIR.

The City finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

IV. ALTERNATIVES TO THE PROPOSED PROJECT

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore, merit in-depth consideration, and which ones are infeasible.

A. Alternatives Considered and Rejected During the Scoping/Project Planning Process

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the Draft EIR.

1. Alternative Location Alternative

The proposed General Plan covers the entire City. Alternative locations are typically included in an environmental document to avoid, lessen, or eliminate the significant impacts of a project by considering the proposed development in an entirely different location. To be feasible, development of off-site locations must be able to fulfill the project purpose and meet most of the project's basic objectives. Given the nature of the proposed project (adoption of a General Plan for the entire City), it is not possible to consider an off-site alternative because the City boundaries have been established through incorporation. For this reason, an offsite alternative was considered infeasible pursuant to State CEQA Guidelines Section 15126.6(c) and rejected as a feasible project alternative.

2. Reduced Residential Density Alternative

A Reduced Residential Density Alternative would result in fewer residences which would theoretically reduce traffic and thereby reduce community impacts such as air quality, greenhouse gas (GHG) emissions, noise, and demand for utilities and public services. However, such an Alternative would not achieve or would only partially achieve the General Plan objectives of providing for growth of the City. This Alternative would not be consistent with regional planning that requires accommodation of regional housing needs and would be inconsistent with the existing certified Housing Element. Finally, by restricting residential growth, the environmental impact of the projected growth would increase development pressure elsewhere in the region which could increase vehicle miles travelled (VMT) and further degrade air quality. As a Reduced Residential Development Density Alternative would relocate impacts outside of the City, and would not meet the project objectives, this option was not evaluated in the EIR.

B. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS

The following alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the project but avoid or substantially lessen any of the significant effects of the project. There are two alternatives that were examined:

1. No Project/Existing General Plan Alternative
2. Housing Priority Alternative

The No Project/Existing General Plan Alternative would assume that the proposed General Plan Update would not be adopted and follow the development intensity of the existing General Plan. While the Housing priority Alternative would prioritize having residential-only land use and zoning on any vacant land as well as underutilized parcels, both within and outside of specific plans.

1. No Project/Existing General Plan Alternative

The No Project Alternative is required to discuss the existing conditions at the time the notice of preparation is published and evaluate what would reasonably be expected to occur in the foreseeable future if the proposed project is not approved (CEQA Guidelines, Section 15126.6(e)). Pursuant to CEQA, this Alternative is also based on current plans and consistent with available infrastructure and community services. Therefore, the No Project/Existing General Plan Alternative assumes that the proposed General Plan would not be adopted, and the development intensity assumed in the existing General Plan would be followed.

Finding:

The No Project Alternative would lessen impacts to aesthetics, air quality, energy, greenhouse gas emissions, noise, recreation, transportation, and utilities and service systems. The No Project Alternative would result in similar impacts to geology and soils, hazards and hazardous materials, and hydrology and water quality. The No Project Alternative would result in greater impacts to land use and planning and population and housing. The No Project Alternative would not meet any of the project objectives.

2. Housing Priority Alternative

A Housing Priority Alternative would prioritize future development for residential to maximize the City's ability to accommodate and build its RHNA allocation. This Alternative would propose residential-only land use and zoning on any vacant land as well as underutilized parcels, both within and outside of specific plans. This Alternative would reduce the amount of nonresidential building square footage by converting currently designated industrial land to residential land. Under this Alternative, this conversion of land would reduce the number of jobs below existing conditions, freeing up all developable land to accommodate the City's RHNA allocation at lower densities. This Alternative would result in less jobs but the same number of housing units as the proposed project.

Finding:

This Alternative would result in greater impacts to air quality, energy, greenhouse gas emissions, noise, population and housing, and transportation. This Alternative would result in similar impacts to aesthetics, geology and soils, hydrology and water quality, land use and planning, and recreation. This Alternative would result in less impacts to hazards and hazardous materials, and utilities and service systems. While this Alternative would meet all the project objectives, but to a lesser degree, it would result in greater impacts than the proposed project.

V. FINDINGS ON RESPONSES TO COMMENTS ON THE DRAFT EIR AND REVISIONS TO THE FINAL EIR

The Final EIR contains responses to comments, revisions, clarifications, and corrections to the Draft EIR. The focus of the response to comments is on the disposition of significant environmental issues as raised in the comments, as specified by State CEQA Guidelines Section 15088(b). The City provided written responses to each comment made by a public agency, as set forth in Section 2 of the Final EIR, pursuant to State CEQA Guidelines Section 15088(b).

City staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the Draft EIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the Draft EIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5 of the CEQA Guidelines.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (State CEQA Guidelines § 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (State CEQA Guidelines § 15093 [b]). The agency's statement is referred to as a Statement of Overriding Considerations.

The following provides a description of the project's significant and unavoidable adverse impacts and the justification for adopting a statement of overriding considerations.

A. Significant and Unavoidable Impacts

Although most potential project impacts have been substantially avoided or mitigated, as described above, there remain seven project impacts for which complete mitigation is not feasible. The Draft EIR identified the following significant and unavoidable impacts of the proposed project, which would continue to be applicable upon implementation of the proposed project:

Air Quality

- **Impact 5.2-1:** Buildout of the General Plan Update, and associated emissions, would exceed the assumptions of the South Coast AQMD's AQMP.
- **Impact 5.2-2:** Construction activities associated with future development that would be accommodated under the General Plan Update could generate short-term emissions in exceedance of the South Coast AQMD's threshold criteria.
- **Impact 5.2-3:** Implementation of the proposed project would generate additional, long-term emissions in exceedance of South Coast AQMD's threshold criteria and cumulatively contribute to the South Coast Air Basin's nonattainment designations.

Greenhouse Gas Emissions

- **Impact 5.5-1:** Implementation of the General Plan Update would not result in a substantial increase in emissions but would not place the City on a trajectory to achieve the goals established under Executive Order S-03-05 or progress toward the State's carbon neutrality goal.

Noise

- **Impact 5.9-1:** Construction activities associated with the buildout of the plan area would result in temporary noise increases at sensitive receptors.

Population and Housing

- **Impact 5.10-1:** The proposed project would directly induce substantial unplanned population growth.

Transportation

- **Impact 5.12-2:** The proposed project would conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).

B. Project Benefits in Support of the Statement of Overriding Considerations

The following section describes the benefits of the proposed project that outweigh the project's unavoidable adverse effects and provides specific reasons for considering the project acceptable even though the Final EIR has indicated that there will be seven significant project impacts, and that there are no feasible mitigation measures for Air Quality (Impact 5.2-1, Impact 5.2-2, Impact 5.2-3), Greenhouse Gas Emissions (Impact 5.5-1), Noise (Impact 5.9-1), Population and Housing (Impact 5.10-1), and Transportation (Impact 5.12-2). Accordingly, this Statement of Overriding Considerations regarding potentially significant adverse environmental impacts resulting from the proposed project, as set forth below, has been prepared. Pursuant to CEQA Guidelines §15093(c), the Statement of Overriding Considerations will be included in the record of the project approval and will also be included in the record of the project approval and will also be noted in the Notice of Determination. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the proposed project.

Having reduced the potential effects of the proposed project through all feasible mitigation measures as described previously herein, and balancing the benefits of the proposed project against its potential unavoidable adverse impacts on Air Quality, Greenhouse Gas Emissions, Noise, Population and Housing, and Transportation, if the mitigation measures for these impacts cannot be implemented, the City finds that the following legal requirements and benefits of the proposed project individually and collectively outweigh the potentially significant unavoidable adverse impacts for the following reasons:

1. Implements the Objectives Established for the Proposed Project

The project objectives include providing well-designed and accessible residential neighborhoods and commercial and industrial districts to provide opportunities for people to live, work, and play; ensuring that the City meets its proportionate share of affordable and market rate housing demand by accommodating the RHNA allocation; increasing the amount of jobs in the City to encourage more residents to work locally and reduce commuting out of the City to work; ensuring that people, goods, and services move safely and efficiently through the City and connect to the larger region; ensuring that Fountain Valley is a safe community for residents, businesses, and visitors; and fostering a vibrant community that supports healthy lifestyles, historical resources, arts, education, and culture for all residents.

2. Provides an Increase in Housing to Meet the City's Regional Housing Needs

The proposed project would introduce 6,238 housing units in the City and SOI. To make meaningful reforms to the housing crisis in California, the State Department of Housing and Community Development (HCD) recently declared that cities and counties in Southern California will have to plan for the construction of 1.34 million new units in the next decade. SCAG will distribute the increased targets to jurisdictions based on factors such as jobs, households, and affordability. For cities and counties that do not perform, the state can withhold state transportation revenue generated from Senate Bill 1 (2017). The City adopted its Housing Element and obtained state certification in 2022 and includes several policies that support a variety of housing types and densities to accommodate the requirements of the RHNA as well as to ensure the provision of housing units, such as Policy H-1.1, Policy H-1.2, and Policy H-6.2.

3. Consistency with the Regional Goals in the RTP/SCS

SCAG's 2020-2045 RTP/SCS was adopted on September 3, 2020. The RTP/SCS encompasses four principles—mobility, economy, healthy/complete communities, and environment—that are important to the region's future. The 2020 RTP/SCS explicitly lays out goals related to housing, transportation technologies, equity, and resilience in order to adequately reflect the increasing importance of these topics in the region.

The proposed project would not adversely affect the ability of SCAG to align plan investments and policies with economic development and competitiveness. The General Plan Update would further a compact development pattern by expanding land uses and intensity within the City. The proposed vehicular, bicycle, and pedestrian circulation system defined in the General Plan Update would be designed, developed, and maintained to meet local and regional transportation needs and would ensure efficient mobility and access. The proposed project would also ensure reliable and safe transit within the City which would lead to enhancing the regional transportation system. The General Plan Update would reduce emissions and improve air quality, and would also reduce inefficient, wasteful, and unnecessary consumption of energy through compliance with state regulations and implementation of the General Plan Update policies. The General Plan Update would improve the network of bicycle and pedestrian facilities which would encourage active nonmotorized transportation modes and would also reduce air pollutant and greenhouse gas emissions. The General Plan Update would encourage the intensity of housing within the City and would support a variety of housing types. Encouraging intensification within the City would ensure natural and agricultural lands are conserved.

4. Promotes City's Economic Vision

The General Plan Update supports the City's economic vision by including economic strategies that reflect the changing condition. Policies from the Land Use Element of the proposed General Plan that support the City's economic vision include:

- **Policy LU-4.1: Economic Development Objectives.** Invest in economic development through the City's economic development program to maintain and enhance the attractiveness of Fountain Valley for private investment, to increase local job opportunities for residents, and to facilitate growth in the local economy that contributes to and enhances Fountain Valley's premier quality of life.
- **Policy LU-4.2: Economic Development Thinking.** Integrate economic development thinking throughout city government by providing economic development training for key city staff, discussing economic and fiscal implications in staff reports for land use cases, and regularly communicating the City's economic development efforts and successes.
- **Policy LU-4.3: Strategic Action Plan.** Adopt and periodically update an economic development strategic plan that states the City's vision for economic development, identifies objectives for the time frame of the strategy, establishes strategies and action plans, and that may also identify target sectors, partnerships, and marketing and communications.
- **Policy LU-4.4: Existing Businesses.** Partner with the Orange County Small Business Development Center, the Service Core of Retired Executives, the Orange County Workforce Development Board, and other economic development services providers and funding sources to assist existing business and business startups to be more profitable and to thrive and grow locally.

- **Policy LU-4.5: Marketing and Communications.** Maintain regular public communications of the City’s economic development efforts and successes, maintain regular communications with existing businesses and economic development stakeholders, and, consistent with the adopted economic development strategic plan, invest in communications to market Fountain Valley as a location for new businesses and private investment.

5. Complies with Current Legislations

AB 1358 – California Complete Streets Acts (2008)

Various elements of the General Plan Update contain policies that help the City implement AB 1358, the California Complete Streets Act, including:

- **Policy CM-2.1: Multimodal and Complete Network.** Plan, design, and maintain a citywide network of travelways for motorists, bicyclists, pedestrians, and transit riders of all ages and abilities. Create safe, desirable, and convenient linkages between neighborhoods, recreational amenities, schools, and commercial, employment, and activity centers through complete facilities, amenities, and safety features.
- **Policy CM-2.2: Regional Network.** Coordinate development of the City’s active transportation and transit network with adjacent jurisdictions, OCTA, and other appropriate agencies. Connect bicycle and pedestrian trails to local and regional trails in adjacent jurisdictions.
- **Policy CM-2.3: Design for New Facilities.** Balance accommodations for vehicles, transit, bicycles, and pedestrians in the design of new streets and streetscape improvements.
- **Policy CM-2.4: Traffic Calming.** Use traffic calming measures in residential areas and activity centers to enhance the safety of pedestrians and bicyclists, provided such measures are warranted, appropriate, and do not impede emergency response access and response.
- **Policy CM-2.5: Site Design.** Require new development to incorporate amenities and pathways so that pedestrians and bicyclists can access the site and onsite public right-of-way parking areas.
- **Policy CM-2.6: Access Management.** Minimize access points and curb cuts along arterials and in the proximity of an intersection to improve traffic flow and safety for vehicles and bicycles. Eliminate and/or consolidate driveways when new development occurs or when traffic operation or safety warrants.
- **Policy CM-2.7: VMT Reduction.** Promote new development and transportation demand management (TDM) strategies that will reduce household and employment vehicle miles traveled (VMT). Prioritize the implementation of TDM strategies over the expansion of roadway capacity.
- **Policy CM-2.8: First Mile/Last Mile Connectivity:** Support strategies that strengthen first/last mile connectivity to enhance the viability and expand the use of public transit, both to improve quality of life and reduce traffic congestion in the City.
- **Policy CM-2.9: Safe Routes to Schools and Parks.** Facilitate the implementation of safe routes to schools and parks by partnering with the school districts, residents, property owners, and community stakeholders.
- **Policy CM-2.10: Transit Service and Stops.** Coordinate with OCTA to increase frequency of bus service and install, improve, and maintain safe, clean, comfortable, well-lit, and rider-friendly transit stops that are well marked and visible to motorists.

SB 379 – Climate Resiliency and Vulnerability (2015)

In order to comply with Government Code Section 65302(g)(4), a climate change vulnerability assessment, adaptation plan to address these vulnerabilities, and a comprehensive hazard mitigation and emergency response strategy are needed. The Fountain Valley General Plan Update provides goals and policies in accordance SB 379 to adapt to increased drought and emergency response in light of other potential hazards (e.g., flooding):

- **Policy PFS-4.1: Resiliency Infrastructure.** Establish and maintain a local system of public and private resilience hubs, cooling centers, and emergency shelters that provide safe places for residents during hazard events or emergency conditions.
- **Policy PFS-4.2: Expediting Public Services.** Coordinate with local, state, and federal agencies to reestablish and expedite public services to assist affected residents and businesses and accelerate the short- and long-term recovery process after hazard events or emergency conditions.
- **Policy PFS-4.3: Vulnerable Populations.** Coordinate with and encourage the use of community-based networks to aid vulnerable populations in preparing for emergencies and provide assistance with evacuation and recovery.
- **Policy PFS-4.4: Water Shortage Contingency.** Prepare for a reduced, long-term water supply resulting from more frequent and severe drought events, coordinating with water providers to implement extensive water conservation measures and ensure adequate water supplies.
- **Policy PFS-4.5: Regional and Local Flood Control.** Collaborate with Orange County Flood Control District and evaluate the need to expand the capacity of local flood control facilities to minimize flood hazards based on changing weather conditions associated with climate change.

C. Conclusion

The City Council of Fountain Valley has balanced the project's benefits against the significant unavoidable impacts. The City Council finds that the proposed project's benefits, which aim to enhance the City and comply with current legislations, outweigh the project's significant unavoidable impacts, and these impacts, therefore, are considered acceptable in the light of the project's benefits. The City Council finds that each of the benefits described above is an overriding consideration, independent of the other benefits, which warrants approval of the project notwithstanding the project's significant unavoidable impact.