

RESOLUTION NO. CC-16-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2015111053), AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 2015-2035 GENERAL PLAN**

**WHEREAS**, Government Code section 65350 *et seq.* authorizes local governments to prepare, adopt and amend general plans; and

**WHEREAS**, the general plan is a long-range, comprehensive document that serves as a guide for the orderly development of Costa Mesa; and

**WHEREAS**, the City Council of the City of Costa Mesa adopted the 2000 General Plan by Resolution No. 02-08 on January 23, 2002; and

**WHEREAS**, by its very nature, the General Plan needs to be updated and refined to account for current and future community needs; and

**WHEREAS**, the 2015-2035 General Plan, as an update to the 2000 General Plan, includes revisions to nine elements of the City's existing General Plan (Land Use, Circulation, Growth Management, Conservation, Open Space and Recreation, Noise, Safety, Community Design, and Historical and Cultural Resources Elements) and will incorporate the 2013-2021 Housing Element, which was adopted in 2014 (the "Project" or the "General Plan Amendments"); and

**WHEREAS**, pursuant to Public Resources Code, section 21067 and State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*) sections 15051 and 15367, the City is the lead agency for the proposed Project; and

**WHEREAS**, in accordance with State CEQA Guidelines, section 15063, the City prepared an Initial Study to determine whether an Environmental Impact Report was required for the Project; and

**WHEREAS**, based on that Initial Study and pursuant to the California Environmental Quality Act (Pub. Res. Code, § 21000 *et seq.*: "CEQA") and the State CEQA Guidelines, the City has determined that an Environmental Impact Report (EIR) should be prepared pursuant to CEQA to analyze all potential adverse environmental impacts of the proposed Project; and

**WHEREAS**, the City sent a Notice of Preparation (“NOP”) of a Draft EIR to the Office of Planning and Research, responsible and trustee agencies, and other interested parties and published the NOP in the Daily Pilot, a newspaper of general circulation, on or about November 16, 2015; and,

**WHEREAS**, the NOP was circulated for 30 days pursuant to State CEQA Guidelines, sections 15082(a) and 15375 to invite comments from responsible and trustee agencies and other interested parties regarding the scope of the environmental impact report; and

**WHEREAS**, the City held a public scoping meeting on November 30, 2015, to gather public comments on the proposed Project and its potential impacts on the physical environment; and

**WHEREAS**, the City received written comments in response to the NOP, which assisted the City in narrowing the issues and alternatives for analysis in the Draft EIR; and

**WHEREAS**, on or about March 4, 2016, the City initiated a 45-day public review period on the Draft EIR by filing a Notice of Completion and Notice of Availability with the State Office of Planning and Research, publishing the notice in the Daily Pilot, a newspaper of general circulation, and releasing the Draft EIR (SCH#2015111068) for public review and comment; and

**WHEREAS**, pursuant to State CEQA Guidelines, section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and other interested parties during the 45-day comment period, which ran from March 4, 2016 to April 18, 2016; and

**WHEREAS**, during this public review period, copies of the Draft EIR were provided to approximately 40 public agencies and organizations, and were available for review at City Hall, the City website, the Mesa Verde Library, and the Costa Mesa Library; and

**WHEREAS**, the City received written comments during the public review period for the Draft EIR; and

**WHEREAS**, the City has prepared a Final EIR, consisting of comments received during the 45-day public review and comment period on the Draft EIR, written responses to those comments, and revisions and errata to the Draft EIR. For the purposes of this Resolution, the “EIR” shall refer to the Draft EIR, including all of the technical studies and appendices to the Draft EIR, as revised by the Final EIR’s errata section, together with the other sections of the Final EIR, including all of the technical studies and appendices to the Final EIR; and

**WHEREAS**, environmental impacts identified in the Final EIR that the City finds are less than significant and do not require mitigation are described in **SECTION 2** of

Exhibit A, Findings of Fact and Statement of Overriding Considerations Pursuant to the California Environmental Quality Act, attached hereto and incorporated herein by this reference; and

**WHEREAS**, environmental impacts identified in the Final EIR as potentially significant, but which the City finds can be mitigated to a less than significant level through the imposition of all feasible mitigation measures identified in the Final EIR, are described in **SECTION 3** of Exhibit A, Findings of Fact and Statement of Overriding Considerations Pursuant to the California Environmental Quality Act, attached hereto and incorporated herein by this reference; and

**WHEREAS**, environmental impacts identified in the Final EIR as potentially significant, but which the City finds cannot be fully mitigated to a level less than significant despite the imposition of all feasible mitigation measures identified in the Final EIR, are described in **SECTION 4** of Exhibit A, Findings of Fact and Statement of Overriding Considerations Pursuant to the California Environmental Quality Act, attached hereto and incorporated herein by this reference; and

**WHEREAS**, the existence of any cumulative environmental impacts resulting from the Project identified in the Final EIR are described in **SECTION 5** of Exhibit A, Findings of Fact and Statement of Overriding Considerations Pursuant to the California Environmental Quality Act, attached hereto and incorporated herein by this reference; and

**WHEREAS**, the significant and irreversible environmental changes, including energy use, that would result from the Project, but which would be mitigated, and which are identified in the Final EIR, are described in **SECTION 6** of Exhibit A, Findings of Fact and Statement of Overriding Considerations Pursuant to the California Environmental Quality Act, attached hereto and incorporated herein by this reference; and

**WHEREAS**, the existence of any growth-inducing impacts resulting from the Project identified in the Final EIR are described in **SECTION 7** of Exhibit A, Findings of Fact and Statement of Overriding Considerations Pursuant to the California Environmental Quality Act, attached hereto and incorporated herein by this reference; and

**WHEREAS**, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in **SECTION 8** of Exhibit A, Findings of Fact and Statement of Overriding Considerations Pursuant to the California Environmental Quality Act, attached hereto and incorporated herein by this reference; and

**WHEREAS**, an analysis of the Project's benefits and a Statement of Overriding Considerations is described in **SECTION 9** of Exhibit A, Findings of Fact and Statement of Overriding Considerations Pursuant to the California Environmental Quality Act, attached hereto and incorporated herein by this reference; and

**WHEREAS**, the Mitigation Monitoring and Reporting Program sets forth the mitigation measures to which the City shall bind itself in connection with this Project and is attached hereto as Exhibit B; and

**WHEREAS**, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the proposed Project; and

**WHEREAS**, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the proposed Project have been adequately evaluated; and

**WHEREAS**, the EIR prepared in connection with the proposed Project sufficiently analyzes both the feasible Mitigation Measures necessary to avoid or substantially lessen the proposed Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines; and

**WHEREAS**, all of the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

**WHEREAS**, the City's Planning Commission held four duly noticed public hearings on March 14, March 28, April 11, and April 25, 2016, during which the Planning Commission considered the Draft EIR, the Project and associated actions, and during these public hearings all persons wishing to testify in connection with the Draft EIR and the Project were heard, and the Planning Commission fully studied the Draft EIR and the Project; and

**WHEREAS**, on April 25, 2016, the Planning Commission recommended that the City Council certify the EIR and approve the Project; and

**WHEREAS**, the City Council held three duly noticed public hearings on May 24, June 14, and June 21, 2016, during which the City Council considered the Planning Commission's recommendation, the Final EIR, and the Project and associated actions. During these public hearings all persons wishing to testify in connection with the Final EIR and the Project were heard, and the City Council fully studied the Final EIR and the Project; and

**WHEREAS**, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings, all of which is incorporated herein by this reference; and

**WHEREAS**, the City has not received any comments or additional information that produced substantial new information requiring recirculation or additional

environmental review under Public Resources Code sections 21166 and 21092.1 and State CEQA Guidelines, section 15088.5; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:**

**SECTION 1. FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS.** In accordance with State CEQA Guidelines, sections 15091 and 15093, the City Council hereby adopts the CEQA Findings of Fact and the Statement of Overriding Considerations Pursuant to the California Environmental Quality Act, attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth herein.

**SECTION 2. CERTIFICATION OF FINAL EIR.** In accordance with State CEQA Guidelines, section 15090, the City Council hereby certifies that:

1. The Final EIR is an accurate and objective statement that has been completed in compliance with CEQA and the State CEQA Guidelines.
2. The City Council has been presented with and has reviewed and considered the information contained in the Final EIR prior to approving the Project; and
3. The Final EIR reflects the City Council's independent judgment and analysis.

**SECTION 3.** The City Council declares that the City has not received evidence of new significant impacts, as defined by the State CEQA Guidelines, section 15088.5, after circulation of the Draft EIR which would require recirculation. No substantial changes to the Project have occurred that would require a supplemental or subsequent EIR.

**SECTION 4. MITIGATION MONITORING AND REPORTING PROGRAM.** Pursuant to Public Resources Code, section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B and incorporated herein by this reference. The City finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during the implementation of the Project, the City and any other responsible parties implement the components of the Project and comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program. To the extent there is any conflict between the Mitigation Monitoring and Reporting Program, and the Final EIR, the terms and provisions of the Mitigation Monitoring and Reporting Program shall control.

**SECTION 5. CERTIFICATION OF RESOLUTION.** The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

**SECTION 6. CUSTODIAN OF RECORDS.** The documents and materials that constitute the record of proceedings on which the findings in this Resolution have been based are located at City Hall, 77 Fair Drive, Costa Mesa, CA 92627. The custodian for these records is the Director of Development Services. This information is provided in compliance with Public Resources Code, section 21081.6.

**SECTION 7. NOTICE OF DETERMINATION.** The City Council of the City of Costa Mesa hereby directs staff to file a Notice of Determination with Clerk Recorder for Orange County within five (5) working days of final Project approval.

PASSED, APPROVED AND ADOPTED this 21st day of June, 2016, by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:

\_\_\_\_\_  
Mayor of the City of Costa Mesa

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Costa Mesa

STATE OF CALIFORNIA )  
 )ss  
COUNTY OF ORANGE )

I, \_\_\_\_\_, City of Costa Mesa, City Clerk, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa City Council held on June 21, 2016 by the following votes:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

\_\_\_\_\_  
City Clerk  
City of Costa Mesa

EXHIBIT A

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS  
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING  
CONSIDERATIONS PURSUANT TO THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT**

**CITY COUNCIL  
of the City of Costa Mesa, CA**

**for the**

**COSTA MESA GENERAL PLAN UPDATE 2015-2035  
(STATE CLEARINGHOUSE NO. 2015011068)**

**June 21, 2016**

**SECTION 1.0: SUMMARY OF FINDINGS**

At a session assembled on June 21, 2016, the City Council determined that, based on all of the evidence presented, including but not limited to the Program EIR, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with adoption of the General Plan Amendments ("the Project") are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified Mitigation Measures.

**SECTION 2.0: FINDINGS REGARDING LESS THAN SIGNIFICANT IMPACTS (NO  
MITIGATION REQUIRED)**

State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact. Nevertheless, the City Council hereby finds that the Project would have either no impact or a less than significant impact to the following resource areas:

**A. Aesthetics**

**Impact 4.1.A:** Would the project have a substantial adverse effect on a scenic vista?

**Finding:** Less than significant impact. (FEIR, pp. 4.1-5 and -6.)

**Explanation:** The Project will not alter scenic vistas located in existing parks or open space areas, as none are subject to changes in land use, and new development will be required to be consistent with General Plan goals and policies requiring preservation and enhancement of the City's urban edges, preservation of natural views, control of impacts on views of the coast and wetlands, etc. (FEIR, pp. 4.1-5 and -6.)

**Impact 4.1.B:** Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

**Finding:** Less than significant impact. (FEIR, pp. 4.1-5 and -6.)

**Explanation:** There are no designated or eligible State scenic highways within the Project planning area, defined as the area within the City's boundary and sphere of influence. (FEIR, pp. 4.1-5 and -6.) Therefore, the project would not substantially damage scenic resources within such an area.

**Impact 4.1.C:** Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

**Finding:** Less than significant impact. (FEIR, pp. 4.1-6 through -10.)

**Explanation:** The General Plan and Municipal Code contain several policies and regulations designed to preserve and enhance visual character of the City, contribute to a sense of place, and provide a distinctive community identity. These City Goals and Policies encourage a high level of architectural and site design quality, scale and design compatibility between adjacent uses, design that considers a positive sense of place, landscaping standards, decorative paving, etc. Additionally, General Plan Goals and Policies encourage the preservation of scale and character of neighborhoods near commercial uses, positive building orientation and landscaping, and the mitigation of conflicts within mixed-use developments. Further, the planning area is almost fully developed and new development would be constructed within the context of an urbanized environment. Effects of shade and shadowing would be assessed as part of community design review when new projects come forward for development permits. (FEIR, p. 4.1-6.) New development within the proposed Residential Incentive Overlays will be compatible with, and not degrade, surrounding neighborhoods (which currently display a mix of architectural styles with no defined character). The Harbor Boulevard Mixed Use Overlay also applies to parcels with no visual connection or theme, and new projects will enhance this area. Projects at the Sakioka Lot 2 and Segerstrom Home Ranch sites will be required to be consistent with General Plan Community Design Goals and Policies, as well as required to comply with the City's design review process. The same also applies to new development at the Los Angeles Times site. The SoBECA area will be controlled by the development standards and landscaping requirements established in the SoBECA Urban Plan (MC 2006), which will help ensure new development will not degrade existing visual character. Similarly, new development at the Fairview Development Center site will be required, under the proposed Multi-Use Center designation, to go through the specific plan process, which will ensure compatibility with surrounding uses and a high quality visual character. (FEIR, pp. 4.1-6 and -10.) For these reasons, impacts will be less than significant.

**Impact 4.1.D:** Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

**Finding:** Less than significant impact. (FEIR, p. 4.1-10.)

**Explanation:** New development proposed under the Project could introduce new sources of lighting and glare; however, consistent with General Plan Goals and Policies, as well as Sections (13-41 (b)(5) and SLO under 13-42.3 (b)(4)) of the Municipal Code, require outdoor lights be shielded, and light spillover be avoided. Thus, impacts would be less than significant. (FEIR, p. 4.1-10.)

**B. Agricultural and Forestry Resources**

**Impact 4.2.A:** Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California resources Agency, to non-agricultural use?

**Finding:** Less than significant impact. (FEIR, p. 4.2-4 to -5.)

**Explanation:** The City of Costa Mesa is an almost fully developed, suburbanized area that does not contain any areas zoned or designated by the General Plan as solely for commercial agriculture or forest resources. Although two areas of the City support Prime Farmland, Unique Farmland, and/or Farmland of Statewide Importance (Segerstrom Home Ranch and Sakioka Lot 2), in 2010 the State Department of Conservation applied an overlay designation of "Land Committed to Nonagricultural Use" in recognition of the prior General Plan designations of these sites for urban uses. Therefore, there will be no conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to a non-agricultural use as a result of build out of the General Plan. The conversion has already been foreseen and accepted by the City and State Department of Conservation in connection with the City's 2002 General Plan Update and zoning consistency actions. (FEIR, p. 4.2-4 to -5.)

**Impact 4.2.B:** Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

**Finding:** No impact. (FEIR, p. 4.2-4 to -5.)

**Explanation:** Although the Segerstrom Home Ranch and Sakioka Lot 2 sites still support commercial agriculture use, neither is currently zoned for agricultural production. Similarly, neither site is currently designated for agricultural use in the General Plan. Both sites are instead zoned and designated for commercial use by the North Costa Mesa Specific Plan and the current General Plan, respectively. (FEIR, p. 4.2-1.) There are also no lands under William Act contract within the City. (FEIR, p. 4.2-4.) Therefore, there would be no impact associated with conflicts with agricultural zoning designations or Williamson Act contracts.

**Impact 4.2.C:** Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

**Impact 4.2.D:** Would the project result in the loss of forest land or conversion of forest land to non-forest use?

**Finding:** No impact. (FEIR, p. 4.2-5.)

**Explanation:** The City is almost fully developed and suburbanized. It does not contain any forest land. Therefore, there would be no loss of forest land or conversion of forest land to non-forest use as a result of the Project. No impact would occur. (FEIR, p. 4.2-5.)

**Impact 4.2.E:** Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

**Finding:** Less than significant impact. (FEIR, p. 4.2-5.)

**Explanation:** The only large parcels in the planning area still in agricultural production are already designed "Urban Center Commercial." Both properties are already surrounded by urban land uses. Therefore, the Project would not result in any new sources of indirect conversion of agricultural uses. In addition, the City

does not contain any forest land. Therefore, there would be no loss of forest land or conversion of forest land to non-forest use as a result of the Project. Impacts are less than significant. (FEIR, p. 4.2-4 to -5.)

### **C. Air Quality**

**Impact 4.3.D:** Would the project expose sensitive receptors to substantial pollutant concentrations?

**Finding:** Less than significant impact. (FEIR, pp. 4.3-18.)

**Explanation:** Based on California Air Resources Board (CARB) guidelines, a significant impact would occur if the Project would permit new residential or other sensitive land uses within 500 feet of highways with average annual daily traffic exceeding 100,000 vehicles (i.e., I-405, SR-55, and SR-73). Although residential uses currently exist within 500 feet of these highways, and vacant parcels designated for future development are located within 500 feet of these highways, future construction activities will be subject to routine control measures as required by SCAQMD rules. Further, SCAQMD requires analysis of localized criteria impacts on a case-by-case basis; therefore impacts would be less than significant with implementation of existing regulations. (FEIR, p. 4.3-18 to -19.) In addition, the General Plan permits land uses that could result in emissions of a variety of toxic air contaminants (TACs). These uses include freeways and high-traffic roadways, distribution centers, dry cleaners, and gasoline dispensing facilities. (FEIR, p. 4.3-19.) However, General Plan policies require that proposed future developments prepare a site-specific air quality analysis, which may also require a health risk assessment. Such assessments might determine that there are less than significant health risks, or that there could be some significant level of exposure to pollutants that need to be mitigated through siting, site design, or operational restrictions. These analyses would address any potential impact that could occur as a result of TACs. With implementation of the proposed General Plan policies and existing regulations that regulate and monitor controlling toxic emitters, potential health impacts of the Project would be less than significant. (FEIR, p. 4.3-19 to -20.) Finally, regarding carbon monoxide hotspots, pursuant to existing regulations, future development projects associated with buildout of the Project will be screened and analyzed pursuant to Caltrans' Project-Level Carbon Monoxide Protocol to determine if a CO hotspot may occur at a congested intersection. With screening and analysis of future projects pursuant to the CO Protocol, impacts related to CO hotspots would be less than significant. (FEIR, p. 4.3-24.)

**Impact 4.3.E:** Would construction and/or operation of the project create objectionable odors affecting a substantial number of people?

**Finding:** Less than significant impact. (FEIR, p. 4.3-24.)

**Explanation:** Future potential sources of odors would have to be considered in light of potential impacts to surrounding land uses. Pursuant to existing environmental regulations, projects would be evaluated with regard to potential impacts related to odors. While siting is the primary way to prevent exposure to odors, odors can and will be mitigated in similar fashion to air pollutant emissions (e.g., filtering). Therefore, impacts would be less than significant with implementation of existing development review practices. (FEIR, p. 4.3-24.)

**D. Biological Resources<sup>1</sup>**

**Impact 4.4.B:** Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

**Finding:** No impact. (FEIR, p. 4.4-17.)

**Explanation:** The California Natural Diversity Database (CNDDDB) identified two sensitive natural communities within the planning area: Southern Cottonwood Willow Riparian Forest within the Santa Ana River and Southern Coastal Salt Marsh found in Talbert Regional Park. In addition, vernal pools are present in Fairview Park. The proposed General Plan Amendments do not propose any land use changes that would impact these areas. No impact to these sensitive habitats would occur. (FEIR, p. 4.4-17.)

**Impact 4.4.C:** Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?

**Finding:** No impact. (FEIR, p. 4.4-18.)

**Explanation:** No wetlands located within the planning area are subject to land use changes. All wetlands occur along the edge of the Santa Ana River within dedicated parklands. These wetlands consist of riverine habitat along the Santa Ana River and Freshwater Emergent wetlands adjacent to the Santa Ana River in the southwestern portion of the planning area. Vernal pool wetlands also occur in Fairview Park. Therefore, implementation of the proposed General Plan Amendments would not impact any wetlands as defined by Section 404 of the Clean Water Act. (FEIR, p. 4.4-18.)

**Impact 4.4.D:** Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

**Finding:** No impact. (FEIR, p. 4.4-18.)

**Explanation:** The General Plan Amendments establish new "Overlay Zones" as well as a new "Multi-Use Center" land use designation. None of these revisions would result in land use changes that could fragment the Santa Ana River and Freshwater Emergent wetlands adjacent to the Santa Ana River that act as a wildlife corridor because all parcels affected by the General Plan Amendments are not located near these wetland areas. Therefore, the project would not impede its use as local or migratory wildlife corridors. There are no known wildlife nurseries in the planning area. No impacts would occur. (FEIR, p. 4.4-18.)

**Impact 4.4.E:** Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

**Finding:** No impact. (FEIR, p. 4.4-18.)

**Explanation:** Development pursuant to the amended General Plan Land Use Plan would be required to comply with proposed General Plan policies and existing City policies related to the protection of biological

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<sup>1</sup> Chapter 4.4 of the FEIR incorrectly numbers impacts 4.4.A through 4.4.F (FEIR pages 4.4-16 through 4.4-18), and Mitigation Measure 4.4.A-1 (FEIR page 4.4-19). This typographical error does not require recirculation of the FEIR, and the numbering provided within these Findings is correct.

resources. In addition to the General Plan policies of the Conservation Element, new and existing development must comply with the Zoning ordinance related to the preservation of landmark trees (Title 13, Chapter VII). As a result, the project would not conflict with any City policies, regulations, or standards designed to protect biological resources applicable to the planning area. (FEIR, p. 4.4-18.)

**Impact 4.4.F:** Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

**Finding:** No impact. (FEIR, p. 4.4-18.)

**Explanation:** None of the land use changes proposed would conflict with the County of Orange NCCP/HCP because none of the General Plan Amendments apply to properties within the NCCP/HCP. The City of Costa Mesa is not a participant to the NCCP/HCP; however, proposed reserve lands occur within the City's jurisdiction in the Talbert Nature Preserve. Reserves are also proposed in Talbert Regional Park, which is under the jurisdiction of the County of Orange (Natural Communities Coalition 2015). The revised Fairview Park Master Plan (CM 2008) recommends that 111 acres of habitat restoration areas within the park ultimately be incorporated into the Orange County NCCP/HCP (CM 2008). (FEIR, p. 4.4-18.)

## **E. Cultural Resources**

**Impact 4.5.A:** Would the Project cause a substantial adverse change in the significance of an historic resource pursuant to State CEQA Guidelines § 15064.5?

**Finding:** Less than significant impact. (FEIR, p. 4.5-12.)

**Explanation:** As part of the General Plan Amendments, the goals, objectives, and policies in the Historical and Cultural Resources Element have been strengthened, particularly with regard to post-World War II structures and community education. (FEIR, p. 4.5-11.) These Goals and Policies encourage the preservation and protection of the City's natural and man-made historic resources, require cultural resource evaluations, encourage the preservation of significant historic structures through permit fee waivers, Mills Act contracts, etc., and relocation of historic structures were appropriate. Future development and infrastructure improvements guided by the Land Use and Circulation Elements will be subject to policies in the Historic and Cultural Resources Element, the City's Historic Preservation Ordinance, and protections offered by local Historic Landmark and Historic District designations. Within a designated Local Historic Landmark and Historic District, the City would conduct a historic resources survey to identify and inventory historic and cultural resources. The survey would be prepared and maintained periodically and be consistent with State and Federal preservation standards. Through implementation of a historic resources survey, greater protection and community awareness of historic resources would be achieved. Impacts would be less than significant. By preventing demolition of historic structures, ensuring that new development is compatible with historic resources, and ensuring that restoration of historic structures preserve the character of the resource, potential impacts to historic resources will be less than significant. (FEIR, p. 4.5-13.)

**Impact 4.5.B:** Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines § 15064.5?

**Finding:** Less than significant impact. (FEIR, p. 4.5-14)

**Explanation:** In addition to the extensive regulatory framework of federal, State, and local laws protecting archaeological resources, the policies of the Historical and Cultural Resources Element will protect archaeological resources by requiring surveys, documentation, and protection of resources. The General Plan Goals and Policies also encourage development of an interpretive center for cultural resources at

Fairview Park. Mitigation for individual projects would be required depending on the assessment provided in the cultural resources assessment for each individual development project. The preferred course of action is to avoid the resource and leave it in place, if possible. Other common mitigation includes provisions for recovery, identification, and curation should resources be discovered during site surveying or during earthmoving activities. Impacts to archaeological resources would be less than significant. (FEIR, pp. 4.5-13 and -14.)

**Impact 4.5.C:** Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**Finding:** Less than significant impact. (FEIR, p. 4.5-14.)

**Explanation:** In addition to the extensive regulatory framework of federal, State, and local laws protecting paleontological resources, the policies of the Historical and Cultural Resources Element would protect paleontological resources by requiring surveys, documentation, and protection of resources. In particular, these policies require that a paleontological study be undertaken for individual development projects. If resources are suspected, a paleontological expert would monitor the site during ground disturbing activities. If resources are found, the preferred course of action is to avoid the resource and leave it in place, if possible. Other common mitigation could be required, including recovery, identification, and curation of resources discovered during site surveying or during earthmoving activities. Impacts to paleontological resources would be less than significant. (FEIR, pp. 4.5-14.)

**Impact 4.5.D:** Would the project disturb any human remains, including those interred outside of formal cemeteries?

**Finding:** Less than significant impact. (FEIR, p. 4.5-15.)

**Explanation:** The potential exists that as-yet undiscovered human remains may be encountered during future development activities within the planning area. However, in the event human remains are encountered, the discovery is required to comply with State of California Health and Safety Code Section 7050.5-7055. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are discovered during excavation of a site. As required by state law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission, and consultation with the individual identified by the Native American Heritage Commission to be the "most likely descendant." If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlie adjacent remains until the County Coroner has been contacted, the remains investigated, and appropriate recommendations made for the treatment and disposition of the remains. Given required compliance with state regulations that detail the appropriate actions necessary in the event human remains are encountered, impacts associated with development supported by the proposed General Plan Amendments would be less than significant. (FEIR, p. 4.5-15.)

**Impact 4.5.E:** Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code section 21074?

**Finding:** Less than significant impact. (FEIR, p. 4.5-15.)

**Explanation:** AB 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative

declaration, or environmental impact report is required for a project. As part of the CEQA process, the City has undertaken consultation pursuant to both AB 52 and SB 18. Letters to 11 tribes that requested to be consulted on projects proposed in the City were sent the notice of preparation (NOP) for the Program EIR by City staff. No tribes responded to the NOP. Tribes affiliated with the planning area will be notified by the City when specific development proposals are submitted to the City for permitting. Therefore, impacts to tribal cultural resources would be less than significant. (FEIR, p. 4.5-15.)

## **F. Geology and Soils**

**Impact 4.6.A.1:** Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

**Finding:** Less than significant impact. (FEIR, p. 4.6-15.)

**Explanation:** Several fault zones present a seismic hazard in the planning area, including the Newport-Inglewood, San Joaquin Hills, Whittier, San Andreas, and San Jacinto. The proposed Land Use Element includes residential and other land use designations within these zones. However, Goals and Objectives of the General Plan Safety Element address risk management, including risks relating to faults. These policies require enforcement of applicable building codes relating to the seismic design of structures to reduce the potential for loss of life and property damage. Moreover, in the case of any future fault rupture, a geologic study would identify the exact position of the fault on a development site and then establish an appropriate setback to prevent structural damage should the fault rupture. This standard is implemented as part of the City's routine development project review process, pursuant to CEQA, and would avoid placement of buildings within areas potentially exposed to fault rupture hazards. Pursuant to this standard and the new geologic and seismic safety policies of the proposed Safety Element Amendment, potential impacts would be less than significant. (FEIR, p. 4.6-15.)

**Impact 4.6.A.2:** Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

**Finding:** Less than significant impact. (FEIR, p. 4.6-16.)

**Explanation:** The City's building plan check and building code compliance procedures include requirements to design structures in accordance with the appropriate ground-shaking design parameters set forth in the California Building Code (CBC). These parameters are based on the seismic setting and potential intensity levels of the earthquake faults most likely to generate significant ground shaking in the planning area. The proposed amended Safety Element supports this commitment to enforcement of CBC ground-shaking design parameters through policies that require the enforcement of applicable building codes relating to the seismic design of structures to reduce the potential for loss of life and property damage. Enforcement of CBC design parameters related to ground shaking and implementation of the proposed Safety Element Amendments would reduce potential impacts to less than significant levels. (FEIR, p. 4.6-16.)

**Impact 4.6.A.3:** Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving seismic-related ground failure, including liquefaction?

**Finding:** Less than significant impact. (FEIR, p. 4.6-16.)

**Explanation:** Liquefaction potential within the planning area is associated with the Santa Ana River and the western and southern portions of the City, where groundwater levels are highest. The remainder of the

planning area's groundwater level is more than 50 feet below the surface; thus, the planning area generally has a low potential for liquefaction. Soils reports are required under City-adopted design standards. Typical design features to prevent impacts associated with liquefaction are ground improvement or foundational design. Similarly, over-excavation and soil re-compaction are common methods employed to prevent soil compression impacts. Importing of soils may also be required if soils contain excessive amount of organic material or deleterious objects (such as boulders). Foundation design includes construction of piles to reinforce shallow foundations or construction of subsurface retaining structures. Moreover, the proposed amended Safety Element includes new policies associated with liquefaction, which call for the continued implementation of the Seismic Hazard Mapping Act, which requires sites within liquefaction hazard areas to be investigated for liquefaction susceptibility prior to building construction or human occupancy. Implementation of existing standards and implementation of the proposed General Plan Safety Element Update, CBC, and City Design Guidelines, would reduce impacts associated with seismically induced liquefaction and settlement to less than significant levels. (FEIR, p. 4.6-16.)

**Impact 4.6.A.4:** Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving landslides?

**Finding:** Less than significant impact. (FEIR, p. 4.6-17.)

**Explanation:** The topography of the City consists of generally flat to gently sloping terrain; thus the potential for slope-stability hazards like landslides is minimal. However, the potential remains for earth movements during strong ground shaking along the bluffs along the southern portion of the City and along the Back Bay. The City uses the CBC to regulate all grading design and criteria. The CBC requires soils reports to include slope stability studies that discuss grading procedures, soil design criteria for structures and embankments, and site geology. These provisions minimize risk of slope failure should development be proposed on a hillside. Future development will also be subject to standard environmental review in accordance with CEQA. Moreover, the proposed amendments to the Safety Element include new policies associated with slope stability and landslide, which encourage retrofitting of structures—particularly older buildings—to withstand earthquake shaking and landslides consistent with State and Historic Building codes. The General Plan Policies also require consideration of site soils conditions when reviewing projects in areas subject to slope instability. Implementation of existing environmental and grading standards, as well as implementation of the proposed amended Safety Element, would reduce impacts associated with landslides to less than significant levels. (FEIR, p. 4.6-17.)

**Impact 4.6.B:** Would the project result in substantial soil erosion or the loss of topsoil?

**Finding:** Less than significant impact. (FEIR, p. 4.6-18.)

**Explanation:** Future development under the General Plan Amendments could cause impacts associated with soil erosion resulting in increased fugitive dust that affects air quality and water quality degradation due to increased sedimentation. However, existing vacant parcels are not likely to contribute to wind-blown erosion because native vegetation stabilizes soil, preventing it from leaving a site. Developed sites curtail wind-driven erosion by preventing wind from contacting soil. Wind is prevented from contacting soil through the presence of buildings, parking lots, other impervious surfaces, and landscaping, etc. Landscaping stabilizes soil in the same manner that native vegetation does, thereby minimizing windblown erosion. Wind-blown erosion in the planning area is likely to decrease over the long-term as new development replaces any areas of exposed soil, such as on agricultural fields and vacant lots, with development. Impacts associated with wind-blown soil erosion and loss of topsoil would be less than significant. (FEIR, pp. 4.6-17 and -18.)

**Impact 4.6.C:** Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

**Finding:** Less than significant impact. (FEIR, p. 4.6-18.)

**Explanation:** The majority of the planning area is subject to impacts associated with settlement and compressible soils due to the widespread presence of young, unconsolidated alluvial soils. The proposed amended Safety Element includes new policies related to geologic and seismic safety in support of the objective of avoiding or preventing damage from geologic hazards by assessing the nature, location, and appropriate control measures to mitigate for the hazard. Moreover, in the case of any future fault rupture, the General Plan proposed policies would require a geologic study to identify the exact position of the fault on a development site and then establish an appropriate setback to prevent structural damage should the fault rupture. This standard is implemented as part of the City's routine development project review process, pursuant to CEQA, and would avoid placement of buildings within areas potentially exposed to fault rupture hazards. Pursuant to this standard and the new geologic and seismic safety policies of the proposed amended Safety Element, potential impacts would be less than significant. Implementation of existing standards and regulations would reduce impacts associated with ground failure to less than significant levels. (FEIR, p. 4.6-18.)

**Impact 4.6.D:** Would the project be located on expansive soil, as defined in Table 18-1-B of the California Building Code (1994) creating substantial risks to life or property?

**Finding:** Less than significant impact. (FEIR, p. 4.6-19.)

**Explanation:** Impacts associated with expansive soils are generally structurally related, including cracked walls and foundations. Soils testing to determine expansive characteristics are required for new development, pursuant to Chapter 18 and Appendix J of the CBC. Mitigation of expansive conditions is also required and must be fully defined in the routine grading permit process. The City will continue to administer these CBC regulations, and any updates thereto, for all new development in the planning area. This ongoing regulatory program would avoid significant impacts involving expansive soils. Impacts would be less than significant. (FEIR, p. 4.6-19.)

**Impact 4.6.E:** Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

**Finding:** No impact. (FEIR, p. 4.6-19.)

**Explanation:** The planning area is supported by a fully functioning sewer system and septic systems are used only at limited sites in the planning area, therefore no impact related to soils and septic systems would occur. (FEIR, p. 4.6-19.)

## **G. Hazards and Hazardous Materials**

**Impact 4.8.A:** Would the project result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**Finding:** Less than significant impact. (FEIR, p. 4.8-12.)

**Explanation:** Hazardous materials and wastes are routinely transported, used, and disposed of within the planning area, particularly originating from or being delivered to the many industrial businesses in the City. The use, transportation, and disposal of hazardous materials and wastes has varying degrees of risk of upset

dependent on the type and quantity of the material or waste. Simple spills hazardous materials can result in minor environmental contamination to soil, air, or water. Releases of toxic chemicals from industrial facilities pollute the air and may have immediate and adverse health effects on workers or residents in the vicinity. A common means of accidental release occurs when a vehicle transporting hazardous wastes or materials is involved in a collision and the wastes are released onto the roadway and surrounding environment. Primary routes within the planning area where transport of hazardous materials or wastes will typically occur include I-405 and SR-55, as well as along arterial roadways such as Harbor and Newport Boulevards. Given the proximity of residential and industrial uses next to each other, residents in these areas could experience a higher risk of exposure to potential upset associated with materials transport. However, designated truck routes and other roadways are used to transport materials and wastes from within the City to the freeways. Truck routes in Costa Mesa are designated by City Council resolution. Criteria used to establish such routes includes proximity to residential uses and schools. With the implementation and adoption of truck routes, as well as existing regulations governing the use, transport, and disposal of hazardous materials, impacts would be less than significant. (FEIR, p. 4.8-12.)

**Impact. 4.8.B:** Would the project create a substantial hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

**Finding:** Less than significant impact. (FEIR, p. 4.8-13.)

**Explanation:** Hazardous materials and wastes are extensively regulated and monitored by State and federal law, including under the EPCRA, RCRA, and the Hazardous Materials Disclosure Program. Transportation of hazardous materials and/or wastes is regulated under RCRA, the Hazardous Materials Transportation Act, Hazardous Wastes Control Law, and California Code of Regulations Title 22. Disposal of hazardous wastes regulated under RCRA, Hazardous Wastes Control Law, and California Code of Regulations (CCR) Title 22, provide requirements for the reporting, inventory, and release response plans for hazardous materials. These requirements establish procedures and minimum standards for hazardous material plans, inventory reporting and submittal requirements, emergency planning/response, and training. In addition, all regulated substance handlers are required to register with local fire or emergency response departments per the California Accidental Release Prevention Program. Locally, this is overseen by the Orange County Fire Department Environmental Health Division (OCFD-EHD). Furthermore, releases of hazardous materials or wastes are required to be reported to the California Office of Emergency Services (OES). These existing regulations provide adequate safeguards for preventing, responding to and cleaning up accidental releases of hazardous materials and wastes, and further regulation by the City is considered unnecessary. The proposed General Plan Amendments would not conflict with any of these regulations; therefore, this project would not result in a significant impact involving the release of hazardous materials into the environment. (FEIR, pp. 4.8-12 and -13.)

**Impact 4.8.C:** Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

**Finding:** Less than significant impact. (FEIR, p. 4.8-13.)

**Explanation:** The General Plan Amendments do not designate any land uses within one-quarter mile of any existing schools, so land uses that typically use hazardous materials (such as gas stations, manufacturing plants, agricultural products storage, etc.) would not be sited near a school. Any new schools would go through strict State-mandated siting requirements under the direction of the California Division of State Architects that would ensure they are not located hazardous materials sites (CDSA 2015). Future development in proximity to an existing or already planned school site would be subject to City review concerning potential environmental effects, in accordance with the City's routine CEQA compliance

procedures. Through the existing planning process, impacts involving the manufacture, use, transport, storage, or disposal of hazardous substances and wastes near a school site would be considered. If potentially significant effects are identified, measures to avoid or reduce impacts to less than significant levels would need to be identified, and the City would be required to make specific findings to document that consideration. Therefore, impacts would be less than significant. (FEIR, p. 4.8-13.)

**Impact 4.8.E:** For a project located within an airport land use plan or land use plan area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

**Impact 4.8.F:** For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

**Finding:** Less than significant impact. (FEIR, p. 4.8-15.)

**Explanation:** John Wayne Airport, a public airport, is located immediately adjacent to the planning area to the east. Portions of the SoBECA Urban Plan area, Sakioka Lot 2, and Residential Incentive-Newport Overlay lie within Safety Compatibility Zones of the airport, as designated in the Airport Environs Land Use Plan for John Wayne Airport (AELUP) (OC ALUC 2008). Residential uses are considered compatible in this zone, as are most nonresidential uses; however large schools, day care centers, hospitals, and nursing homes are discouraged. Future development applications would be reviewed in light of AELUP criteria with regard to sitting within airport safety zones. Development within proximity to the airport is regulated in Section 13-38 (Additional Property Development Standards for Multiple-Family Residential Districts), which requires that a noise study be performed if a property is located in proximity to an airport. These regulations ensure people residing or working within close proximity of the airport are reasonably protected from noise and height-related impacts. With adherence to these existing regulations, impacts related to people residing or working within airport safety zones would be less than significant. (FEIR, pp. 4.8-14 and -15.)

**Impact 4.8.G:** Would the Project impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan?

**Finding:** Less than significant impact. (FEIR, p. 4.8-15.)

**Explanation:** The General Plan Amendments do not include any proposed changes in the physical organization of the planning area that could interfere with the City's emergency response or evacuation procedures. The project does not involve any proposal or action to eliminate existing emergency response facilities such as fire stations, nor do amendments to the Circulation Element involve changes to roadways in any manner that would hinder the ability of emergency vehicles to respond. The General Plan includes Goals and Policies that deploy intelligent transportation systems strategies to improve travel times and reduce traffic delay, as well as encourage utilization of state-of-the-art transportation system management technology to address non-recurring traffic events. With continued implementation of these policies, and review of individual development projects with regard to emergency service needs, impacts would be less than significant. (FEIR, p. 4.8-15.)

**Impact 4.8.H:** Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**Finding:** No impact. (FEIR, p. 4.8-15.)

**Explanation:** The General Plan Amendments do not affect any lands that are in a "Very High, High, or Moderate" Fire Hazard Zone. Where such lands are adjacent to developed lands there would be susceptibility

to wildland fire impacts. No impacts related to wildland fires affecting urban land uses would result from the General Plan Amendments. (FEIR, p. 4.8-15.)

#### **H. Hydrology and Water Quality**

**Impact 4.9.A:** Would the project violate any water quality standards or waste discharge requirement?

**Impact 4.9.F:** Would the project otherwise substantially degrade water quality?

**Finding:** Less than significant impact. (FEIR, p. 4.9-13.)

**Explanation:** Future development consistent with Project has the potential to increase urban runoff from residential, commercial, industrial, utility, and roadway sources. The General Plan Amendments allow for the potential conversion of lands in agricultural production to development on the Segerstrom Home Ranch and Sakioka Lot 2 parcels north of I-405 (although the two parcels are already designated for future development), as well as repurposing of the Fairview Developmental Center site, which currently includes landscaped grounds. Runoff from development on the Segerstrom Home Ranch, Sakioka Lot 2, and Fairview Developmental Center site could increase pollutant loading in downstream waters, including the Santa Ana River.

While the General Plan Amendments also allow for intensification of development on properties affected by the Residential Incentive Overlay, the Harbor Mixed-Use Overlay, and designation changes to the Los Angeles Times site and in the SoBECA area, these areas are already developed with impervious surfaces. Therefore, in these focus areas, new development would not create new impervious surfaces, and would present opportunities to better control current runoff through implementation of modern and mandated runoff control features.

Accidents, poor site management, or negligence by property owners and tenants can result in accumulation of pollutant substances on parking lots and loading and storage areas, or result in contaminated discharges directly into the storm drain system. The City currently inspects all residential, commercial, institutional, and industrial development and enforces structural and non-structural BMPs as adopted in the Santa Ana River Basin Plan to ensure compliance with the City's storm water and sewer system permit and eliminate such discharges. Future commercial and other development supported by the proposed General Plan Amendments would be subject to the same monitoring and enforcement procedures. (FEIR, p. 4.9-12.)

Violations of water quality standards due to urban runoff can be prevented through the continued implementation of existing regional water quality regulations and through successful implementation of the City's local water quality control standards imposed on new development and redevelopment over the long term. The proposed General Plan Amendments would not interfere with the implementation of water quality regulations and standards. The proposed Conservation Element includes policies that address water quality and urban runoff, and require pursuit of a multijurisdictional approach to protecting and improving water quality, the development of strategies to promote stormwater management, compliance with National Pollutant Discharge Elimination System Programs, review of new development against regulations and laws relating to runoff management and control, and consultation with sanitation districts to modernize treatment. (FEIR, pp. 4.9-12 and -13.) These policies are geared toward reducing stormwater runoff and ensuring that runoff that does enter the storm drain system is free of pollutants. Long-term water quality impacts due to non-point sources are therefore less than significant. (FEIR, pp. 4.9-12 and -13.)

**Impact 4.9.B:** Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?

**Finding:** Less than significant impact. (FEIR, p. 4.9-14.)

**Explanation:** Future development within the planning area would require additional water services that would come from local groundwater sources. Additionally, drainage may be directed away from its natural source where it may be deposited in other water bodies. The groundwater basin of concern is the Lower Santa Ana Groundwater Basin, within which the Mesa Consolidated Water District (Mesa) owns and operates nine groundwater production wells. Mesa relies on approximately 15,900 acre-feet of groundwater from the Lower Santa Ana River Groundwater Basin (Orange County Basin) each year. This local source of supply meets approximately 82% of Mesa's total annual demand (Mesa 2010). (FEIR, p. 4.914.) The 2010 Urban Water Management Plan (UWMP) includes programs for the long-term management of area groundwater basins (Mesa 2010), including careful monitoring to ensure groundwater levels are managed appropriately. The proposed General Plan Conservation Element also supports water conservation through use of natural and drought-tolerant vegetation and through water recycling. Additionally, water conservation programs of Mesa are designed to ensure groundwater resources are recharged both through natural and assisted means. Due to the ongoing drought, water agencies statewide are mandated to reduce water use by at least 20% through conservation and by educating water users on how to reduce water use. (FEIR, p. 4.9-14.)

Future growth associated with the proposed General Plan build out would require more water that comes from groundwater sources. As future development proposals seek regulatory permitting, they will be specifically assessed as to their impacts on groundwater resources. The General Plan Amendments do not include policies that would interfere with the determination and enforcement of safe yield limits; therefore, under the proposed policies of the project, impacts to groundwater supplies would be less than significant. (FEIR, p. 4.9-15.)

**Impact 4.9.C:** Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

**Finding:** Less than significant impact. (FEIR, p. 4.9-15.)

**Explanation:** Future development within the planning area is likely to change drainage patterns, which could have the potential to result in on- or off-site erosion and siltation. Short-term and long-term development activities could potentially result in erosion and siltation impacts as a result of alteration of natural drainage patterns. During grading activities, extensive earth-moving activities and vegetation removal could alter existing natural drainage patterns. These short-term changes in natural drainage patterns could result in erosion and siltation because water movement across the affected area is increased without natural barriers in place. However, the City has adopted existing regulations and policies that minimize on- and off-site flooding which can alter drainage patterns or stream course and cause erosion and sedimentation impacts. The floodway and floodplain districts regulations contained in the Municipal Code (Chapter V. Development Standards, Article 10) are specifically designed to prevent and regulate development in flood-prone areas. Proposed General Plan Conservation Element policies also address water quality and urban runoff by encouraging strategies for promoting stormwater management and storm drain diversion programs, compliance with NPDES requirements, review of proposed development, and consultation with related agencies. With these regulations and policies in place, impacts related to drainage and on- or off-site flooding would be less than significant. (FEIR, p. 4.9-15.)

**Impact 4.9.D:** Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

**Finding:** Less than significant impact. (FEIR, p. 4.9-16.)

**Explanation:** Future development within the planning area is likely to change drainage patterns, which could have the potential to result in on- or off-site flooding. As development occurs, impervious surfaces (streets,

other paved areas, etc.) are constructed that prevent infiltration and increased rates and volumes of runoff. Additionally, drainage courses could be modified based on site design and hydrologic conditions. However, the majority of the planning area is built out, with well-established drainage infrastructure. Vacant land within the urbanized portions of the planning area contribute to localized drainage conditions; however, development of these lands would not result in the major alteration of any streams or drainage courses because of the existing drainage infrastructure. Further, the City has adopted existing regulations that minimize on- and off-site flooding, erosion, and sedimentation impacts. The floodway and floodplain districts regulations contained in the Municipal Code (Title 13, Chapter V. Development Standards, Article 10) are specifically designed to prevent and regulate development in flood-prone areas. Development of storm drainage facilities is subject to the standard designs of the City's Engineering Division. The proposed General Plan Safety Element includes policies that work to mitigate or prevent disasters, including flooding, via coordination with state and federal agencies, review and update of floodplain municipal code provisions, improvement and maintenance of local storm drain infrastructure, and development of hazards preparedness plans. Implementation of these standards and policies ensures that drainage facilities will be designed to effectively transport stormwater and thereby minimize on-site and off-site flooding due to development associated with changes in drainage patterns. Impacts related to drainage and on- or off-site flooding and sedimentation would be less than significant. (FEIR, pp. 4.9-15 and -16.)

**Impact 4.9.E:** Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

**Finding:** Less than significant impact. (FEIR, p. 4.9-17.)

**Explanation:** Future development within the planning area could potentially increase stormwater flows into the existing storm drain system, mainly due to an increase in impervious surfaces that inhibit infiltration of stormwater. The increase in development and therefore impervious surfaces also increases the amount of urban runoff and generally increases the amount of pollutants within the stormwater. However, the City's Engineering Division requires hydrology and stormwater discharge review during the City's standard development review process, as described above under the City Municipal Code Section 8-32. Conditions of approval are issued pursuant to municipal NPDES permit requirements and standard engineering practices. Post-construction BMPs are implemented through preparation of a Water Quality Management Plan (WQMP) which identifies site design, structural and non-structural source control, and treatment control BMPs. Additionally, NPDES and City stormwater discharge requirements ensure that excessive pollutants are not discharged into the storm drain system; impacts to downstream water quality would be less than significant. On- and off-site drainage control and storm drain design is reviewed by the Public Services Department through applicant submission of hydrology reports and storm drain plans. Drainage design is required to comply with the City's Master Plan of Drainage. Standard drainage analysis and design practices will ensure that future development does not exceed the capacity of the existing or planned storm drain system. Additionally, fees are required pursuant to Section 14-65 of the Master Plan of Drainage Ordinance (Drainage Ordinance) to pay for operation, administration, maintenance, improvement, environmental restoration, and replacement of the existing and future storm drainage system. Impacts related to storm drain capacity would be less than significant with implementation of existing standards. (FEIR, p. 4.9-17.)

**Impact 4.9.G:** Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?

**Finding:** No impact. (FEIR, p. 4.9-17.)

**Explanation:** According to the Conservation Element Local Flooding Hazards Exhibit, no areas affected by the proposed General Plan Amendments would be subject to 100-year flooding. Specifically, the proposed Amendments do not include any land use changes that would support residential development in flood hazard

zones. No impacts to residential development as a result of potential flooding would occur. (FEIR, p. 4.9-17.)

**Impact 4.9.H:** Would the project place within a 100-year flood hazard area structures that would impede or redirect flood flows?

**Finding:** Less than significant impact. (FEIR, p. 4.9-18.)

**Explanation:** No land use changes authorized by the General Plan Amendments would place structures within a floodplain, as all proposed land use changes are outside of floodplains. Furthermore, all significant structures built within the City would be subject to the Floodplain Management Regulations (Title 13, Chapter V, Article 10 of the Municipal Code) that require hydrological evaluation to ensure that minimal diversion of floodwaters occurs and development standards are implemented to prevent flooding of on- and off-site uses. These regulations specifically prohibit construction of structures that could cause or divert floodwaters without appropriate site planning and structural design. Implementation of existing regulations would reduce impacts associated with the potential diversion of floodwaters to less than significant levels. (FEIR, p. 4.9-18.)

**Impact 4.9.I:** Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

**Finding:** Less than significant impact. (FEIR, p. 4.9-18.)

**Explanation:** The General Plan Amendments would not interfere with the County's responsibilities in recertifying any levee within or protecting the planning area because there are no levees in the planning area. Impacts due to levee failure would be less than significant. (FEIR, p. 4.9-18.) The Los Angeles Times site, the Segerstrom Home Ranch site, and a small portion of the Residential Incentive Overlay on Harbor Boulevard lie within an area subject to potential inundation in the event of failure of either the Santiago Creek Dam and/or the Prado Dam. The National Dam Safety Act of 2006 authorized a program to reduce the risks to life and property from dam failure by establishing a safety and maintenance program. The safety and maintenance program requires regular inspection of dams to reduce the risks associated with dam facilities. Furthermore, all dam operators are required to submit an evacuation plan for review and approval by the State Office of Emergency Services (OES). The evacuation plan for the Santiago Creek and Prado Dams are on file with the U.S. Army Corps of Engineers and have been prepared in accordance with the Federal Guidelines for Dam Safety. Continued inspection and maintenance of the two dams and the procedures outlined in the evacuation plans are considered adequate precautions to reduce impacts due to potential dam inundation to less than significant. (FEIR, p. 4.9-18.)

**Impact 4.9.I:** Would the project be susceptible to inundation by seiche, tsunami, or mudflow?

**Finding:** Less than significant impact. (FEIR, p. 4.9-19.)

**Explanation:** The potential for mudflow is minimal throughout the majority of the planning area because of the generally level grade and lack of hillsides, particularly within the areas where land use changes are proposed. None of the areas proposed for land use change lies within a tsunami and sea level rise hazard area, as depicted on Figure S-7 of the Safety Element of the General Plan. Finally, the proposed General Plan Safety Element contains policies which address tsunamis and sea level rise by requiring consultation with regional agencies and the study of strategies and engineering defensive methods to limit potential hazards related to sea level rise. Therefore, impacts associated with tsunamis and seiches would be less than significant. (FEIR, pp. 4.9-18 and -19.)

## **I. Land Use and Planning**

**Impact 4.10.A:** Would the project physically divide an established community?

**Finding:** Less than significant. (FEIR, pp. 4.10-9 and -10.)

**Explanation:** The General Plan Amendments represent a policy-level project designed to direct long-term growth within the planning area. The City has many long-established residential neighborhoods as well as newer developments. The proposed amended Land Use Plan would retain the City's primarily residential character since the land use changes only affect about four percent of the land within the City. Moreover, the General Plan Amendments would not indirectly lead to the division of an established community, as the changes would not trigger the development of major new infrastructure (such as major roads or freeways, power utility easements or water conveyance facilities) which could physically divide existing developed areas of the City. Further, the proposed General Plan Land Use Element includes Goals and Policies aimed at building balanced communities, preservation of character and densities of existing residential neighborhoods, and the promotion of land use patterns that contribute to community and neighborhood identity. These proposed policies would protect established neighborhoods, limit building heights, and support already in-place transportation systems. Land use changes proposed in the General Plan Amendments were also designed to be compatible with existing land uses. Thus, there would be no division of an established community, and impacts would be less than significant. (FEIR, pp. 4.10-9 and -10.)

**Impact 4.10.B:** Would the project conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

**Finding:** Less than significant. (FEIR, p. 4.9-10.)

**Explanation:** The project involves the update of all General Plan elements, except the Housing Element. Some of the changes in General Plan elements are proposed to reflect and address new policies and regulations of other agencies, such as those relating to flooding and high-fire hazard areas. With regard to review authority of the Orange County Airport Land Use Commission (ALUC), the proposed project does not involve any proposals that would allow for increased building heights or high-occupancy buildings within any of the airport-influence zones of John Wayne/Orange County Airport. As required by State Public Utilities Code, the City has conducted formal consultation with the ALUC regarding the proposed General Plan Amendments and over time, will continue to forward any land use applications within the affected review areas. Further, the Project does not propose any changes to properties within the sphere of influence and therefore under the jurisdiction of the County of Orange. No conflicts between the specific resources and a policy or regulation of another agency would occur as a result of the proposed project. Impacts would be less than significant. (FEIR, p. 4.9-10.)

**Impact 4.10.C<sup>2</sup>:** Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

**Finding:** No impact. (FEIR, p. 4.10-10.)

**Explanation:** None of the land use changes proposed in the General Plan Amendments would conflict with the County of Orange Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) since no land use changes are proposed in areas covered by the County of Orange NCCP/HCP. The City of Costa Mesa is not a participant to the NCCP/HCP, and none of the proposed reserve lands occur within the City's

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<sup>2</sup> Within the DEIR, a typographical error mistakenly refers to Impact 4.10.C as "Impact 4.4.C." (FEIR, p. 4.10-10.)

jurisdiction. NCCP/HCP reserves are proposed in Talbert Regional Park, which is under the jurisdiction of the County of Orange. (FEIR, p. 4.9-10.)

#### **J. Mineral Resources**

**Impact 4.11.A:** Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

**Finding:** Less than significant impact. (FEIR, pp. 4.11-4 and -5.)

**Explanation:** Mineral resources present in the planning area are oil, peat, and aggregate. There are 15 active oil wells in the planning area; however, none are in areas subject to land use changes by the proposed amendments. With respect to aggregate resources, areas subject to land use changes are mostly located on land classified as having "undetermined mineral resource significance." Since most of the areas proposed for land use changes by the General Plan Amendments support existing development, aggregate resources, should they be present, would not be subject to mining in the near future and would remain intact. Furthermore, aggregate mining is not typically done on small parcels within existing urban areas due to the lack of appropriate zoning for such a use, as well as the prohibitive cost and nuisance associated with such operations. As such, lands of undetermined significance would not likely be considered for mining in the foreseeable future. For these reasons, impacts on mineral resources are considered less than significant. (FEIR, pp. 4.11-4 and -5.)

**Impact 4.11.B:** Would the project result in the loss of availability of a locally important mineral resource recovery site, delineated on a local general plan, specific plan, or other land use plan?

**Finding:** No impact. (FEIR, p. 4.11-5.)

**Explanation:** The existing General Plan does not identify any locally important mineral resources. No other City planning documents identify any locally important mineral resources. No impacts to locally important mineral resources could occur as a result of the implementation of the General Plan Amendments. (FEIR, p. 4.11-5.)

#### **K. Noise**

**Impact 4.12.A:** Would the project expose people to or generate noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies?

**Finding:** Less than significant. (FEIR, pp. 4.12-12 and -13.)

**Explanation:** The City is located immediately adjacent to John Wayne-Orange County (SNA) Airport to the northeast. According to the Airport Environs Land Use Plan (AELUP) for John Wayne Airport, existing uses within the northeastern portion of the city are exposed to noise levels up to 65 dBA. The 2008 AELUP specifies acceptable uses proximate to the airport, defined as uses that will not subject people to adverse noise impacts. Despite the increase in air traffic from John Wayne Airport over the years, the existing CNEL noise contours are less than the noise contour contained in the 2008 ALUC, due to updated technology creating quieter fleets of commercial aircrafts. Further, the Airport's Access Plan places restrictions on operational capacity, hours of operations, and noise levels. Noise from JWA would therefore not cause City residents to be exposed to noise above existing standards; impacts would be less than significant. (FEIR, pp. 4.12-10 and -11.)

Similarly, the AELUP for Heliports establishes regulations and restrictions for the siting of heliports/helipads. The City requires an analysis to identify potential noise impacts and the City may regulate the hours of

operation and arrival, departure/arrival routes, and type of helicopters that may use the heliport in order to minimize impacts to sensitive land uses. Heliports and helistops must comply with the all conditions of approval imposed or recommended by the FAA, ALUC, and by Caltrans/Division of Aeronautics. Therefore, impacts would be less than significant. (FEIR, p. 4.12-11.)

The OC Fair and Event Center hosts the annual summer fair and the weekly Orange County Market Place, Farmers Market, Centennial Farm, and Food Truck Fare Wednesday, as well as annual events such as OC Home and Garden Show and concerts at the Pacific Amphitheater. A strict Noise Ordinance for fairground operations, called the Orange County Fairground Modified Noise Ordinance, was established in an agreement between the 32nd District Agricultural Association and the City of Costa Mesa. The Orange County Fairground Modified Noise Ordinance applies to the activities within the Orange County Fairgrounds, with the exception of the events at the Pacific Amphitheater. Ongoing compliance with the Orange County Fairground Modified Noise Ordinance ensures that noise levels generated by activities at the Orange County Fairgrounds will remain within acceptable levels. Similarly, compliance with a 1990 Noise Order controls noise levels at the Pacific Amphitheater. Ongoing monitoring at both locations ensures that these legally binding noise levels are met, ensuring impacts are less than significant. (FEIR, pp. 4.12-12 and -13.)

Potential increases in noise levels along existing and proposed roadways will be assessed in conjunction with the City's review of site-specific noise impact analyses. Implementation of proposed General Plan Goals, Objectives and Policies would ensure that impacts related to increases in traffic noise due to future development would be reduced to acceptable levels via enforcement of maximum acceptable CNEL exterior noise levels, ensuring that site design considers acoustics, and application of Title 24 standards. As such, impacts will be less than significant. (FEIR, p. 4.12-13 and -14.)

**Impact 4.12.B:** Would the project expose people to or generate excessive groundborne vibration or groundborne noise levels?

**Finding:** Less than significant. (FEIR, p. 4.12-16.)

**Explanation:** Certain construction activities may result in groundborne vibration. However, potential vibration due to future construction activities would be assessed in conjunction with the City's routine review of site-specific geotechnical studies and the recommended grading and foundation design measures. This will occur in the project planning process, prior to project approval, for projects subject to review under CEQA, and this will provide an adequate mechanism to require special measures to mitigate potentially significant vibration impacts of the General Plan Amendments. Impacts resulting from construction-generated groundborne vibration and noise would be less than significant. (FEIR, pp. 4.12-15 and -16.)

**Impact 4.12.C:** Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

**Finding:** Less than significant. (FEIR, p. 4.12-16.)

**Explanation:** The City's Noise Control section of the Zoning Code includes Section 13.283 which pertains to loud, unnecessary noise. The Section states "It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, regardless of whether the noise level exceeds the standards specified in Section 13-280, Exterior noise standard, and Section 13-281, Interior noise standards." Continued enforcement of the Zoning Code would reduce potential nuisance noise impacts. As such, impact is less than significant. (FEIR, p. 4.12-16.)

**Impact 4.12.D:** Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

**Finding:** Less than significant. (FEIR, p. 4.12-17.)

**Explanation:** Construction activities would generate a variety of noise levels associated with different kinds of construction equipment and the location of staging, construction, storage and access routes. However, future construction projects within the City will be subject to rules of the City's Noise Ordinance. The construction noise impacts to a particular neighborhood are dependent upon a number of factors specific to the project. Some of the factors include proximity to sensitive land uses, time of day, intervening barriers, level of construction (e.g., number and type of construction equipment that is operating simultaneously), and the duration of the project's construction phase. Worst-case examples of construction noise at 50 feet are presented in Table 4.12-5 (Typical Construction Equipment Noise Levels). The peak noise level for most of the equipment that would be used during construction is in the range of 70 to 95 dBA at a distance of 50 feet. Noise levels for each doubling of distance will be 6 dBA less. For example, at 200 feet, the peak construction noise levels range from 58 to 83 dBA. Further, potential construction noise will be assessed in conjunction with the City's review of site-specific noise impact analyses. Noise levels at sensitive receptors would be analyzed on a case-by-case basis and appropriate mitigation should be applied to bring noise levels down to acceptable levels. Compliance with Title 13, Chapter XIII of the City's Noise Ordinance (Noise Control) will ensure that construction noise impacts would be less than significant. (FEIR, p. 4.12-17.)

**Impact 4.12.E:** For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?

**Impact 4.12.F:** Would the project result in exposure of people residing or working in the project area to excessive noise levels if the project is located in the vicinity of a private airstrip?

**Finding:** Less than significant. (FEIR, p. 4.12-19.)

**Explanation:** According to the noise contour map for JWA, the ultimate 65 dBA CNEL noise contour for the airport encroaches into the City. Approximately 100 dwelling units are located within the 65 CNEL noise impact area south of the runway. However, the planned land use in the encroachment area is industrial; this is not considered a sensitive land use for the 65 dBA airport noise area. The General Plan Amendment would not change land uses in areas susceptible to a 65 dBA or greater noise levels associated with JWA. Furthermore, as discussed above the JWA has one of the most stringent aircraft access and noise monitoring programs in the United States and the world. Therefore, the proposed project would not expose new residents, people or workers within two miles of an airport to excessive noise levels associated with air traffic. Impact would be less than significant. (FEIR, p. 4.12-19.)

## **L. Population and Housing**

**Impact 4.13.A:** Would the project induce substantial population growth in an area, either directly or indirectly?

**Finding:** Less than significant impact. (FEIR, p. 4.13-8.)

**Explanation:** Although the projected population at proposed General Plan buildout is 131,690 residents (21,166 over the existing population), only about 11,000 of the new residents would be directly attributable to the General Plan Amendments. The projected buildout population is what can be accomplished within existing urban areas that already support urban infrastructure. None of this would be accommodated on undeveloped land that requires the expansion of urban infrastructure. Additionally, should population growth be less than what the buildout can accommodate (i.e., in accordance with the SCAG projections), then residential development would also be less. (FEIR, p. 4.13-7.)

The proposed maximum density of 40 units per acre for the Residential Incentive Overlay might induce modest growth, but only as can be accommodated by existing infrastructure and as market forces would allow. Similarly, the proposed amendment affecting the SoBECA Urban Plan area would increase allowable residential densities to 40 units per acre (currently at 20 units per acre) but would cap the ultimate unit yield at 450 units. For the site subject to the new "Multi-Use Center" land use designation, the proposed General Plan Amendments would allow for residential development at the time, if at all, that the State of California Department of General Services elects to repurpose the site. The proposed land use policy to allow up to 500 units at varying densities indicates the City's intent to accommodate a diversity of housing types in the event the State seeks to redevelop the property in the future. Due to the focused nature of the proposed General Plan Amendments, the fact that growth caps are proposed for both the Fairview Developmental Center property and the SoBECA Urban Plan area, and the fact that no infrastructure improvements are needed or proposed for the areas where new residential development would occur, the proposed project would not induce substantial population growth. (FEIR, p. 4.13-8.)

**Impact 4.13.B:** Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

**Finding:** Less than significant impact. (FEIR, pp. 4.13-9 and -10.)

**Explanation:** The General Plan Amendments would not result in the direct displacement or demolition of residential structures because the Amendments do not authorize a specific construction project, development plan, or other land-altering activity. The proposed changes to the Land Use Element could result in indirect impacts by establishing land use policies that provide incentives for private redevelopment initiatives on specified lots or for mixed-use. (FEIR, p. 4.13-8.) Included within the Residential Incentive Overlay areas are properties that support a range of commercial uses, including motels. While motels are not considered permanent housing, some owners have used their motels to provide de facto long-term occupancies, with some motel units occupied by extremely low-, very low-, and low-income persons. Application of the Residential Incentive Overlay and implementing zoning may result in property owners choosing to pursue private redevelopment of existing commercial or residential uses. However, the specific number of persons using any particular motel for long-term occupancy is not known at this time. The type of residential development that would replace existing commercial uses, including motels, is also unknown, but could include new commercial uses, including hotel or motel uses, or new residential development that includes affordable housing which, based on the densities, could accommodate and encourage development of housing for low-income persons. (FEIR, p. 4.13-9.)

Nonetheless, in the event persons are displaced from motels in the future, there will be opportunities for those persons to find housing in Costa Mesa due to the fact that there will be more multifamily units than exist today (even accounting for the owners' using motels for long-term occupancy), and there will be greater opportunities for residents to rent or own decent, safe, and sanitary housing in more modern housing units than are currently available on these commercial motel sites. An overall loss of housing would not occur, and any potential displacement would be offset by the construction of greater numbers of housing and the accommodation of affordable housing throughout different areas of the City. If persons who had occupied motel rooms move as a result of the reuse and redevelopment of the property and who are unable to find or afford decent, safe, and sanitary housing within the City, or in the event of any temporary move-out from the motel property, a number of agencies in Costa Mesa provide shelters and services for the homeless and persons at risk of becoming homeless. (FEIR, pp. 4.13-9 and -10.)

**Impact 4.13.C:** Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**Finding:** Less than significant impact. (FEIR, p. 4.13-10.)

**Explanation:** The General Plan Amendments would not result in any direct displacement of substantial numbers of people because they do not authorize any construction or redevelopment activity that would displace people. While the General Plan Amendments would establish "Residential Overlay" districts that could displace housing that supports extremely low-, very low-, or low-income people, the impacts are less than significant because: 1) the General Plan Amendments would not directly cause the displacement of people, 2) the likelihood that motels being used as housing would be removed is speculative, and 3) the potential for a "substantial number of people" being displaced is speculative. Further, even if such units were displaced, the City has designated land for the development of high-density housing that accommodates and encourages development of housing for low-income persons. The intended purpose of the Residential Incentive Overlay is to encourage additional high-density housing development along multimodal and mixed-use arterials, thereby providing future affordable housing opportunities at densities of 30 dwelling units or more pursuant to State Housing Element law. As such, there would be no significant impact related to the reduction of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. Impacts would be less than significant. (FEIR, pp. 4.13-10.)

#### **M. Public Services**

**Impact 4.14.A:** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire protection services?

**Finding:** Less than significant impact. (FEIR, p. 4.14-7.)

**Explanation:** Based on the ISO recommendation that all development be within 1.5 miles of a fire station equipped with a fire engine, the majority of the planning area lies within the first-response range of an engine-equipped station that includes all six current Costa Mesa Fire Department stations. No portion of any of the identified focus areas is farther than 1.5 miles away from any of the City's six stations. Further, while build out of the proposed General Plan would create incremental increases in population and demand on fire services, the proposed Safety Element Policy includes General Plan Policies that ensure the securing of adequate facilities for fire services, consultation with adjacent jurisdictions on issue relating to fire and emergency services, fair share contributions by new development, etc. Through the annual budgeting process, the City determines how to implement these policies based on community needs and available resources. With continued implementation of these policies and review of individual development projects with regard to emergency service needs, impact would be less than significant. (FEIR, pp. 4.14-6 and -7.)

**Impact 4.14.B:** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including police protection services?

**Finding:** Less than significant impact. (FEIR, p. 4.14-8.)

**Explanation:** Future residential growth generally would be accommodated in the identified focus areas. At this time, the Police Department has not identified the need for any new or expanded facilities to meet service needs in the planning area. However, build out of the proposed General Plan would create incremental increases in population and demand for police services. The proposed General Plan Amendments include policies emphasizing the provision of emergency response, including police response. Collection of planning and development fees, as well as fair share contributions from development, will incrementally fund expansion

or construction of new facilities as growth occurs pursuant to the proposed amended General Plan policies. An analysis of the impacts associated with a possible police protection facility expansion or construction is too speculative at this time because the facility's size, design, and location are not known. However, if in the future a police protection facility is to be expanded or constructed, the police facility would be subject to a development review process and environmental review pursuant to CEQA. Impacts related to the expansion and new construction of police protection facilities would be less than significant with implementation of General Plan policies and environmental review standards. (FEIR, p. 4.14-8.)

**Impact 4.14.C:** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including schools?

**Finding:** Less than significant impact. (FEIR, pp. 4.14-9 and -10.)

**Explanation:** New housing would be constructed over the long term as population growth occurs pursuant to amended land use policy. NMUSD monitors growth in the planning area and updates its facilities plans as needed to identify new facilities' needs. NMUSD will continue to collect development impact fees as provided for in State law to fund expanded facilities. Moreover, all new non-residential development would be required to pay appropriate impact fees established by the NMUSD Board. Pursuant to State law, collection of fees by school districts is sufficient to mitigate for any potential impacts to school facilities resulting from long-term growth in the community. Any required expansion of construction of school facilities would be subject to environmental review pursuant to State law and CEQA. Thus, impacts are less than significant. (FEIR, pp. 4.14-9 and -10.)

**Impact 4.14.D:** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including parks?

**Finding:** Less than significant impact. (FEIR, p. 4.14-10.)

**Explanation:** As of 2015, approximately 3.66 acres of parkland existed in Costa Mesa for every 1,000 residents. However, the City's goal is to attain and maintain a park standard of 4.26 acres of parkland for every 1,000 residents. Pursuant to State law (State Government Code Section 66477), the City may collect up to 3.0 acres of parkland or in-lieu fees from new residential subdivisions for every 1,000 residents. Accordingly, the City adopted a Local Park Ordinance to implement its park and recreational land dedication requirements (Title 13, Chapter XI, Article 5 – Park and Recreation Dedications). Also, in August of 2015, the City Council adopted an ordinance authorizing collection of a \$5,000 per unit impact fee for all other residential projects (not involving a land division). Other methods for supplementing the City's park system include encouraging the development of private open space and recreational amenities (beyond public park requirements) within large residential projects, and pursuing the joint use (or ultimate use) of utility district lands, such as those owned by County of Orange Flood Control District, for parks and open space. (FEIR, 4.14-9.)

The proposed amended General Plan designates 1,925 acres as Open Space and Recreation throughout the community, of which 1,155 acres are designated as Open Space-Recreation on existing parkland. Additionally, Institutional uses including schools, colleges, public facilities, the Civic Center, the Santa Ana River right-of-way, the Fairview Development Center and other public/institutional uses comprise approximately 763 acres of Open Space for recreation purposes. Costa Mesa is largely built out, with vacant parcels scattered throughout the City and equaling only about 20 acres. Given the paucity of vacant land

within the planning area, it could be reasonably assumed that acquisition and provision of an additional 561 acres of parkland would not be feasible. However, this impact is not considered significant since the possible inability of the City to meet its goal would not result in any direct or indirect environmental impact. (FEIR, p. 4.14-10.)

**Impact 4.14.E:** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other public services?

**Finding:** Less than significant impact. (FEIR, p. 4.14-10.)

**Explanation:** Long-term growth in the planning area pursuant to the General Plan Amendments would require incremental library facility expansion or improvement to meet community needs. A facility needs assessment was prepared for the Costa Mesa Public Library system that concluded a new 20,000-square-foot building (which would increase items in the collection from 68,000 to 95,000 items) would be required to meet the long-term demands of the service area. Currently, a new library facility is being designed to replace the existing Donald Dungan Library. The County of Orange collects fees to support incremental expansion of library services commensurate with development proposals. Any new or expanded library facilities would be subject to environmental review pursuant to CEQA to identify any potentially significant environmental impacts and, if necessary, identify appropriate mitigation. Impacts would therefore be less than significant. (FEIR, p. 4.14-10.)

## **N. Recreation**

**Impact 4.15.A:** Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

**Finding:** Less than significant impact. (FEIR, pp. 4.15-5 and -6.)

**Explanation:** The increase in the resident population associated with long-term implementation of the General Plan and its land use policies could result in increased use of existing parks and recreation facilities if additional facilities are not added to the City's inventory. Substantial deterioration of existing facilities could occur if the level of usage intensifies significantly, the maintenance of affected facilities does not keep pace with intensified use, and no new park facilities are provided to meet increased demand. However, the draft Parks and Open Space Element includes General Plan Policies that include maintenance of existing parks such that a variety of active and passive recreational opportunities are provided, the provision of facilities within individual neighborhoods, pursuit of acquisition and development of new pocket and neighborhood parks, development of a funding donation program, and the update of development fee programs to accumulative funds for parkland acquisition. (FEIR, pp. 4.15-4 and -5.) While residential development activity would generate funds for the development of new park facilities through Quimby fees, and all new development projects would require payment of Development Impact Fees (a portion of which would fund parkland acquisition and park maintenance), the degree to which these fees would actually result in new park facilities where they are needed is not known. However, with the implementation of the General Plan policies regarding acquisition and funding of park facilities, impacts would be less than significant. (FEIR, p. 4.15-7.)

**Impact 4.15.B:** Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**Finding:** Less than significant impact. (FEIR, p. 4.15-7.)

**Explanation:** The General Plan Amendments do not result in the direct construction or expansion of any recreational facility because the project does not authorize any specific land development activity. In addition, the Land Use Element does not specifically identify any location for the creation of new recreational facilities. The proposed Land Use Element and Open Space and Recreation Element policies indicate the City's intent to seek out opportunities to create new parklands. However, although the Open Space and Recreation Element identifies priority areas of new community parks, the proposed General Plan Land Use Map does not specifically identify locations for new parks or other recreational facilities. Thus, an impact analysis related to the expansion and construction of specific recreational facilities cannot be made at the General Plan stage, and the impacts would be less than significant. (FEIR, p. 4.15-7.)

## **O. Transportation**

**Impact 4.16.A:** Would the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., results in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

**Finding:** Less than significant impact. (FEIR, pp. 4.16-48 and -49.)

**Explanation:** A level of service analysis was conducted and indicates that various roadways throughout the City are forecast to exceed their theoretical maximum ADT capacities under year 2035 traffic conditions. However, none of those locations are considered to be actual future deficiencies because all the intersections analyzed along those roadway segments are forecast to operate at acceptable levels of service during the A.M. and P.M. peak hours with future intersection improvements. As such, it has been determined that the proposed General Plan Amendments would not result in an increase in traffic in the planning area that would result in intersections and/or roadway segments to operate at inadequate levels of service with implementation of planned intersection and roadway improvements that are part of adopted City of Costa Mesa MPSH. Future street improvements that are programmed to implement the updated circulation network plan will be designed in accordance with all applicable standards relating to vehicle traffic, bicycles, and pedestrian safety. Impacts would be less than significant. (FEIR, p. 4.16-49)

**Impact 4.16.B:** Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

**Finding:** Less than significant impact. (FEIR, p. 4.16-48)

**Explanation:** The traffic analysis presented in the Project's traffic study indicated that various roadways throughout the City are forecast to exceed their theoretical maximum ADT capacities under year 2035 traffic conditions. However, none of those locations is considered to be actual future deficiencies because all intersections analyzed along those roadway segments are forecast to operate at acceptable levels of service during the A.M. and P.M. peak hours with future intersection improvements. The LOS would not exceed those established by the Orange County Congestion Management Plan. (FEIR, p. 4.16-48)

**Impact 4.16.C:** Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

**Finding:** Less than significant impact. (FEIR, p. 4.16-49)

**Explanation:** Future development pursuant to the proposed General Plan Amendments would not affect air traffic patterns because development pursuant to land use policy would be subject to land use and height

restrictions established within the John Wayne Airport influence zones. Impacts on air traffic patterns would be less than significant; no mitigation is required. (FEIR, p. 4.16-49.)

**Impact 4.16.D:** Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**Finding:** Less than significant impact. (FEIR, p. 4.16-49)

**Explanation:** The proposed Circulation Element includes General Plan Policies that aim to ensure safe traffic conditions citywide, for all mobility modes. These include policies directing the City to complete and maintain a needs assessment for traffic service levels, identification of priority traffic projects, implementation of traffic calming measures that discourage speeding and cut-through traffic on residential streets, the promotion of engineering improvements to lower speeds and improve safety, avoidance of pedestrian/traffic conflict points in new developments, and the placement of new development along major transit corridors. With implementation of these policies, impacts will be less than significant. (FEIR, p. 4.16-49)

**Impact 4.16.E:** Would the project result in inadequate emergency access?

**Finding:** Less than significant impact. (FEIR, p. 4.16-50)

**Explanation:** Inadequate emergency access can delay or prevent responders from arriving at an emergency location, thereby exacerbating an emergency situation leading to an increased potential loss of life and property. Future development will be subject to the provisions of the City's Fire Code with regard to providing adequate emergency access. The General Plan update does not include policies that would change standards related to emergency access, nor would it interfere with policy implementation. No impact would occur. (FEIR, p. 4.16-50.)

**Impact 4.16.F:** Would the project result in inadequate parking capacity?

**Finding:** Less than significant impact. (FEIR, p. 4.16-53.)

**Explanation:** The proposed Circulation Element includes General Plan policies that aim to ensure adequate parking capacity within the City. These include policies directing the City to consider implementing "park-once" approaches for multi-use districts, encourage innovative parking solutions that reduce required spaces needed for parking (e.g., automated parking lifts and elevators), encourage and provide incentives for carpool and electric vehicle preferred parking, and encouragement and support programs to increase vehicle occupancy, thereby reducing parking demand. These policies, in conjunction with the parking supply and design standards requirements of the City's Zoning Code, would ensure that adequate parking is provided on a project-by-project basis. Impacts would be less than significant. (FEIR, p. 4.15-53.)

**Impact 4.16.G:** Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

**Finding:** No impact. (FEIR, p. 4.15-54.)

**Explanation:** The proposed Circulation Element includes General Plan policies that aim to encourage alternative transportation development and use. These include policies directing the City to update its engineering standards for public and private streets to provide for alternative transportation access, support for SCAQMD trip reduction programs, encourage and support programs to increase vehicle occupancy, and ensure that roadways designated as transit routes can accommodate transit vehicle circulation and pedestrian access, coordination with OCTA and school districts, etc. The proposed General Plan also includes a

Complete Streets Plan highlighting the City's commitment to provide for street design that can accommodate diverse travel modes. No impacts would result. (FEIR, pp. 4.15-53 and -54; see also FEIR Exhibit 4.16-7.)

**P. Utilities and Service Systems**

**Impact 4.17.A:** Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

**Finding:** Less than significant impact. (FEIR, p. 4.17-11.)

**Explanation:** Future development within the planning area guided by the policies of the General Plan could affect RWQCB treatment standards by increasing wastewater production. The Costa Mesa Sanitary District Sewer System Management Plan (SSMP) is currently designed to accommodate a service population of approximately 116,700 that includes the planning area and the City of Costa Mesa. The most recent population projections compiled by SCAG estimate a total population of 114,000 for the service population in the year 2035. In contrast, the proposed General Plan Amendments project a build-out population of 131,690. Without expansion, the wastewater system could be insufficient. However, the City's Municipal Code requires incremental expansion of wastewater treatment facilities based on new development through the collection of development fees to fund programmed wastewater system improvements. This ensures that adequate funding would be available to meet future facility needs, should expansion be necessary. Furthermore, the OCSB will be required to comply with the RWQCB wastewater discharge requirements to ensure that effluent discharges are within acceptable water quality parameters. The requirement for the collection of development fees on new development which pay for facility upgrades, reduces impacts associated with wastewater treatment requirements to less than significant. (FEIR, p. 4.17-11.)

**Impact 4.17.B:** Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**Finding:** Less than significant impact. (FEIR, p. 4.17-13.)

**Explanation:** Future development within the planning area could require expanded water and wastewater facilities to meet the demand from anticipated population growth, including mainline or backbone elements and local connections. At this time, no immediate changes to the system are needed to meet the demands of immediate growth. To accommodate long-term development, the City will continue to assess demand and to update water and wastewater master plans as needed. The City will consider establishing service fees and assessment charges for new development projects, and as part of the development review process, the City will place the burden of any site-specific improvement requirements on the developer. Expansion of water and wastewater facilities would be contingent upon the rate of growth and deterioration of aging facilities. Any future expansion of existing facilities or construction of new facilities would be required to undergo environmental review pursuant to CEQA. The review will either be conducted by project applicants for individual projects or by the City for projects of broader application. Such impacts would be identified, along with measures to mitigate any significant impacts, as part of the CEQA compliance process for future project-specific planning actions. Impacts would therefore be less than significant. (FEIR, p. 4.17-13.)

**Impact 4.17.C:** Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities that the construction of could cause significant environmental impacts?

**Finding:** Less than significant impact. (FEIR, p. 4.17-12.)

**Explanation:** Future development sites within the planning area may require expanded storm drain facilities if they are identified as having drainage deficiencies per the City's Master Plan of Drainage. Site-specific drainage problems would be remedied through review of development plans by the City's Engineering Department. The Master Plan of Drainage identifies numerous specific projects that will improve the storm drain system. Fees are collected from development projects in part to fund the programmed storm drain system improvements. Continued implementation of the Master Plan of Drainage provides the City with appropriate control and management over larger local drainage concerns. As part of the development review process for major development projects, the City requires assessment of the adequacy of regional and localized drainage facilities, and requires developers to fund/provide any new facilities required (beyond those identified in the master drainage plans and City's CIP) to address project-specific impacts. Construction of any new or expanded storm drainage facilities could result in environmental impacts. However, such impacts would be identified, along with measures to mitigate any significant impacts, as part of the project review and CEQA compliance process for future project-specific planning actions. Therefore, impacts would be less than significant. (FEIR, p. 4.17-12.)

**Impact 4.17.D:** Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

**Finding:** Less than significant impact. (FEIR, p. 4.17-12.)

**Explanation:** Over the long term, population and employment growth would likely require expanded supplies to meet increase in demand. Mesa Consolidated Water District (MCWD) provides 85 percent of the water supply to the City, with the rest coming from Irvine Ranch Water District (IRWD). Currently, the total water demand for retail customers served by MCWD is approximately 19,400 acre-feet annually consisting of 2,400 acre-feet of imported water, 15,900 acre-feet of local groundwater, and 1,100 acre-feet of recycled water. Using a per capita consumption rate of 221 gallons per day (the five-year average per the UWMP) and the 20 percent conservation factor included in the UWMP, the projected SCAG 2035 population for the City of Costa Mesa of 114,000 would require approximately 22,576 acre-feet per year (AFY) in the 2035. However, buildout of the proposed General Plan would result in a projected population of 131,690, which would require approximately 26,072 AFY in the year 2035. This is a demand for an additional 3,496 AFY in 2035. Further, MCWD anticipates pumping a maximum 19,700 AF in 2035 (MCWD 2011).

However, the proposed General Plan Conservation Element includes objectives and policies aimed at protecting existing and future water resources. Specifically proposed policies require the City to work towards the protection and conservation of existing and future water resources by recognizing water as a limited resource that requires conservation. Moreover, the City has adopted a Water Conservation Ordinance to meet a State-mandated 20 percent reduction in water use from June 2015 through February 2016. With continued City consultation with local water districts regarding the City's growth projections and proposed development projects, combined with implementation of water efficiency programs, water supply should be able to meet demands, and impacts are less than significant. (FEIR, pp. 4.17-12 through -14.)

**Impact 4.17.E:** Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

**Finding:** Less than significant impact. (FEIR, p. 4.17-15.)

**Explanation:** Future development accommodated under the General Plan could require expanded wastewater infrastructure to meet future needs when considered in light of existing demand. Localized environmental impacts associated with the future expansion of facilities are subject to project-level environmental review pursuant to CEQA. The Orange County Sanitation District has prepared a Facilities Implementation Plan that identifies long-term programs designed to maintain and expand wastewater treatment facilities to accommodate existing and future growth (OCS 2015). Incremental expansion of

facilities in accordance with the Wastewater System Master Plan is achieved through the Development Fee Program described above, with fees applied to developers. Facilities may be expanded by development project proponents, as well to ensure that adequate facilities are available to serve new development needs. The General Plan does not include policies that will interfere with the implementation of the current or future CIP or the collection of Public Improvement Fees. Pursuant to existing standards and regulations, impacts associated with a lack of wastewater treatment capacity will be less than significant. (FEIR, pp. 4.17-14 and -15.)

**Impact 4.17.F:** Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

**Impact 4.17.G:** Would the project comply with federal, state and local statutes and regulations related to solid waste?

**Finding:** Less than significant impact. (FEIR, p. 4.17-15.)

**Explanation:** Based on current waste generation rates of 5.2 lbs of trash per resident per day and 15.4 pounds per employee per day, approximately 409,530 tons of solid waste would be generated annually throughout the planning area, based on a buildout population of 131,690 residents and an employee base of 104,425 local workers. The majority of the waste will likely be disposed of at the Frank R. Bowerman Sanitary Landfill given its proximity to the planning area and the fact that it has over 55 percent of its capacity remaining (CalRecycle 2015). The City will continue to implement a variety of solid waste reduction, recycling, and re-use measures to meet its obligation under AB 939. The policies and programs of the General Plan Amendments address waste reduction and recycling by encouraging waste reduction and recycling to minimize materials sent to landfills, providing programs that promote organic recycling, pursuing zero waste goals, and construction and demolition programs that require recycling. Under any circumstance, solid wastes must be disposed of in accordance with federal and state laws. Impacts related to solid waste disposal methods and regulations would be less than significant. (FEIR, p. 4.17-15.)

## Q. Energy Conservation

**Energy Conservation Impact:** Would the project ensure wise and efficient use of energy?

**Finding:** Less than significant impact. (FEIR, pp. 6.0-11 through -13.)

**Explanation:**

### *Energy Demand*

Short-term energy demand would result from development construction pursuant to implementation of the proposed General Plan Amendments. This would include energy demand from worker and vendor vehicle trips and construction equipment usage. Long-term energy demand would result from operation of various development types pursuant to implementation of the proposed General Plan Amendments. This would typically include energy demand from vehicle trips, electricity and natural gas usage, and water and wastewater conveyance. This section generally describes the energy needs of these activities.

### *Construction Activities*

The proposed General Plan Amendments would not directly result in construction of any development or infrastructure; however, future development supported by the policies of the General Plan Amendments would result in short-term energy demand. Short-term energy demand would occur during site preparation, grading, building construction, paving, and painting activities associated with new development. Energy demand results from use of equipment, worker, vendor, and hauling trips.

### *Operational Activities*

The proposed General Plan Amendments would not directly result in operation of any development or infrastructure; however, future development supported by the policies of the General Plan Amendments would result in long-term energy demand. Long-term energy demand would occur primarily from mobile sources, electricity and natural gas use, and water use and wastewater generation.

### *Mobile Sources*

Mobile source energy demand primarily is associated with individual vehicle energy demand and therefore gasoline and diesel fuel primarily as well as electricity increasingly for electric vehicles. Mobile source energy demand may also be associated with public transportation such as buses and trains associated with natural gas, diesel fuel, or electricity. Of all operational energy demands, the proposed General Plan Amendments seek most to reduce the energy demand of mobile sources through improved land use and circulation network planning to reduce reliance on individual vehicles and promote use of public transportation as well as non-motorized transportation such as walking and biking. By seeking to reduce the amount of individual vehicle usage, the proposed General Plan Amendments would achieve reductions in mobile source operational energy demand.

### *Electricity and Natural Gas Use*

Electricity and natural gas would be required to provide energy to the proposed development of residential, commercial, industrial and other land uses provided for in the proposed General Plan Amendments. All new development and redevelopment would be subject to current California Building Code (CBC) requirements for building energy efficiency. In addition, the proposed General Plan Amendments encourage energy conservation for development, including facilitating green building standards and LEED (or similar) certification. Other opportunities would also continue to be available to existing and new development to incorporate energy saving features or renewable energy sources into buildings.

### *Water and Wastewater*

Electricity would indirectly be required to treat and convey water to and convey wastewater away from development that implements the proposed General Plan Amendments. Pursuant to the City's landscape irrigation requirements and the Water Conservation in Landscaping Act, outdoor water use would continue to be regulated for new development to plan landscaping accordingly and conserve water.

### *Energy Conservation*

The project would be subject to State water efficiency regulations pursuant to the CBC that would reduce long-term project energy demand. These requirements would reduce wasteful, inefficient, and unnecessary consumption of energy over the long-term.

### *California Building Code*

Pursuant to the 2010 CBC CALGREEN requirements, the project would be subject to the following requirements (CBSC 2011):

- 20 percent reduction in water demand (5.303.2)

- 20 percent reduction in wastewater discharges (5.303.4)

*Reduce Water and Wastewater Demand (5.303.2 & 5.303.4)*

The minimum 20 percent reduction in water demand and wastewater discharges would decrease indoor water demand. This would result in a concurrent reduction in energy demand to supply, treat, and convey water and wastewater.

*Conclusion*

The conservation of energy would result from implementation of the California Building Code, the City's landscape irrigation regulations, Regional Greenhouse Gas Inventory and Reduction Plan, and General Plan policies seeking to reduce individual vehicle use. With implementation of existing regulations and proposed policies, energy demand for development that implements the proposed General Plan Amendments would not be wasteful, inefficient, or unnecessary. (FEIR, pp. 6.0-11 through -13.)

**S. Mandatory Findings of Significance**

**State CEQA Guidelines § 15065(a)(2) Threshold:** Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

**Finding:** Less than significant impact.

**Explanation:** The General Plan Amendments do not have the potential to achieve short-term environmental goals at the expense of long-term environmental goals. The General Plan Amendments set the policy structure for the City over the long-term, through the year 2035 and beyond. (See FEIR, Section 3.0.) The General Plan sets out the City's long-term goals, objectives and policies in areas as varied as land use, conservation, recreation, historical preservation, etc., and lays out how the City can achieve its community vision, which includes the long-term preservation of quality of life, conservation, and community growth over a 20-year planning horizon. Therefore, impacts would be less than significant.

**SECTION 3.0: FINDINGS REGARDING IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT**

The City Council hereby finds that feasible Mitigation Measures have been identified in the EIR and these Findings of Fact that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the Mitigation Measures that will reduce them to a less than significant level, are as follows:

**A. Biological Resources<sup>3</sup>**

**Impact 4.4.A:** Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or

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<sup>3</sup> Chapter 4.4 of the FEIR incorrectly numbers impacts 4.4.A through 4.4.F (FEIR pages 4.4-16 through 4.4-18), and Mitigation Measure 4.4.A-1 (FEIR page 4.4-19). This typographical error does not require recirculation of the FEIR, and the numbering provided within these Findings is correct.

regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, or the United States Fish and Wildlife Service?

**Finding:** Less than significant with the incorporation of mitigation. (FEIR, p. 4.4-16.) Implementation of Mitigation Measure BIO-4.3.A-1 would ensure that the proposed project's impacts on species identified as candidate, sensitive or special status in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife, or United States Fish and Wildlife Service would be less than significant. Impacts would be significant but mitigable. (*Id.*; see State CEQA Guidelines, § 15091(a)(1).)

**Explanation:** With the exception of the Segerstrom Home Ranch and Sakioka Lot 2 sites, which are currently in active agricultural use, the properties affected by the proposed General Plan land use changes are already developed and located within highly urbanized areas, with little opportunity to support native wildlife or special status species. The CNDDDB identified four animal species and six plant species that have occurred or do occur in the planning area. According to the CNDDDB search of the planning area, two of the plant species are presumed to be absent from the planning area (see Table 4.3-6). Additionally, all special status species occurrences were restricted to Fairview Park and Talbert Regional Park and Nature Preserve due to the presence of natural habitat and the close proximity to the Santa Ana River.

Except for the burrowing owl and some migratory birds, no special status species have a reasonable potential to occupy lands that are subject to the proposed general plan land use changes. Migratory birds could nest in trees that occur in the urbanized areas of the City. Existing regulations of CDFW protect migratory birds from development related activities during the nesting season. The regulations require pre-construction surveys for projects that occur within the nesting season that could potentially impact nesting birds. (FEIR, p. 4.4-16.)

Furthermore, within the entire planning area, goals and policies contained in the Conservation Element promote the conservation of important biological resources via directing the City to identify areas for special protection, preserve functional wildlife corridors and habitat linkages, coordinate with state and federal resource agencies to mitigate projects affecting resources, promote protection of sensitive species within Fairview Park, removal of invasive species, and ensuring that future development is adequately reviewed to identify potential impacts to sensitive species.

In addition, because burrowing owl has been sighted in the planning area, impacts relating to development of currently vacant parcels has the potential to impact this sensitive species. Therefore, the following mitigation measure has been identified:

**Mitigation Measure BIO-4.4.A-1:** *A focused survey for burrowing owls shall be conducted by a qualified professional biologist for any new development project proposed on a vacant site of two acres or larger and with a landscape of annual and perennial grasslands, desert, or arid scrubland with low-growing vegetation or agricultural use or vegetation. The purpose of the survey is to determine if burrowing owls are foraging or nesting on or adjacent to the project site. If surveys confirm that the site is occupied habitat, mitigation measures to minimize impacts to burrowing owls, their burrows, and foraging habitat shall be identified. The results of this survey, including any mitigation recommendations, shall be incorporated into the project-level CEQA compliance documentation. Owl surveys and approaches to mitigation shall be in accordance with the Staff Report on Burrowing Owl Mitigation, issued by the California Department of Fish and Wildlife on March 7, 2012 (CDFW 2012)*

Implementation of Mitigation Measure 4.3.A-1 will reduce potential impacts to burrowing owl to less than significant levels because it requires focused surveys which will identify the presence of the species prior to earthmoving activities associated with new development and construction. Focused surveys will determine the presence of species and habitat, and ensure that mitigation necessary to reduce future impacts is identified and implemented. With the implementation of mitigation, impacts to sensitive species are determined to be less than significant. (FEIR, pp. 4.4-16 and -17; see also FEIR pp. 4.4-19.)

## **B. Hazards and Hazardous Materials**

**Impact 4.8.D:** Would the project present a significant hazard to the public or the environment through development of a site that is included on a list of hazardous waste sites compiled pursuant to Government Code Section 65962.5?

**Finding:** Less than significant with the incorporation of mitigation. (FEIR, pp. 4.8-13.) Implementation of Mitigation Measure HAZ-4.8-1 would ensure that the Project's impacts related to significant hazards to the public or environment through development of a site included on the list of hazardous waste sites pursuant to Government Code Section 65962.5 would be less than significant. Impacts would be significant but mitigable. (*Id.*; see State CEQA Guidelines, § 15091(a)(1).)

**Explanation:** Several contaminated building sites and properties are located within the planning area. (FEIR, Tables 4.8-2, -3, -4.) In addition, the Housing Element identifies the Sakioka Lot 2 as possibly requiring remediation prior to future development due to past agricultural uses. The proposed amended Safety Element includes policies aimed at ensuring ongoing consultation with the County of Orange on contamination and remediation issues, appropriate in-depth environmental analysis of new development, and preparation of adequate action plans. However, impacts relating to contaminated sites remain potentially significant. The following mitigation measure was therefore identified:

**Mitigation Measure HAZ-4.8.D-1:** *The City of Costa Mesa shall require that applications for new development projects requiring City discretionary approval shall include the results of a Phase I Environmental Site Assessment (ESA), prepared in accordance with the latest ASTM protocol for such assessments. If the Phase I ESA indicates some evidence that site contamination exists that could require cleanup to avoid danger to people or damage to the environment, a Phase II level review shall be completed to fully characterize the nature and extent of such contamination, and the scope of required clean up procedures. The results of the Phase II assessment shall be considered as part of the CEQA compliance process prior to any action on the project.*

Mitigation Measure HAZ-4.8.D-1 ensures that site contamination would be identified during the development review process for future development pursuant. It requires that site assessments be conducted prior to project approvals to identify any contamination and the measure also sets performance standards for cleanup prior to approval of development or redevelopment projects. This would ensure that as properties are developed, site contamination, where such exists, is removed. Through application of existing regulations and imposition of mitigation, impacts to persons and other resources would be reduced to less than significant levels. (FEIR, pp. 4.8-13 and -14; see also FEIR p. 4.8-16.)

## **C. Mandatory Findings of Significance**

**State CEQA Guidelines § 15065(a)(1) Threshold:** Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

**Finding:** Less than significant impact with the incorporation of mitigation (Mitigation Measure 4.4.A-1).

**Explanation:** The project's potential impacts relating to biological resources including the environment, habitat, wildlife populations, and plant and animal communities were analyzed in FEIR Section 4.4. The FEIR determined that impacts to special status species would be potentially significant, due to the presences of burrowing owl within the planning area. However, Mitigation Measure 4.4.A-1 was identified to require that focused surveys for burrowing owl be conducted prior to any new development project on a site

with potential for burrowing owl presence. (FEIR, pp. 4.4-17, -19.) As such, impacts are less than significant, with the incorporation of mitigation.

The project's potential impacts relating to historic and cultural resources was analyzed in FEIR Section 4.5. Impacts to historic resources, archaeological resources, paleontological resources, human remains, and tribal cultural resources was determined to be less than significant. Because historic resources will not be significantly impacted under the proposed project, no elimination of important examples of major periods of California history or prehistory are anticipated to occur.

**State CEQA Guidelines § 15065(a)(4) Threshold:** Will the environmental effects of the project cause substantial adverse effects on human beings, either directly or indirectly?

**Finding:** Less than significant impact with the incorporation of mitigation (Mitigation Measure 4.8.D-1).

**Explanation:** The project will not cause substantial adverse effects on human beings, including adverse effects relating to aesthetics (see FEIR, Section 4.1), health and toxic air contaminants (see FEIR, Impact 4.3.D), land use and planning (see FEIR, Section 4.10), noise (see FEIR, Section 4.12), housing (see FEIR, Section 4.13), public services (see FEIR, Section 4.14), transportation and traffic (see FEIR, Section 4.16), or utilities (see FEIR, Section 4.17).

As detailed in FEIR Section 4.8, impacts relating to hazards and hazardous materials have the potential to result in impacts relating to the development of sites that are possibly contaminated. However, with the incorporation of Mitigation Measure 4.8.D-1, which requires Phase I environmental site assessments for new development projects requiring discretionary approvals, this potential impact is mitigated to a level of less than significant. (FEIR, pp. 4.8-13, -14, and 16.)

#### **SECTION 4.0: FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT**

The City Council hereby finds that the following impacts from the proposed Project cannot be mitigated to a less than significant level with any feasible mitigation and a Statement of Overriding Considerations is therefore required:

**A: *Air Quality***

**Impact 4.3.A:** Would the Project conflict with or obstruct implementation of the applicable air quality plan?

**Impact 4.3.B:** Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Finding:** Impacts would remain significant and unavoidable. (FEIR, p. 4.3-13.) As described in Section 9, below, specific social, economic, and environmental benefits of the Project outweigh the identified potential unavoidable significant impacts. (State CEQA Guidelines, § 15091(a)(3).)

**Explanation:** A significant impact could occur if the proposed project conflicts with or obstructs the implementation of SCAQMD 2012 AQMP. Conflicts and obstructions that hinder implementation of the AQMP can delay efforts to meet attainment deadlines for criteria pollutants and maintaining existing compliance with applicable air quality standards. Pursuant to the methodology provided in Chapter 12 of the 1993 SCAQMD CEQA Air Quality Handbook, consistency with the 2012 Air AQMP is affirmed if the proposed General Plan Amendments could potentially contribute or cause a new air quality violation by exceeding applicable ambient air quality standards, consistency with the growth projections used in the AQMP is appropriate. (FEIR, p. 4.3-13.)

The SCAQMD recognizes the differences between project-level environmental review and program-level review, as discussed in Section 7.12 (Program EIRs and EIRs for General Plans of the 1993 CEQA Air Quality Handbook (SCAQMD, 1993). Therein, SCAQMD explains that program-level documents need not address the level of specificity that is inherent at the project level, but rather should focus on the establishment of broad policies and mitigation that will be applicable to future development within the planning area of the programmatic document. Consistent with this discussion, the analysis of air quality impacts provided in the FEIR was conducted programmatically by evaluating the goals and policies of the General Plan and how those would result in broad category or locational criteria pollutant and toxic air contaminant reductions. The air quality analysis focused on the inherent, cumulative nature of air quality impacts and the need for the General Plan Amendments to not conflict with efforts to reduce Basin-wide emissions and meet federal and State air quality requirements. This type of analysis is based on consistency with regional growth projections and does not require estimating criteria pollutants emissions. As such, emissions estimations were not prepared for the General Plan Amendments analyzed in the FEIR.

The proposed General Plan Amendments have the potential to support 9,271 more dwelling units, 21,166 more residents, and approximately 5.6 million square feet more of non-residential development compared to existing conditions. Due to the changes in proposed land uses from the existing General Plan Land Use Plan, upon which the 2012 AQMP is partially based, and the proposed General Plan Amendments and potential future development supported by implementation of the amended General Plan, the proposed project may not be consistent with the growth projections utilized in the 2012 AQMP. This could result in potentially significant impacts because air quality attainment goals could be delayed given that strategies adopted in the AQMP would not account for land use changes in the planning area. (FEIR, p. 4.3-14.)

The proposed General Plan Amendments include many goals, objectives, and policies that would reduce criteria pollutant emissions, including incorporation of sustainability principles, use and enforcement of maximum trip caps for new development areas, pedestrian-oriented design to encourage walking and bicycling, land uses mixes that reduce vehicle trips, promotion of alternative transportation infrastructure, tracking emissions, coordination with federal, state and local health agencies, promotion of energy efficiency technology, etc. (FEIR, pp. 4.3-14 through 4.3-17.) However, even though these goals, objectives, and policies would reduce fossil fuel use and attendant air pollutant emissions, because the accommodated growth would exceed projections assumed in the 2012 AQMP, the proposed General Plan may interfere with the implementation of the 2012 AQMP. No feasible mitigation measures are available to reduce the significant and unavoidable impacts relating to inconsistency with the 2012 AQMP. The only way to attain consistency with the 2012 AQMP would be to adjust land use policies to reduce the growth capacity in Costa Mesa during the planning horizon extending to 2035. This measure would be inconsistent with City goals to incentivize private reinvestment and redevelopment efforts along major corridors and on targeted sites where infrastructure can support desired growth. Therefore, impacts would remain significant and unavoidable. (FEIR, pp. 4.3-17 and -18)

**Impact 4.3.C / Cumulative Impacts:** Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

**Finding:** Impacts would remain significant and unavoidable. (FEIR, p. 4.3-13 and p.6.0-2.) As described in Section 9 below, specific social, economic, and environmental benefits of the Project outweigh the identified potential unavoidable significant impacts. (State CEQA Guidelines, § 15091(a)(3).)

**Explanation:** The proposed General Plan Amendments would conflict with the 2012 regional AQMP prepared by SCAQMD, as the proposed project conflicts with SCAG's growth projections within the current City boundaries. Policies have been included to ensure that individual implementing projects would be consistent with the AQMP, emission thresholds, and SCAQMD rules. Proposed mixed-use/residential incentive higher-

density development policies would implement an important regional strategy to encourage more compact urban/infill development in areas with good access to transit, which helps reduce total vehicle trips and average trip distances. This would help reduce vehicle emissions. The City would continue to evaluate short-term, construction-related impacts and long-term impacts for discretionary land use projects so that best available control measures can be applied, where warranted, to minimize the effects of individual development projects. Thresholds recommended by the SCAQMD would continue to be the preferred criteria for determining the level of impact significance at the project level of review. Because the proposed General Plan Amendments have the potential to conflict with the 2012 Air Quality Management Plan because land use policies would accommodate a greater level of population growth than currently projected for the City. Impacts at the program level would be significant and unavoidable. Therefore, long-term cumulative air quality impacts to the region would also be cumulatively considerable. (FEIR, pp. 4.3-17 and -18, 6.0-2.)

## **B. Greenhouse Gas Emissions**

**Impact 4.7.A:** Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

**Finding:** Greenhouse gas emissions impacts would remain significant and unavoidable. (FEIR, p. 4.7-12.) As described in Section 9 below, specific social, economic, and environmental benefits of the Project outweigh the identified potential unavoidable significant impacts. (State CEQA Guidelines, § 15091(a)(3).)

**Explanation:** Typically, construction-related GHG emissions contribute unsubstantially (less than one percent) to a project's annual greenhouse gas emissions inventory and mitigation for construction-related emissions is not effective in reducing a project's overall contribution to climate change, given how small of a piece of the total emissions construction emissions are. Implementation of AB32 and SB375 through California Air Resources Board's (CARB) Scoping Plan and SCAG's RTP/SCS are designed to achieve the required reduction in greenhouse gas emissions (CARB 2010b and c). With the proposed General Plan policies to require analysis of greenhouse gas emissions and cooperation and support of these plans, short-term climate change impacts due to future construction activities would not be significant. (FEIR, pp. 4.7-11 and -12.)

Future development projects will result in continuous GHG emissions from mobile, area, and operational sources. These sources combine to define the long-term greenhouse gas inventory for typical development projects. As assumed in the SCAG RTP/SCS, Costa Mesa is forecast to grow to a total population of 114,000, with 88,800 jobs, by 2035. The ultimate build-out of the proposed General Plan land use plan can accommodate a total population of 131,690 and total employment of 104,425 within the planning area. Therefore, because the proposed General Plan Amendments accommodate growth beyond the assumptions of the RTP/SCS, impacts are potentially significant. The General Plan incorporates policies that support cooperation with and support of these plans, as well as requiring greenhouse gas emission analysis for individual projects. Nonetheless, due to the inconsistency with the RTP/SCS growth projections, the proposed General Plan Amendments would result in significant impacts related to long-term GHG emissions. No feasible mitigation measures are available to reduce the significant and unavoidable impacts relating to greenhouse gases. The only way to attain consistency with the 2012 AQMP with regard to GHG emissions would be to adjust land use policies to reduce the growth capacity in Costa Mesa during the planning horizon extending to 2035. This measure would be inconsistent with City goals to incentivize private reinvestment and redevelopment efforts along major corridors and on targeted sites where infrastructure can support desired growth. Therefore, impacts remain significant and unavoidable. (FEIR, p. 4.7-12.)

**Impact 4.7.B:** Would the project conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases?

**Finding:** The proposed project's conflicts with applicable plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions would remain significant and unavoidable. (FEIR, p. 4.7-11 through -17.) As described in Section 9 below, specific social, economic, and environmental benefits of the Project outweigh the identified potential unavoidable significant impacts. (State CEQA Guidelines, § 15091(a)(3).)

**Explanation:** Regarding CARB's Scoping Plan, the proposed General Plan Amendments would potentially conflict with regional transportation-related GHG targets, but would not conflict with any of the other provisions of CARB's Scoping Plan. The proposed General Plan Amendments support four of the Scoping Plan's action categories through energy efficiency, green building approaches, recycling of waste, and water conservation. These proposed policies encourage the application of sustainability principles; use and enforcement of maximum trip caps for new development areas; pedestrian-oriented design to encourage walking and bicycling; land uses mixes that reduce vehicle trips; promotion of alternative transportation infrastructure; tracking of emissions; coordination with federal, State, and local health agencies; and promotion of energy efficiency technologies, etc. (FEIR, pp. 4.7-12 through -16.)

Regarding the 2012 Regional Transportation Plan/Sustainable Communities Strategy, if the proposed General Plan Amendments are consistent with the assumptions of the RTP/SCS, then long-term development within the planning area will meet regional reduction targets. However, the RTP/SCS assumes Costa Mesa will grow to a total population of 114,000, with 88,800 jobs, by 2035. In contrast, the ultimate build-out of the proposed General Plan land use plan can accommodate a total population of 131,690 and total employment of 104,425. Therefore, the proposed General Plan Amendments are not consistent with the population growth forecasts of the RTP/SCS. This could potentially alter transportation plans and models of the RTP/SCS determined to achieve the noted GHG reduction targets. Despite these inconsistencies, the General Plan's goals and policies (see above) directly support the implementation of the RTP/SCS because they encourage and support the region's multimodal transportation system and coordinating land use patterns around high-quality transit corridors. These policies are intended to reduce reliance on automobile use and improve the jobs housing balance in more suburban communities to reduce vehicle miles traveled (VMT), thus reducing greenhouse gas emissions. Although the proposed General Plan Update generally supports implementation of the RTP/SCS, since the plan is not strictly consistent with the RTP/SCS, the potential remains that the RTP/SCS may not be properly implemented within the City; impacts would be significant due to this inconsistency. (FEIR, p. 4.7-16.) No feasible mitigation measures are available to reduce the significant and unavoidable impacts relating to greenhouse gases. The only way to attain consistency with the 2012 AQMP with regard to GHG emissions would be to adjust land use policies to reduce the growth capacity in Costa Mesa during the planning horizon extending to 2035. This measure would be inconsistent with City goals to incentivize private reinvestment and redevelopment efforts along major corridors and on targeted sites where infrastructure can support desired growth. (FEIR, pp. 4.7-16 and -17.) Therefore, impacts remain significant and unavoidable.

**Cumulative GHG Impacts:** Would the project result in cumulatively considerable impacts relating to greenhouse gas emissions?

**Finding:** Impacts would remain significant and unavoidable. (FEIR, p. 6.0-4.) As described in Section 9 below, specific social, economic, and environmental benefits of the Project outweigh the identified potential unavoidable significant impacts. (State CEQA Guidelines, § 15091(a)(3).)

**Explanation:** Climate change is inherently a discussion of cumulative impacts due to its global impacts. Development that occurs as a result of the implementation of the proposed General Plan Amendments would include activities that emit greenhouse gases over the short and long terms. While one project could not be said to cause global climate change, individual projects contribute cumulatively to greenhouse gas emissions that result in climate change. Pursuant to proposed General Plan policies, CEQA, and SCAQMD regulations, individual development projects would be required to perform project-specific air quality analyses to determine

potential impacts and mitigation measures to ensure individual projects would not result in short- or long-term climate change impacts (Goal and Objective CON-2, Policies CON-2.A to H, CON-4.E to G). In addition, due to the General Plan's inconsistency with SCAG's population growth projection for Costa Mesa, the potential still remains for interference with the implementation of SCAG's 2012 RTP/SCS and CARB's Scoping Plan to achieve the required greenhouse gas reductions. Thus, long-term impacts with respect to climate change remain potentially significant and unavoidable, and would be cumulatively considerable. (FEIR, p. 6.0-4.)

### **C. Mandatory Findings of Significance**

**State CEQA Guidelines § 15065(a)(3) Threshold:** Does the project have the potential to result in environmental effects that are individually limited by cumulatively considerable?

**Finding:** Significant and unavoidable.

**Explanation:** The proposed project does have the potential to result in cumulatively considerable impacts relating to air quality and greenhouse gas emissions. Regarding cumulatively considerable air quality impacts, the proposed General Plan Amendments would conflict with the 2012 regional AQMP prepared by SCAQMD, as the proposed project conflicts with SCAG's growth projections within the current City boundaries. Because the proposed General Plan Amendments have the potential to conflict with the 2012 Air Quality Management Plan because land use policies would accommodate a greater level of population growth than currently projected for the City. Impacts at the program level would be significant and unavoidable. Therefore, long-term cumulative air quality impacts to the region would also be cumulatively considerable. (FEIR, pp. 4.3-17 and -18, 6.0-2.)

Regarding greenhouse gas emissions, pursuant to proposed General Plan policies, CEQA, and SCAQMD regulations, individual development projects would be required to perform project-specific air quality analyses to determine potential impacts and mitigation measures to ensure individual projects would not result in short- or long-term climate change impacts (Goal and Objective CON-2, Policies CON-2.A to H, CON-4.E to G). However, due to the General Plan's inconsistency with SCAG's population growth projection for Costa Mesa, the potential still remains for interference with the implementation of SCAG's 2012 RTP/SCS and CARB's Scoping Plan to achieve greenhouse gas emissions reductions goals. Thus, long-term impacts with respect to climate change remain potentially significant and unavoidable, and would be cumulatively considerable. (FEIR, p. 6.0-4.)

## **SECTION 5.0: FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL IMPACTS**

### **A. Aesthetics**

Costa Mesa's projected population growth is small compared to the entire County. Additionally, less than four percent of the total land area of the City is undeveloped and would be subject to new large-scale development; the majority of this land (the Segerstrom Home Ranch and Sakioka Lot 2 properties) already has a General Plan designation for urban development, and is to be implemented via the North Costa Mesa Specific Plan. In other areas affected by the proposed General Plan Amendments, higher intensity development is proposed and could result in multiple-story structures (generally no more than four stories). However, proposed General Plan policies, implementing zoning regulations, and established City design review practices would ensure that any new development would be consistent with the existing character of the neighborhoods. Future development within the planning area would be subject to the policies of the proposed General Plan Amendments and existing development standards. This includes policies and programs that support preserving neighborhood character, promoting quality design, and minimizing lighting impacts. The proposed policies and programs would ensure that cumulative aesthetic effects would not be considerable. (FEIR, p. 6.0-2.)

**B. Agricultural Resources**

Analysis of agricultural impacts indicates that no impact would occur from conversion of the 65 acres of land in current agricultural use, as the conversion is already contemplated in the North Costa Mesa Specific Plan prepared in 1994. While two lots are designated as prime agricultural land or important farmland, the State Department of Conservation has applied an overlay of "Land Committed to Nonagricultural Use." The proposed General Plan Amendments would not have a cumulatively considerable effect on agricultural resources. (FEIR, p. 6.0-2.)

**C. Air Quality**

The proposed General Plan Amendments would conflict with the 2012 regional AQMP prepared by SCAQMD, as the proposed project conflicts with SCAG's growth projections within the current City boundaries. Policies have been included to ensure that individual implementing projects would be consistent with the AQMP, emission thresholds, and SCAQMD rules. Proposed mixed-use/residential incentive higher-density development policies would implement an important regional strategy to encourage more compact urban/infill development in areas with good access to transit, which helps reduce total vehicle trips and average trip distances. This would help reduce vehicle emissions. The City would continue to evaluate short-term, construction-related impacts and long-term impacts for discretionary land use projects so that best available control measures can be applied, where warranted, to minimize the effects of individual development projects. Thresholds recommended by the SCAQMD would continue to be the preferred criteria for determining the level of impact significance at the project level of review. Because the proposed General Plan Amendments have the potential to conflict with the 2012 Air Quality Management Plan because land use policies would accommodate a greater level of growth than currently projected for the City. Impacts at the program level would be significant and unavoidable. Therefore, long-term cumulative air quality impacts to the region could also be cumulatively considerable. (FEIR, p. 6.0-2.)

**D. Biological Resources**

The context for assessing cumulative impacts to biological resources includes sensitive species and their habitat throughout the planning period and beyond. Future new development within the planning area, as would be changed by the General Plan Amendments, is restricted to infill properties, except for the Segerstrom Home Ranch and Sakioka Lot 2 properties, which are still in agricultural use. These properties have been and will continue to be designated for urban commercial use; the land use will not change until the landowners are ready to develop the lands. Since these lands have the potential to support burrowing owls, Mitigation Measure 4.3.A-1 requires that owl assessments be performed prior to development. If habitat is found, the landowner would have to mitigate any loss of habitat in accordance with requirements of the California Dept. of Fish and Wildlife.

To address the long-term, cumulative loss of sensitive habitat and associated species in the planning area, the City would continue to implement existing federal and State mandates related to species and habitat protection and conservation. Considering the proposed General Plan Amendments are consistent with existing federal and State regulations, the project's contribution to the long-term loss of sensitive habitat and species would not be considerable. In particular, the General Plan provides for continued preservation and restoration of natural coastal habitat and landforms. The project's contribution to the future loss of biological resources would not be cumulatively considerable. (FEIR, p. 6.0-3.)

**E. Cultural Resources**

Since the planning area is almost entirely built out and development consists of infill, the chance of exposing hidden cultural resources is remote. Additionally, the existing and proposed General Plan policies provide an

ongoing program to ensure proper identification, evaluation, and recovery and/or protection of potentially important historical, archaeological, and paleontological resources that may be disturbed during future development activities. Existing State law requires immediate County Coroner notification upon discovery of human remains and also notification of affected Native American tribes if the remains are suspected to be of Native American origin. Surrounding jurisdictions are subject to similar regulations, including County Coroner notification upon discovery of human remains. Long-term development throughout Costa Mesa has low potential to impact subsurface archaeological and/or paleontological remains because most of the lands subject to development have previously been disturbed. With regard to historical properties, General Plan policies recognize the importance of preserving the City's heritage. Potentially historic structures on the Segerstrom Ranch site would be evaluated if and when they are proposed for removal. With continued implementation of City policies and practices, the project's contribution to the future loss of cultural resources would not be cumulatively considerable. (FEIR, p. 6.0-3.)

#### **F. Geology and Soils**

Future development within the planning area would increase the number of people exposed to earthquake-induced ground-shaking and other seismically induced ground hazards, such as liquefaction. The context for assessing cumulative geologic impacts is statewide, considering the majority of California is subject to some type of geologic hazard. The specific types and extent of geologic hazards and constraints are due to localized conditions that are routinely addressed at the project-level of analysis. The proposed Safety Element includes policies related to risk management from natural disasters. Cumulative geologic hazards impacts would be less than significant. (FEIR, p. 6.0-3.)

#### **G. Greenhouse Gas Emissions**

Climate change is inherently a discussion of cumulative impacts due to its global impacts. Development that occurs as a result of the implementation of the proposed General Plan Amendments would include activities that emit greenhouse gases over the short and long terms. While one project could not be said to cause global climate change, individual projects contribute cumulatively to greenhouse gas emissions that result in climate change. Pursuant to proposed General Plan policies, CEQA, and SCAQMD regulations, individual development projects would be required to perform project-specific air quality analyses to determine potential impacts and mitigation measures to ensure individual projects would not result in short- or long-term climate change impacts (Goal and Objective CON-2, Policies CON-2.A to H, CON-4.E to G). In addition, due to the General Plan's inconsistency with SCAG's population growth projection for Costa Mesa, the potential still remains for an interference with the implementation of SCAG's 2012 RTP/SCS and CARB's Scoping Plan to achieve the required greenhouse gas reductions. Thus, long-term impacts with respect to climate change remain potentially significant and unavoidable, and would be cumulatively considerable. (FEIR, p. 6.0-4.)

#### **H. Hazards and Hazardous Materials**

The context for assessing cumulative hazardous materials impacts involves existing and potential development within the planning area and those surrounding areas that could result in the transport, use, or disposal of hazardous materials or wastes. Typical uses would include industrial activities, utility providers, and waste management services. Regulation of hazardous substances and wastes would continue to be governed mainly by federal and State agencies. The County of Orange Fire Department would continue to conduct inspections and review hazardous materials storage and containment provisions at local businesses. Proposed General Plan land use and circulation policies would not provide for any new or more dangerous types of hazardous materials or wastes to be generated, stored, or transported within the planning area or outside of the planning area. The draft General Plan Safety Element contains policies regarding hazardous materials treatment, transport, handling, and disposal. The proposed General Plan Amendments would not

result in a considerable contribution to the regional increase in the use, transport, disposal, or exposure to hazardous materials or wastes. Most of the planning area is developed, and areas that are not developed do not contain highly flammable vegetation. Cumulative wildfire impacts can occur as development in fire hazard areas increase, not only because the number of people and structures exposed to wildfires is increasing but also because increased density supports the spreading of wildfires. With implementation of required fire codes, the project would not result in cumulatively considerable impacts related to wildfires. (FEIR, p. 6.0-4.)

#### **I. Hydrology and Water Quality**

The proposed General Plan development capacity is anticipated to be within the anticipated water supply production pursuant to the Mesa Urban Water Management Plan (UWMP) in accordance with the safe yield amounts. The proposed General Plan Amendments include policies and programs designed to enhance groundwater recharge in the planning area, primarily through conservation and modified drainage practices. In addition, the Conservation Element includes policies to promote water conservation and water recycling (Goal and Objective CON-3, Policies CON-3.A to H). The proposed General Plan Amendments would not have a cumulatively considerable impact on groundwater resources. (FEIR, p. 6.0-5.)

The proposed General Plan Amendments also support low-impact development and appropriate drainage practices to prevent erosion, sedimentation, and flooding. This, coupled with existing regulations such as the National Discharge Elimination System (NPDES) and ongoing implementation of the City Master Plan of Drainage, would ensure that long-term changes to the drainage pattern do not substantially impact downstream water bodies or surrounding properties. The project's contribution to regional drainage and water quality impacts would not be cumulatively considerable. (FEIR, p. 6.0-5.)

The proposed General Plan Amendments and the Municipal Code do not allow the placement of homes within flood zones. Future development, as guided by the policies of the General Plan and the Municipal Code, would ensure there are no considerable cumulative flooding impacts to future homes or other structures. (FEIR, p. 6.0-5.)

#### **J. Land Use and Planning**

The proposed plan would not physically divide any established community within the planning area. Further, there are no new transportation corridors, major flood control facilities, or other elements of the proposed plan that could result in such impacts outside of the planning area. The project would not contribute to cumulative impacts involving physical division of established communities.

Costa Mesa is a member city of SCAG, a Metropolitan Planning Organization (MPO) that prepares and administers regional growth management strategies and allocation of federal transportation funding for a six-county area, including Ventura, Los Angeles, San Bernardino, Riverside, Orange and Imperial Counties. As the designated MPO, SCAG is mandated by the federal government to prepare regional plans for transportation, growth management, hazardous waste management, and air quality. As cited in Table 6.1-1, SCAG projects a smaller population increase for Costa Mesa: 114,00 residents in 2035. With the proposed amended land use policy, the City projects a population of 131,650 in 2035. This projection will be included in SCAG's future updates to the RTP/SCS. Thus, in this light, the project's contribution to regional cumulative land use impacts is not considerable due to the small increase relative to Orange County as a whole. Importantly, this growth will allow the City to accommodate its share of low-income housing development opportunities in accordance with the Regional Housing Needs Allocation. (FEIR, pp. 6.0-5 and -6.)

#### **K. Mineral Resources**

Available data regarding mineral resources in the planning area indicate the presence of known or potential significant mineral resources including oil and aggregate. As addressed in Section 4.10 (Mineral Resources), the only active oil wells in the planning area are not affected by the proposed land use changes. The aggregate resource areas have not been determined for significance and for the most part are covered by existing urban uses. The proposed General Plan Amendments do not contain policies that conflict with the recovery of future mineral resources; therefore, significant mineral resource deposits, should they be unearthed in the future, would continue to be protected over the long term. The project would not contribute to a significant cumulative loss of mineral resources. (FEIR, p. 6.0-6.)

#### **L. Noise**

Implementation of the proposed General Plan Amendments would not generate new stationary noise sources outside of the planning area and would not, therefore, result in cumulatively considerable noise impacts involving stationary sources. Additional traffic volumes associated with future growth in the planning area would combine with regional traffic on major, inter-jurisdictional roads and highways leading to Costa Mesa that would contribute to cumulative effects involving roadway noise. However, as concluded in the noise study conducted for the project (FEIR, Appendix D), the level of traffic noise attributable to Costa Mesa-based trips would not result in cumulatively considerable changes in roadway noise levels in the context of regional traffic growth. (FEIR, p. 6.0-6.)

#### **M. Population and Housing**

Under the General Plan Amendments, no permanent or temporary housing units would need to be or are proposed to be removed, relocated, or otherwise displaced to implement the proposed plan. This project would not contribute to cumulative impacts involving displacement of housing or persons since proposed General Plan policies allow for an increase in new housing construction relative to current conditions, and much of that housing could be constructed at densities of 30 units per acre or more, densities which the State Department of Housing and Community Development considers capable of incentivizing construction of housing for lower-income households. Based on the proposed General Plan land use plan and the intensity levels specified therein, the ultimate population, employment capacity, and number of dwelling units would increase when compared to existing conditions. The proposed General Plan Amendments can accommodate a population of approximately 131,690 residents. By increasing housing development capacity above that projected by regional agencies, the City would be able to accommodate projected growth within the City and additional demand from the region, particularly for housing at higher densities that could be affordable housing. Proposed General Plan land use policy could accommodate an employment level of 104,425 jobs, which would meet and exceed its anticipated employment growth of 88,800 by 2035 projected by SCAG (FEIR, Table 6.1-1). While the capacity for jobs growth under the proposed General Plan Amendments exceeds that projected in regional plans, the effect is not cumulatively considerable since the sites designated for jobs-related uses by the General Plan Amendments are already so designated. (FEIR, pp. 6.0-6 and -7.)

#### **N. Public Services**

The context for analyzing impacts related to public services is the relationship between local and regional population and urban growth and the concurrent need of individual service providers to expand facilities to meet the increasing demand. The draft General Plan Safety Element includes policies designed to ensure that appropriate levels of service are provided by requiring funding, facilities expansion, and service enhancements commensurate with long-term development in the planning area. The General Plan Amendments would not result in a considerable contribution to cumulative impacts associated with the expansion of and need for public services. (FEIR, p. 6.0-7.)

**O. Recreation**

Local and community recreation resources are provided for the benefit of the immediate vicinity and generally are not subject to cumulative impacts. The context for assessing cumulative impacts to parks and recreation resources are at the regional level, where multi-jurisdictional growth would put pressure on the availability and condition of parks and recreation facilities. Incremental residential growth in the planning area and in its outskirts would increase the demand for local, community, and regional recreation resources. Regional facilities would be required to expand to meet growing demand as the planning area and in Orange County. The proposed General Plan land use plan does not allocate specific land for parks and recreation uses, but includes policies for collecting fees from new development to develop and maintain community park facilities (Policies LU-3.A.3 and OSR-1.H). Also, the General Plan includes a policy directing the City to target parks in underserved neighborhoods, as identified in the Open Space and Recreation Element. Given the City's record of commitment to park facilities maintenance and the considerable acreage of regional and institutional parkland nearby (Fairview Park and Talbert Regional Park, school playgrounds) that supplement City-owned parks, the potential impact of the General Plan Amendments on recreation is not considered significant. (FEIR, pp. 6.0-7 and -8.)

**P. Transportation and Traffic**

The context for assessing the cumulative contribution of the proposed project to conditions on the local and regional transportation network is addressed through the assumptions inherent in the regional traffic model used to assess project-specific impacts (DEIR, Appendix C). Future traffic volumes were based on buildout of the proposed General Plan and were determined using the Costa Mesa Traffic Model (CMTM). As noted in the traffic study, the CMTM is derived from the Orange County Transportation Analysis Model, Version 3.4 (OCTAM 3.4), which is maintained by the Orange County Transportation Authority (OCTA), and has been developed according to OCTA's Orange County sub-area traffic modeling guidelines. The CMTM has been certified by the OCTA as being consistent with the OCTAM regional model. Thus, assumptions regarding cumulative growth, meaning future traffic on the road network not attributable to the proposed project, are inherent in the analysis. The results of the traffic analysis indicate that the Costa Mesa Master Plan of Streets and Highways, which the City will ensure is consistent with the Orange County Master Plan of Arterial Highways, and the planned and funded future roadway and intersection improvements described Section 4.16 of this EIR will adequately accommodate projected future traffic volumes associated the proposed General Plan Amendments and background cumulative traffic volumes. Cumulative impacts would be less than significant. (FEIR, p. 6.0-8.)

**Q. Utilities and Service Systems**

The context for assessing cumulative impacts to utilities and service systems varies depending on the service area and capacity of the utility which may vary from the planning area, Orange County, or (in terms of water) even statewide. Long-term maintenance and potential expansion of water, wastewater, flood control, and solid waste disposal facilities will be required as the region continues to grow and existing infrastructure ages. Utility providers currently impose development impact fees, connection fees, and service fees designed to maintain and incrementally expand infrastructure to meet existing and growing demand. Future development in the project vicinity and throughout the region would be subject to such fees in accordance with applicable ordinances and service master plans. The proposed General Plan Amendments would not have a cumulatively considerable impact on these facilities because the General Plan Amendments include policies that support water conservation, wastewater reuse, and recycling that would reduce impacts on regional utilities. These policies, coupled with existing regulations, would provide for cumulatively considerable impacts to utilities and service systems to be less than significant. (FEIR, p. 6.0-8.)

## **SECTION 6.0: FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

An irreversible commitment of non-renewable natural resources is inherent in any development project, or in the case of the General Plan Amendments, numerous development projects over a long period of time. Such resources would include, but are not limited to, lumber and other related forest products; sand and gravel, native topsoil, a variety of metals used in the manufacture of building materials such as steel, copper piping and wiring, etc., along with hydrocarbon-based fuel sources that require extraction and chemical alteration and/or combustion of natural resources such as oil, natural gas, coal, and shale.

Implementation of the General Plan Amendments represent a long-term commitment to the consumption of energy for electricity, water and space heating, water supply and treatment, industrial processes, as well as fuels to power various modes of mechanized transportation. Impacts associated with long-term energy consumption would depend on the energy sources and methods of producing energy. Typical hydrocarbon-based sources produce higher volumes of various criteria air pollutants and greenhouse gasses than renewable energy sources such as wind and solar power or alternative fuel sources such as biodiesel and cellulosic ethanol. To the extent that hydrocarbon based fuel sources are replaced with less polluting, renewable sources; the irreversible commitment of non-renewable resources would be reduced. (FEIR, p. 6.0-14.)

## **SECTION 7.0: FINDINGS REGARDING GROWTH-INDUCING IMPACTS**

The proposed General Plan Amendments are specifically intended to provide for the orderly growth within the planning area to achieve economic, environmental, and quality of life benefits. Nothing in the General Plan Amendments propose new infrastructure systems to facilitate growth of undeveloped areas that were not proposed in the existing General Plan. There are no proposed policies, regulations, or ordinances that are part of the project or implied by the General Plan Amendments that would encourage or enable significantly higher levels of growth than currently envisioned. The General Plan Amendments include the Residential Incentive Overlay, which would increase allowed residential densities in Costa Mesa to 40 units per acre on targeted properties along transit-oriented routes. This policy may be considered growth inducing as it may incentivize the private redevelopment of commercial properties. However, because amendments are focused on existing developed sites or sites surrounded by existing development, infrastructure currently exists to support the level of growth. Also, the planning of denser development near transit is consistent with City, regional, and State policies—implemented in part by the provisions of Senate Bill 375—to encourage integration of land use and transit planning.

Projects permitted pursuant to amended land use policy would provide for additional housing for all income levels, create a better balance of residential and non-residential uses in the community, promote organized and pedestrian-friendly commercial development, and protect natural resources. Implementation of the General Plan Amendments would result in a more inclusive community, maintain a balance between housing and employment, and foster a stable economic base and diverse employment opportunities. (FEIR, p. 6.0-9.)

## **SECTION 8.0: PROJECT ALTERNATIVES**

Where a lead agency has determined that, even with the adoption of all feasible mitigation measures, a proposed project would still cause one or more significant environmental impacts that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and

feasible within the meaning of CEQA. An alternative may be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project.

Where significant impacts are identified, Section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions as a way of avoiding the significant impacts. Subsection (a) states:

(a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

(b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

(c) The range of potential alternatives to the Project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

However, when a project would not result in any significant and unavoidable impacts, the lead agency has no obligation to consider the feasibility of alternatives to lessen or avoid environmental impacts, even if the alternative would reduce the impact to a greater degree than the Project. (Pub. Res. Code § 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) Again, the analysis of alternatives set forth in this section is intended to provide additional information and flexibility to the decision-makers when considering the Project.

In accordance with CEQA Guidelines Section 15126.6, a reasonable range of alternatives to the project are described in Chapter 5 of the Draft EIR and summarized below.

## **A. Project Objectives**

The overarching objectives for the proposed General Plan Amendments are as follows:

- 1) Replace the current General Plan Elements with updated elements that reflect the goals and aspirations of the community through 2035.
- 2) Accommodate increased development capacity at targeted sites to expand housing development opportunities for all income ranges, including lower-income households; allow for compact, walkable mixed-use environments; and increase capacity for jobs growth in areas where infrastructure, and roadway infrastructure in particular, can sufficiently support such growth.
- 3) Ensure the General Plan, as amended, achieves compliance with all applicable State laws and regulations.
- 4) Ensure that the development, use, and maintenance of public and private lands will always:
  - a. Respect Costa Mesa's heritage and historic resources,
  - b. Protect Costa Mesa's traditional suburban development pattern and residential neighborhoods while accommodating new, more urban approaches to development,
  - c. Provide opportunities for diverse businesses that generate revenue and employment, and
  - d. Promote high-quality design.
- 5) Accommodate circulation and mobility options beyond the automobile. In all infrastructure and development planning decisions, the City looks to:
  - a. Provide for the integration of automobiles, transit, bicycles, and pedestrians within the established street network using the Complete Street system,
  - b. Provide greater connectivity and reduce congestion on the street network,
  - c. Promote efficient and high-quality transit use, including bus routes serving Costa Mesa, and
  - d. Focus new development on major arterials, served by a variety of transportation modes.

## **B. Considered and Rejected Alternatives**

In the course of selecting alternatives to be considered for analysis, the City focused on analyzing those alternatives which could potentially reduce the significant unavoidable effects related to the project and also achieve project objectives, including the key objective of providing incentives to revitalize sections of the Harbor and Newport Boulevard corridors. The project was found to potentially result in significant, unavoidable, adverse impacts (direct and cumulative) related to air quality emissions and greenhouse gas emissions.

Avoidance of these impacts may be achieved by reducing population growth to be in accordance with SCAG's 2012 Regional Transportation Plan/Sustainable Communities Strategy. For example, making no changes to changes to certain focus areas (i.e. the Los Angeles Times site, the Segerstrom Home Ranch site, or the Fairview Development Center site) would reduce trip generation compared to the proposed project. Removing the Residential Incentive Overlay along Harbor and Newport Boulevards would reduce potential population growth. However, because the Residential Incentive Overlay is proposed to achieve a key revitalization objective and because the Overlay has the potential to create a variety of new housing opportunities, including potential for housing accessible to lower income households, not adopting the Residential Incentive Overlay was rejected as an alternative on this ground.

The City also considered an alternative that would allow for new residential development on key sites north of I-405. However, this alternative was also rejected from further consideration as it was considered during

the public workshops held for preparation of the Draft General Plan Amendments and not selected as policy to pursue.

### **C. Alternatives Analyzed in the EIR**

#### **Alternative 1: No Project Alternative**

**Description:** According to Section 15126.6(e)(2) of the CEQA Guidelines, the evaluation of alternatives in an EIR shall include a "no project" scenario, defined as "...what is reasonably expected to occur in the foreseeable future if the General Plan Amendments were not approved, based on current plans and consistent with available infrastructure and community services." For the purpose of this EIR, this alternative assumes that the proposed General Plan Amendments would not be adopted and implemented. Instead, the planning area would continue to be developed according to the existing Land Use Plan and in accordance with current City policies. This alternative is considered to be feasible since it is currently in effect as the City's legislatively adopted General Plan. (FEIR, p. 5.0-2.)

If the adopted policies were to remain in effect, no land use changes would be made with regard to the proposed Overlay designations and the new Multi-Use Center land use designation, and no amended policies reflecting the desires of the community and City decision-makers identified during the public outreach process would be implemented. (FEIR p. 5.0-2; see also FEIR Table 5-1, p. 5.0-3.)

**Finding:** The City Council rejects Alternative 1 on the following ground, which independently and individually provides sufficient justification for rejection of this alternative: (1) Alternative 1 does not meet any of the Project's objectives.

**Explanation:** Because Alternative 1 represents a condition which is consistent with current growth projections in SCAG's RTP/SCS and thus is also consistent with the current Air Quality Management Plan, Alternative 1 reduces the proposed Project's significant and unavoidable air quality and greenhouse gas emissions impacts to a level of less than significant. However, Alternative 1 does not replace the current General Plan Elements with updated elements that reflect the goals and aspirations of the community; does not accommodate increased development capacity at targeted sites to expand housing opportunities within the City; does not provide opportunities for diverse businesses that generate revenue and employment; does not provide for the integration of automobiles, transit, bicycles, and pedestrians within the established street network using the Complete Street system; and finally, does not focus new development on major arterials, served by a variety of transportation modes. Therefore, this alternative fails to meet most of the General Plan Amendments' basic project objectives. (FEIR, p. 5.0-3.)

#### **Alternative 2: Fairview Developmental Center Site Maintains its Institutional Land Use Designation**

**Description:** The Fairview Development Center is a State-operated facility for persons with developmental and intellectual disabilities. The State's longer-range plans to restructure or close the facility would provide an opportunity for redevelopment and reuse. The General Plan Amendments would change the land use designation from Public/Institutional to Multi-Use Center which would allow Public/Institutional uses on 50% the site while allowing up to 500 residences (300 at 25 units/acre and 200 units at 15 units/acre) on 25% of the site, and open spaces area on the remaining 25%. Currently, the State has no immediate plans to remove this site's housing and support facilities, although in 2015 the State Department of General Services began to conduct public meetings on future closure, and Governor Jerry Brown's budget plans call for closure by 2021. This alternative assumes that the Institutional designation remains and the facility remains in operation. (FEIR, p. 5.0-3.)

**Finding:** The City Council rejects Alternative 2 on the following grounds, each of which independently and individually provides sufficient justification for rejection of this alternative: (1) Alternative 2 does not reduce the proposed Project's significant and unavoidable impacts to a level of less than significant (2) Alternative 2

does not meet most of the project's basic project objectives; and (3) Alternative 2 is infeasible for legal, economic, social, and other reasons.

**Explanation:** Although Alternative 2 would result in decreasing residential densities on the Fairview Developmental Center site, Alternative 2 would still exceed population projections due to the potential for additional residential development to occur as a result of the Residential Incentive Overlay, the Harbor Boulevard Mixed Use Overlay, and other General Plan Amendments. As such, air quality and greenhouse gas emissions impacts would remain significant and unavoidable under Alternative 2. Second, Alternative 2 does not meet most of the project's basic objectives which include replacing the current General Plan elements with ones that reflect the goals and aspirations of the community, which includes redevelopment of this site in a manner that supports additional housing within the City (Objective 1). Further, one of the project's main objectives is to accommodate increased development capacity at targeted sites – given that the Fairview Developmental Center site is a fairly large property, and given that the State will likely desire to redevelop the property at some point in the future, it serves as a prime "target site" within the City to accommodate growth and provide community benefits (Objective 2). Finally, failing to re-designate the Fairview Developmental Center site as "Multi-Use Center" would be in conflict with the project objective of protecting the City's traditional suburban development pattern while accommodating more urban development (Objective 4). This is because by focusing new growth and development on the Fairview Developmental Center site, the City will be focusing growth away from less dense existing residential neighborhoods. As such, Alternative 2 fails to meet most of the proposed projects basic objectives. On similar grounds, Alternative 2 would be infeasible for social and economic reasons.

### ***Alternative 3: Los Angeles Times Site Maintains an Industrial Land Use Designation***

The Los Angeles Times site is north of I-405 and occupied by the former Los Angeles Times publishing plant and an adjacent property under the same ownership. The site currently is designated Industrial Park, which does not allow commercial/retail and office uses. The proposed Commercial Center designation would expand the allowable use to allow commercial/retail at a maximum FAR of 0.54 and office development at 0.64 FAR maximum. Alternative 3 would keep the existing Industrial Park land use designation, which would preclude the retail and office uses and allow development at a range of 0.20 FAR for high-traffic generating land uses to 0.75 for very low-generating uses.

**Finding:** The City Council rejects Alternative 3 on the following grounds, each of which independently and individually provides sufficient justification for rejection of this alternative: (1) Alternative 3 does not reduce the proposed Project's significant and unavoidable impacts to a level of less than significant; (2) Alternative 2 does not meet most of the project's basic objectives; and (3) Alternative 3 is infeasible for legal, economic, social, and other reasons.

**Explanation:** Although Alternative 3 would reduce the potential for new industrial development on the Los Angeles Times Site, Alternative 3 would not reduce potential residential development and therefore would still exceed population projections due to the potential for additional residential development to occur as a result of the Residential Incentive Overlay, the Harbor Boulevard Mixed Use Overlay, and other General Plan Amendments. As such, air quality and greenhouse gas emissions impacts would remain significant and unavoidable under Alternative 3. Second, Alternative 3 does not meet most of the project's basic objectives which include replacing the current General Plan elements with ones that reflect the goals and aspirations of the community, which includes the designation of land uses that support needed and modern uses that are in demand (Objective 1). Here, the Los Angeles Times site is currently designated for industrial uses only, while the proposed project would allow office and retail uses on this site. The existing publishing plant, while an industrial use, is no longer in operation. Therefore, the re-designation of the site would meet project Objective 1, while leaving the site's designation untouched would not. Further, one of the project's main objectives is to accommodate increased development capacity at targeted sites – given that the Los Angeles Times site is a relatively larger property already served by infrastructure, currently underutilized, it serves as a prime "target

site" within the City to accommodate non-residential growth and an increased capacity for job growth (Objective 2). Finally, failing to accommodate additional retail and office uses at this site would be in conflict with the project objective of providing opportunities for diverse businesses that generate revenue and employment (Objective 4). As such, Alternative 3 fails to meet most of the proposed projects basic objectives. On similar grounds, Alternative 3 would be infeasible for social and economic reasons.

***Alternative 4: Segerstrom Home Ranch Property Remains at Existing Land Use Intensity***

The amended Land Use Element would revise the North Costa Mesa Specific Plan development standards for the 43.57-acre Segerstrom Home Ranch sub-area. The North Costa Mesa Specific Plan allows office and office-related uses. With the amendment, the Segerstrom Home Ranch site would have the maximum FAR increase from 0.40 to 0.64, which would require an amendment to North Costa Mesa Specific Plan. This alternative would keep the existing land use intensity at a 0.40 FAR.

**Finding:** The City Council rejects Alternative 4 on the following grounds, each of which independently and individually provides sufficient justification for rejection of this alternative: (1) Alternative 4 does not reduce the proposed Project's significant and unavoidable impacts to a level of less than significant; (2) Alternative 4 does not meet most of the project's basic project objectives; and (3) Alternative 4 is infeasible for legal, economic, social, and other reasons.

**Explanation:** Although Alternative 4 would reduce the potential for increased development intensity on the Los Angeles Times Site, Alternative 4 would not reduce potential residential development and therefore would still exceed population projections due to the potential for additional residential development to occur as a result of the Residential Incentive Overlay, the Harbor Boulevard Mixed Use Overlay, and other General Plan Amendments. As such, air quality and greenhouse gas emissions impacts would remain significant and unavoidable under Alternative 4. In addition, Alternative 4 does not meet most of the project's basic objectives which include replacing the current General Plan elements with ones that reflect the goals and aspirations of the community, which includes the provision of land uses that allow for and accommodate growth in areas that can so accommodate (Objective 1). Here, the Segerstrom Home Ranch and Sakioka Lot 2 sites are generally underutilized areas located within the North Costa Mesa Specific Plan. By revising the development standards on these two properties, the proposed project would accommodate growth on parcels that are already served by infrastructure. Further, one of the project's main objectives is to accommodate increased development capacity at "targeted sites"— given that these sites are relatively large, well-served by infrastructure, and currently underutilized, they are considered prime "target sites" to accommodate new residential and non-residential growth (Objective 2). Finally, failing to accommodate additional development this site would be in conflict with the project objective of providing opportunities for diverse businesses that generate revenue and employment (Objective 4). As such, Alternative 4 fails to meet most of the proposed projects basic objectives. On similar grounds, Alternative 4 would be infeasible for social and economic reasons.

***D. Environmentally Superior Alternative***

Alternative 1 (the "no project" alternative) has the potential to eliminate the significant, unavoidable impacts associated with the project with regard to air quality and greenhouse gas emissions (due to inconsistency with the RTP/SCS and Air Quality Management Plan). Per Section 15126.6(c) of the State CEQA Guidelines, if the no project alternative is the environmentally superior alternative, an environmentally superior among the other alternatives must be identified.

According to the State CEQA Guidelines, when an EIR finds the "No Project" alternative to be the environmentally superior alternative, CEQA requires the lead agency to designate the next-best environmental alternative as the environmentally superior alternative. Generally, CEQA requires lead agencies to adopt the environmentally superior alternative in lieu of the proposed project, unless the lead

agency finds a basis for rejecting the alternative. CEQA provides three bases for rejecting an alternative: (1) the alternative is not environmentally superior to the proposed project including all its mitigation measures, (2) the alternative fails to meet most of the basic project objectives, or (3) the alternative is infeasible for legal, economic, social, or other reasons.

Here, Alternative 2 (retaining the Public/Institutional designation on the Fairview Developmental Center site) reduces impacts in the most categories compared to the proposed General Plan Amendments. However, impacts relative to air quality and greenhouse gas emissions would likely remain significant and unavoidable under Alternative 2 due to development on other properties citywide. As discussed above, the City Council rejects Alternative 2 on three separate and individually sufficient reasons. First, while it reduces impacts in most categories as compared to the General Plan Amendments, impacts to air quality and greenhouse gas emissions would still remain significant and unavoidable. Second, Alternative 2 does not meet most of the project's basic project objectives. And third, Alternative 2 is infeasible for legal, economic, social, and other reasons. Therefore, the City Council is not obligated to adopt Alternative 2.

## **SECTION 9.0: STATEMENT OF OVERRIDING CONSIDERATIONS**

The City Council hereby declares that, pursuant to Public Resources Code Section 20181(b) and State CEQA Guidelines Section 15093, the City Council has balanced the economic, legal, social, technological, or other benefits of the Project against any unavoidable environmental impacts in determining whether to approve the project. Pursuant to the State CEQA Guidelines, if the benefits of the project outweigh the unavoidable adverse environmental impacts, those impacts may be considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects which may occur as a result of the project. With the implementation of the mitigation measures discussed in the EIR and adopted by this Resolution, these effects can be mitigated to a level of less than significant except for the unavoidable significant impacts with respect to air quality and greenhouse gas/climate change discussed in Section 4 of this Resolution.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the project.

The City Council hereby declares that to the extent any mitigation measures recommended in the EIR would not be incorporated, such mitigation measures are infeasible because they would impose restrictions on the project that would prohibit the realization of specific economic, social and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of project objectives and/or specific economic, social and other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effect of the project to the extent feasible by adopting the mitigation measures contained in this Resolution, having considered the entire administrative record on the project, and having weighed the benefits of the project against its unavoidable adverse impact after mitigation, the City Council has determined that each of the following social, economic, and environmental benefits of the project separately and individually outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

- A. Establish a Balanced Community.** The General Plan Amendments establish and maintain a balance of land uses throughout the community to preserve the residential character of the City at a level no greater than can be supported by the infrastructure. (Goal LU-1)

- B. Preserve and Protect Residential Neighborhoods.** The General Plan Amendments promote land use patterns and development that contribute to community and neighborhood identify. (Goal LU-2)
- C. Development that is Sensitive to Environmental Resources.** The General Plan Amendments encourage new development and redevelopment that protects and improves the quality of Costa Mesa's natural environment and resources. (Goal LU-4)
- D. Adequate Community Services, Transportation System, and Infrastructure to Meet Growth.** The General Plan Amendments ensure availability of adequate community facilities and provision of the highest level of public services possible, taking into consideration budgetary constraints and effects on the surrounding area. (Goal LU-5)
- E. Economically Viable and Productive Land Uses that Increase the City's Tax Base.** The General Plan Amendments ensure the long-term productivity and viability of the community's economic base. (Goal LU-6)
- F. State Mandate.** The City is legally required to update its General Plan, pursuant to California Government Code Section 65302(b).

For each and all of these reasons, the City of Costa Mesa finds that, on balance, the benefits of the project outweigh the unavoidable environmental impact, and the impact has been minimized to the extent feasible. Therefore, the project's level of environmental impact is considered to be acceptable.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

## **City of Costa Mesa Mitigation Monitoring and Reporting Program**

### **General Plan 2035 June, 2016**

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

The Program Final Environmental Impact Report (FEIR) (June, 2016) prepared for the City of Costa Mesa General Plan 2035 (project) identified significant impacts associated with long-term air quality (inconsistency with regional plans), biology (potential burrowing owl habitat), greenhouse gas emissions, and hazardous materials (potential hazardous site conditions). Mitigation measures were included to reduce impacts with regard to biology and hazardous materials to less-than-significant levels. No feasible mitigation was available to reduce air quality and greenhouse gas impacts. In compliance with Public Resources Code Section 21081.6, this Mitigation Monitoring and Reporting Program has been prepared. This Mitigation Monitoring and Reporting Program is intended to provide verification that all applicable conditions of approval relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in City of Costa Mesa project files.

This Mitigation Monitoring and Reporting Program delineates responsibilities for monitoring the project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation. Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- 1) The City distributes reporting forms to the appropriate entities for verification of compliance.
- 2) Departments/agencies with reporting responsibilities will review the FEIR, which provides general background information on the reasons for including specified mitigation measures.
- 3) Problems or exceptions to compliance will be addressed to the City as appropriate.

- 4) Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- 5) Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented.
- 6) Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- 7) The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- 8) Appropriate mitigation measures will be included in construction documents and/ or conditions of permits/ approvals.

Minor changes to the Mitigation Monitoring and Reporting Program, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. No change will be permitted unless the Mitigation Monitoring and Reporting Program continues to satisfy the requirements of Public Resources Code Section 21081.6.

With regard to the required mitigation measures, they shall be applied to individual development projects as applicable. Notes shall be kept in individual project files to demonstrate compliance using the following table or similar documentation.

Table 1  
 Mitigation Monitoring and Reporting Checklist

Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Signature	Verification of Compliance Date	Notes
<p><b>Mitigation Measure 4.4A-1:</b></p> <p>A focused survey for burrowing owls shall be conducted by a qualified professional biologist for any new development project proposed on a vacant site of two acres or larger and with a landscape of annual and perennial grasslands, desert, or arid scrubland with low-growing vegetation or agricultural use or vegetation. The purpose of the survey is to determine if burrowing owls are foraging or nesting on or adjacent to the project site. If surveys confirm that the site is occupied habitat, mitigation measures to minimize impacts to burrowing owls, their burrows, and foraging habitat shall be identified. The results of this survey, including any mitigation recommendations, shall be incorporated into the project-level CEQA compliance documentation. Owl surveys and approaches to mitigation shall be in accordance with the Staff Report on Burrowing Owl Mitigation, issued by the California Department of Fish</p>	Developers of individual development projects	Prior to issuance of grading permits	Development Services Department	Prior to issuance of grading permits			

**Table 1  
 Mitigation Monitoring and Reporting Checklist**

Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance	
					Signature	Date
and Wildlife on March 7, 2012 (CDFW 2012).						
<p><b>Mitigation Measure 4.8D-1:</b></p> <p>Applications for new development projects requiring City discretionary approval shall include the results of a Phase I Environmental Site Assessment (ESA), prepared in accordance with the latest ASTM protocol for such assessments. If the Phase I ESA indicates some evidence that site contamination exists that could require cleanup to avoid danger to people or damage to the environment, a Phase II level review shall be completed to fully characterize the nature and extent of such contamination, and the scope of required clean up procedures. The results of the Phase II assessment shall be considered as part of the CEQA compliance process prior to any action on the project.</p>	Developers of individual development projects	Prior to issuance of demolition and/or grading permits	Development Services Department	Prior to issuance of demolition and/or grading permits		

**RESOLUTION NO. 16-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING AND ADOPTING THE COSTA MESA 2015-2035 GENERAL PLAN**

**WHEREAS**, Government Code section, 65350 *et seq.* authorizes local governments to prepare, adopt and amend general plans; and

**WHEREAS**, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of Costa Mesa; and

**WHEREAS**, the City Council of the City of Costa Mesa adopted the 2000 General Plan by Resolution No. 02-08 on January 23, 2002; and

**WHEREAS**, by its very nature, the General Plan needs to be updated and refined to account for current and future community needs; and

**WHEREAS**, the 2015-2035 General Plan, as an update to the 2000 General Plan, includes revisions to nine elements of the City's existing General Plan (Land Use, Circulation, Growth Management, Conservation, Open Space and Recreation, Noise, Safety, Community Design, and Historical and Cultural Resources Elements) and will incorporate the 2013-2021 Housing Element, which was adopted in 2014 (the "General Plan Amendments"); and

**WHEREAS**, the 2015-2035 General Plan has also been referred to as the "General Plan Update" and "General Plan Amendments"; and

**WHEREAS**, the General Plan Amendments will revise the following densities in the Land Use Element:

- Site specific FAR with a maximum of 0.64 on the 44-acre subarea of Segerstrom Home Ranch.
- Site specific FAR a maximum of 0.64 for office development and 0.54 for commercial/retail on the 23.5-acre former LA Times site.
- Site specific density of 80 du/acre for the 33-acre Sakioka Lot 2 site.
- A new "Multi-Use Center" land use designation for Fairview Developmental Center site allowing: 0.25 FAR Institutional & Recreational Uses, 25 percent minimum requirement for park and open space purposes (approximately 25.6 acres). Maximum cap of 500 dwelling units for the entire site at 15 dwelling units per acre. Exception: 300 dwelling units at 25 dwelling units per acre allowed for the Shannon's Mountain site (12-acre development area at Shannon's Mountain).
- A new "Residential Incentive Overlay" land use designation for five nodes along Harbor Boulevard (total 27.4 acres) allowing a residential density of up to 40 du/acre.

- A new “Residential Incentive Overlay” land use designation for ten nodes along Newport Boulevard (total 30.3 acres) allowing a residential density of up to 40 du/acre.
- A revision to the SoBECA Urban Plan allowing a site specific density of 40 du/acre and maximum of 450 units.
- A new “Harbor Mixed Use Overlay” land use designation for specific areas (24.6 acres) north of 19<sup>th</sup> Street allowing a mixed use development with maximum density of 20 du/acre and 1.0 to 0.25 FAR; and

**WHEREAS**, the General Plan Amendments will update the Land Use Policy Map to reflect the land use changes described immediately above. A copy of the updated Land Use Policy Map is attached hereto as Exhibit “A”; and

**WHEREAS**, the General Plan Amendments include revisions to the Circulation Element to ensure that it comports with the amended land use plan, incorporates “complete streets” strategies, and addresses all current planning laws; and

**WHEREAS**, the General Plan Amendments update all other elements of the City’s existing General Plan, except for the 2013-2021 Housing Element, to incorporate provisions that respond to State laws adopted since 2002, and to refine goals, policies and objectives in order to reflect local conditions and circumstances; and

**WHEREAS**, the primary objectives of the General Plan Amendments are to provide development alternatives for approximately 4 percent of the land within the City, update technical information and projections, incorporate the Housing Element certified by the California Department of Housing and Community Development on January 21, 2014; and

**WHEREAS**, the General Plan Amendments and all of the General Plan Elements comprise a logical, integrated, internally consistent and compatible statement of goals, policies and objectives; and

**WHEREAS**, the General Plan Amendments were sent to affected public entities, including the Orange County Airport Land Use Commission, for their review and comment in accordance with Government Code section, 65352; and

**WHEREAS**, in accordance with Government Code section, 65352.3, the City contacted California Native American tribes that are on the contact list maintained by the Native American Heritage Commission to invite these tribes to consult on the proposed General Plan Amendments, and the City did not receive a response from the listed tribes; and

**WHEREAS**, in accordance with Government Code section, 65355, the Planning Commission held four duly noticed public hearings on March 14, March 28, April 11, and April 25, 2016, to review and consider the General Plan Amendments, Errata to the General Plan Amendments, and the accompanying Draft Program Environmental Impact Report, State Clearinghouse No. 2015111053; and

**WHEREAS**, all persons wishing to speak were given an opportunity to testify both for and against the General Plan Amendments, Errata to the General Plan Amendments, and the accompanying Draft Program Environmental Impact Report (**SCH#2015111053**) at the Planning Commission public hearings on March 14, March 28, April 11, and April 25, 2016; and

**WHEREAS**, on April 25, 2016, the Planning Commission recommended that the City Council approve and adopt the General Plan Amendments, as modified by the Errata presented to it; and

**WHEREAS**, the Orange County Airport Land Use Commission considered the proposed General Plan Amendments on May 19, 2016, and unanimously found the proposed amendments consistent with the Commission's Airport Environs Land Use Plan for John Wayne Airport, with the inclusion of specific policies that have been added to the General Plan Amendments, as reflected in the Errata to the General Plan; and

**WHEREAS**, the City Council held three duly noticed public hearings on May 24, June 14, and June 21, 2016, during which the City Council considered the Planning Commission's recommendation, the Final EIR, and the General Plan Amendments with the Errata. During these public hearings all persons wishing to testify in connection with the Final EIR and the General Plan Amendments were heard, and the City Council fully studied the Final EIR and the General Plan Amendments and corresponding Errata documentation; and

**WHEREAS**, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Planning Commission's recommendation, the Errata to the General Plan Amendments, and the Final EIR, and all oral and written evidence presented to it during all meetings and hearings, all of which is incorporated herein by this reference; and

**WHEREAS**, on June 21, 2016, the City Council certified a Final Environmental Impact Report (State Clearinghouse # 2015111053) for the General Plan Amendments that fully analyzes and discloses the potential environmental impacts associated with the City Council's approval of the project; and

**WHEREAS**, the City has not received any comments or additional information that produced substantial new information requiring recirculation or additional environmental review under Public Resources Code sections, 21166 and 21092.1 and State CEQA Guidelines, section, 15088.5. No further environmental review is required for the City to adopt this Resolution; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct and are incorporated herein by reference as substantive findings of this Resolution.

**SECTION 2.** In accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*: “CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs., § 15000 *et seq.*), the City Council certified a Final Environmental Impact Report (State Clearinghouse # 2015111053), adopted findings pursuant to CEQA, adopted a Statement of Overriding Considerations for air quality and greenhouse gas emissions impacts (both direct and cumulative), and adopted a Mitigation Monitoring and Reporting Program) for the General Plan Amendments. The City has not received any comments or additional information that produced substantial new information requiring recirculation or additional environmental review under Public Resources Code sections 21166 and 21092.1 and State CEQA Guidelines, section, 15088.5. No further environmental review is required for the City to adopt this Resolution

**SECTION 3.** Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings made in this Resolution, the City Council hereby approves and adopts the 2015-2035 General Plan, as modified by the Errata to the General Plan.

**SECTION 4.** Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings made in this Resolution, the City Council hereby approves and adopts the updated Land Use Policy Map, which is attached hereto as Exhibit “A”.

**SECTION 5.** Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council makes the following findings with respect to the General Plan Amendments:

1. All of the Elements of the General Plan Amendments provide for and promote overall goals, objectives and policies that are consistent with each other, integrated, and internally consistent; and
2. The General Plan Amendments are integrated and each Element, as amended, is compatible with all other Elements of the General Plan, including the Housing Element, in that it will not conflict with, nor affect the implementation of, existing policies and programs therein.
3. The General Plan Amendments are reasonably related to the public health, safety and welfare because they guide and accommodate land uses, housing and circulation infrastructure in accordance with current law, community need, and future demand.

**SECTION 6.** The location and custodian of the documents and any other material which constitute the record of proceedings upon which the City Council based its decision

is as follows: City Hall, 77 Fair Drive, Costa Mesa, CA 92627. The custodian for these records is the Director of Development Services.

**SECTION 7.** In accordance with Government Code section, 65357, the City Council hereby directs staff to make available at City Hall, within one working day following the adoption of this Resolution, a copy of the General Plan Amendments, including the diagram and text, and all Errata.

**SECTION 8.** This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED this 21st day of June, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa

STATE OF CALIFORNIA )

COUNTY OF ORANGE )ss  
)

I, \_\_\_\_\_, City of Costa Mesa, City Clerk, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa City Council held on June 21, 2016 by the following votes:

AYES: COUNCILMEMBERS:

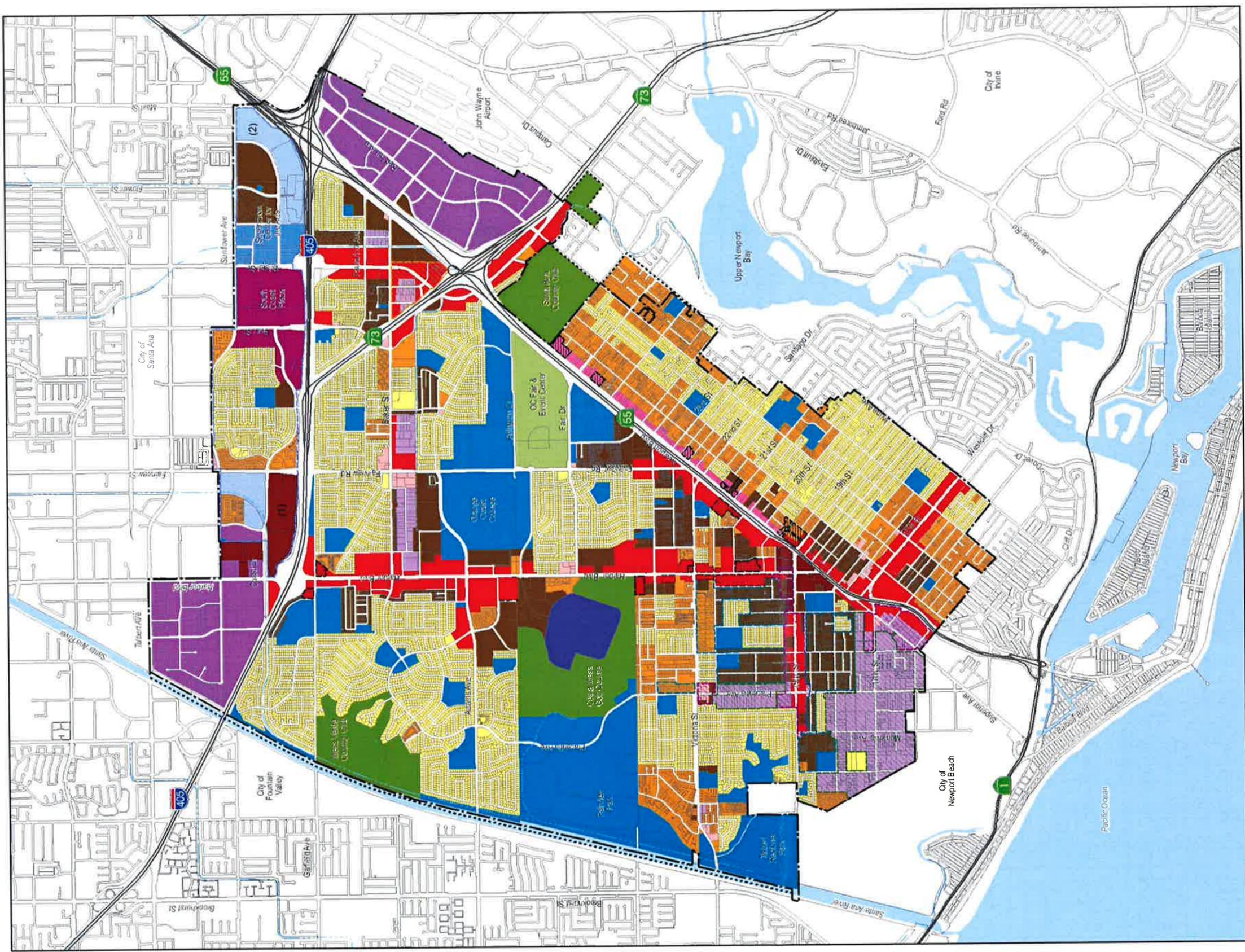
NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

\_\_\_\_\_  
City Clerk  
City of Costa Mesa

EXHIBIT A  
LAND USE MAP



**General Plan Land Uses**

- Low Density Residential (8 du/ac)
- Medium Density Residential (12 du/ac)
- High Density Residential (20 du/ac)
- Commercial-Residential (17.4 du/ac)
- Neighborhood Commercial
- General Commercial
- Commercial Center
- Regional Commercial

- Multi-Use Center (15 to 25 du/ac)
- Urban Center Commercial
- Cultural Arts Center
- Light Industrial
- Industrial park
- Golf Course
- Fairgrounds
- Public/Institutional

**Land Use Overlays**

- Residential Incentive Overlay (40 du/ac)
- Harbor Mixed-Use Overlay (20 du/ac; 1.25 FAR)
- SoBECA Mixed-Use Overlay (40 du/ac)\*

\* Not to exceed 450 units

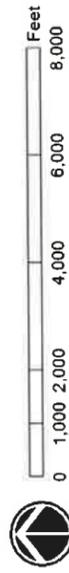
**Urban Plans and Specific Plan**

- 19 West Urban Plan
- Mesa West Bluffs Urban Plan
- Mesa West Residential
- North Costa Mesa Specific Plan

- (1) Segerstrom Home Ranch
- (2) Sakioka Site (Lot 2)

**Boundaries**

- City Boundary
- Sphere of Influence



Source: City of Costa Mesa, 2016.  
Date: March 2016

# EXHIBIT A : Land Use Policy Map