Pepperwood Place Project
Class 32 Categorical Exemption

Prepared For:

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November 2021

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Pepperwood Place Project
Development Project No. 2019-00139
910 S. Western Avenue, Anaheim, CA 92804
CLASS 32 CATEGORICAL EXEMPTION ENVIRONMENTAL CHECKLIST

PREPARED FOR:
The City of Anaheim
Planning & Building Planning Services Division
200 S. Anaheim Boulevard
Anaheim, CA 92805

APPLICANT:
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PREPARED BY:
EcoTierra Consulting, Inc.
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November 2021

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PEPPERWOOD PLACE PROJECT

CASE NUMBER: Development Project No. 2019-00139
Zoning Code Amendment
Zoning Reclassification
Conditional Use Permit
Subdivision Tract Map

PROJECT LOCATION: 910 S. Western Avenue, Anaheim, CA 92804

PROJECT APPLICANT:

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GENERAL PLAN DESIGNATION: Corridor Residential land use

ZONING: "T" Transition Zone

I. PROJECT DESCRIPTION

1. ENVIRONMENTAL SETTING

a) Project Location

The Project is located at 910 Western Avenue, Anaheim, CA 92804 in the City of Anaheim (the "City") and is associated with the following Assessor Parcel Numbers (the "Project Site"): 079-882-36 and 079-882-37. The Project Site is approximately 1.39 acres (60,548 square feet), exclusive of the required dedications, and comprised of two parcels of land located 280 feet north of the intersection with Ball Road, on the eastern side of Western Avenue (see **Figures I-1**, **Regional Vicinity and Project Location Map** and **I-2, Aerial View of Project Site**).

Regional vehicular access to the Project Site includes State Route 91 (SR-91) (Riverside Freeway), with access via Beach Boulevard, approximately 2.57 miles north of the Project Site. Western Avenue and Ball Road provide local access to the Project Site.

b) Existing Conditions

The Project Site is currently vacant; a single-family home and accessory garage were previously located on the Project Site. The Project Site is accessible by one existing driveway located on Western Avenue. See **Figure I-3, Views of the Project Site**.

The General Plan designates the Project Site for Corridor Residential land use. The Corridor Residential designation provides for development on minimum one-acre sites for single-family attached townhouse style housing fronting on arterial highways. Table LU-2 of the Land Use Element of the General Plan indicates that the "RM-1" Multiple-Family Residential Zone is the typical implementing zone for the Corridor Residential land use designation is the RM-1 Zone. The permitted density range is from zero up to 13 dwelling units per gross acre.

The Project Site is within the "T" Transition Zone. The intent of the "T" Transition Zone is to provide for a zone to include land for agricultural uses, in a transitory or interim use, restricted to limited uses because of special conditions, or not zoned to one of the zoning districts for whatever reason, including recent annexation.

The Project is subject to the approval of a Zoning Code amendment to allow the "RS-4" Single-Family Residential Zone to implement the Corridor Residential General Plan land use designation, a zoning reclassification from "T" Transition Zone to "RS-4" Single-Family Residential Zone, and the approval of a conditional use permit and a subdivision tract map.[1]

[1] *Anaheim Municipal Code, Section 18.04.020.*

c) Surrounding Land Uses

Single-family residential homes surround the Project Site to the north and east and multi-family residential is adjacent to the Project Site to the south. Across from the Project Site, to west along Western Avenue, are single-family and multi-family residential uses. **Figures I-4** and **I-5** provide views of the surrounding land uses.

2. PROJECT CHARACTERISTICS

a) Project Overview

The Project includes the construction of a new 12-unit, small lot single-family residential subdivision including one private street. The Project is located in the "T" Transition Zone and the use is subject to the approval of a zoning code amendment, zoning reclassification, conditional use permit, and subdivision tract map. The proposed lots range from 3,463 square feet to 4,336 square feet in size with single-family detached homes ranging from 2,314 square feet to 2,580 square feet. The Project would result in a density of 8.7 units/acre.

The two-story homes would be comprised of four bedrooms, three bathrooms, and a two car garage. There would be available parking for two additional cars on the adjacent driveway. In addition, there would be six on-street parking spaces provided. The buildings would range in height from approximately 25 to 29 feet, depending on the building elevation. Each lot would provide a minimum rear yard of 15.2-feet, a minimum five-foot side yard on each side of the dwelling unit, and a minimum 12-foot front yard. The Project would include front yard and streetscape landscaping across the proposed development.

Vehicles would access the property from a private street from Western Avenue. All service vehicles for the community, such as trash and deliveries, would access the Project Site through the private street. **Figures I-6** through **I-9** depict the Project's floor plans.

As described previously, the General Plan designates the Project Site for Corridor Residential land use and the RM-1 Zone is the typical implementing zone for this land use designation. However, there is a provision in the Land Use Element that states, "In addition to the typical zoning designations listed above, other zones may be substituted for the typical implementation zones, provided that the overall density ranges established by the General Plan are not exceeded." The density range for the Corridor Residential designation is zero to 13.0 units per acre.

The applicant is proposing to reclassify the Project Site to the "RS-4" Single-Family Residential Zone and develop the Project in accordance with the development standards of said zone. Approval of the Project would allow the construction of a new 12-unit, small lot single-family residential subdivision including one private street on a 1.39-acre Project Site, which would result in a density of 8.7 units/acre. The proposed density of development is within density range established for the Corridor Residential land use designation.

The Project would include a City-initiated Zoning Code Amendment to modify Code Section 18.04.020 (Intent of Individual Zones) to clarify that in addition to the RM-1 Zone, the RS-4 Zone

may be used to implement the Corridor Residential General Plan land use designation for projects with proposed densities that are no greater than 13 dwelling units per acre.

In order to permit development of the Project, the City would require approval of the following discretionary actions:

(1) **Zoning Reclassification** to reclassify the Project Site from the "T" Transition Zone to the "RS-4" Single Family Residential Zone;

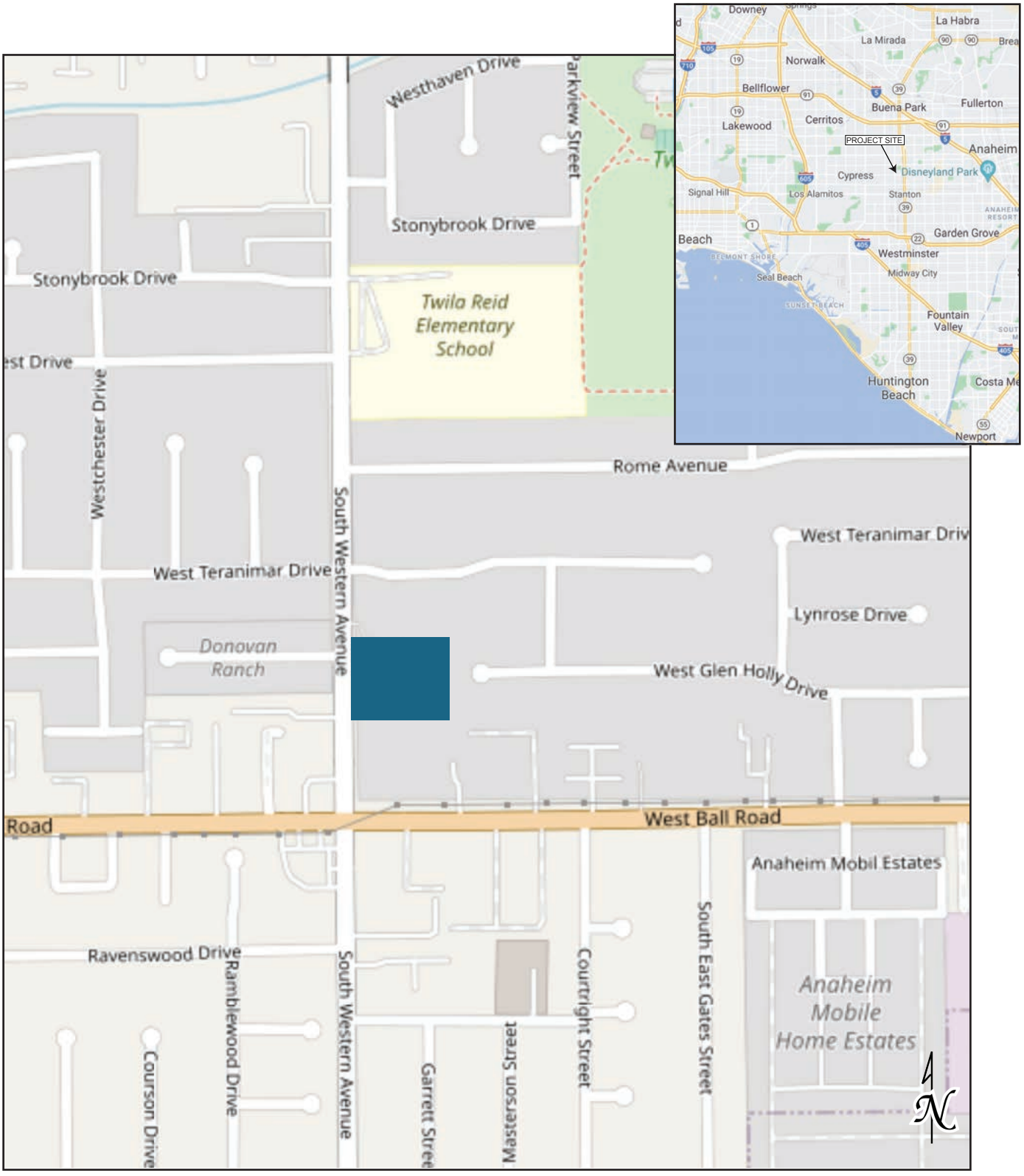
(2) **Conditional Use Permit** to allow development of 12 Single-Family Detached Dwellings; and

(3) **Subdivision Tract Map** to permit a 12-unit small lot subdivision.

In addition, the City would process the following request concurrently with the above discretionary actions:

(1) **Zoning Code Amendment** City-initiated request to amend Anaheim Municipal Code Section 18.04.020 (Intent of Individual Zones) to clarify that the "RS-4" Single-Family Residential Zone may be used to implement the Corridor Residential General Plan land use designation for projects with proposed densities that are no greater than 13 dwelling units per acre. This amendment would resolve an inconsistency between the General Plan and the Zoning Code that staff identified with the Project

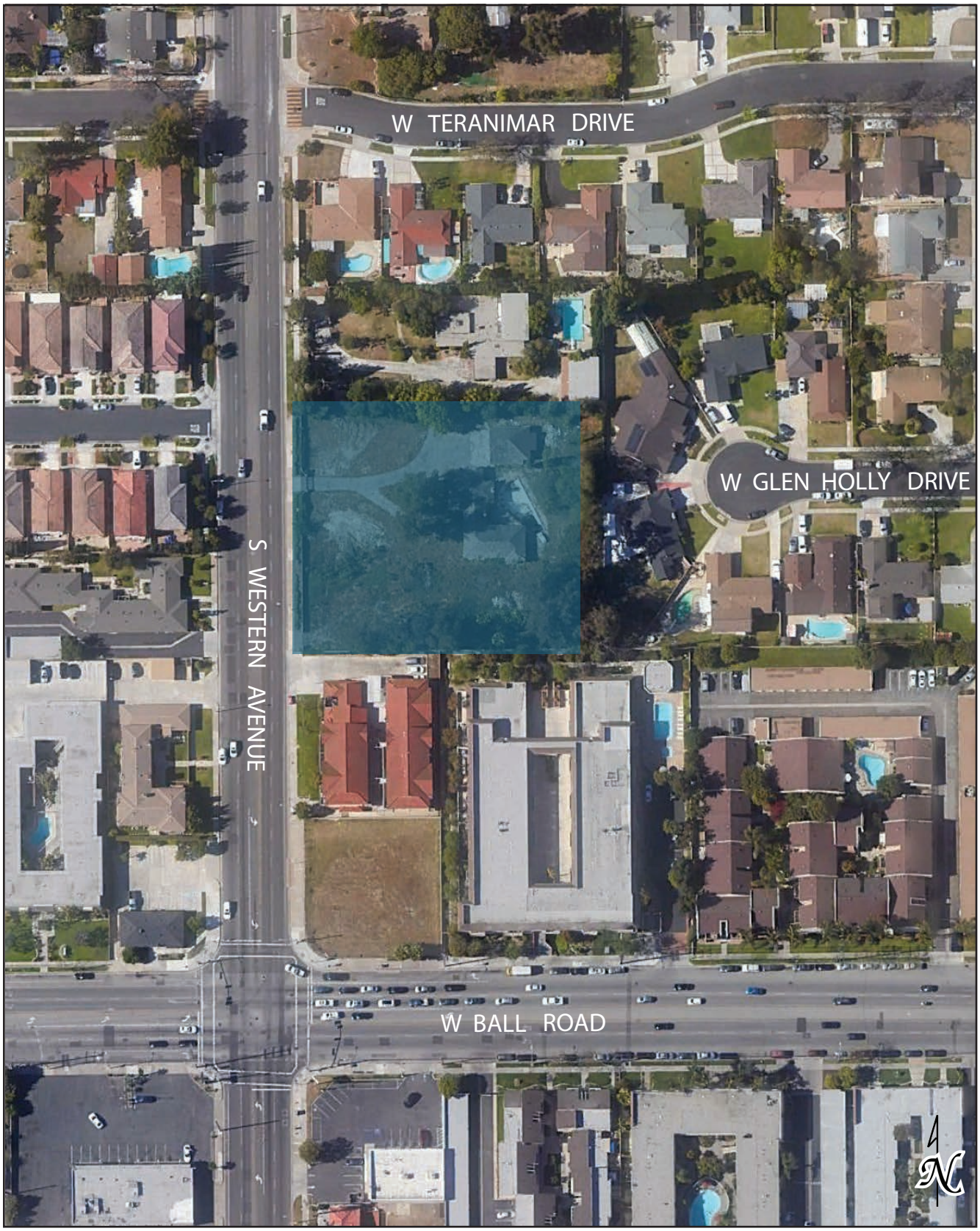
The Project would potentially require other ministerial permits and approvals, including, but not limited to, temporary street closure permits, demolition permits, grading permits, excavation/shoring permits, building permits, and sign permits in order to fully execute and implement the Project.



Project Site

Source: OpenStreetMaps, July 2021.

Figure I-1
Regional and Project Vicinity Location Map



Project Site

Source: Google Earth, July 2021.

Figure I-2
Aerial Photograph of the Project Site

View 1: View of the Project Site looking east from South Western Avenue.

View 2: View of the Project Site looking southeast from South Western Avenue.

View 3: View of the Project Site looking northeast- from South Western Avenue.

PROJECT SITE

PHOTO LOCATION MAP

Source: GoogleEarth, July 2021.

Figure I-3
Views of the Project Site
Views 1, 2, and 3

View 1: View of the single-family uses directly north of the Project Site.

View 2: View of the single-family uses directly west of the Project Site.

View 3: View of the multi-family use directly south of the Project Site.

PROJECT SITE

PHOTO LOCATION MAP

Source: GoogleEarth, July 2021.

Figure I-4
Views of the Surrounding Uses
View 1, 2, and 3

View 4: View of the multi-family uses directly south of the Project Site.

View 5: View of the single-family uses directly east of the Project Site.

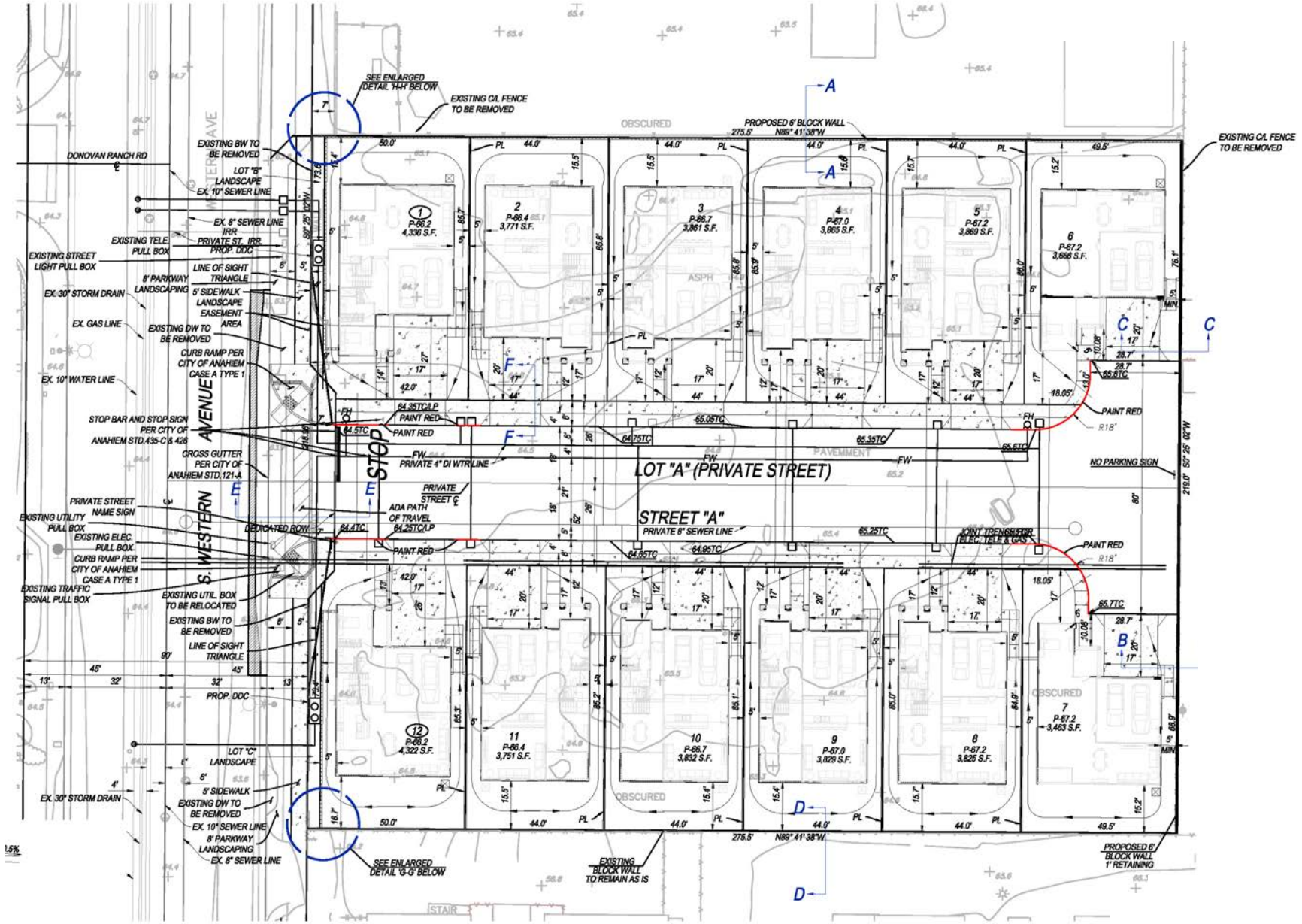
View 6: View of the single-family use directly east of the Project Site.

PROJECT SITE

PHOTO LOCATION MAP

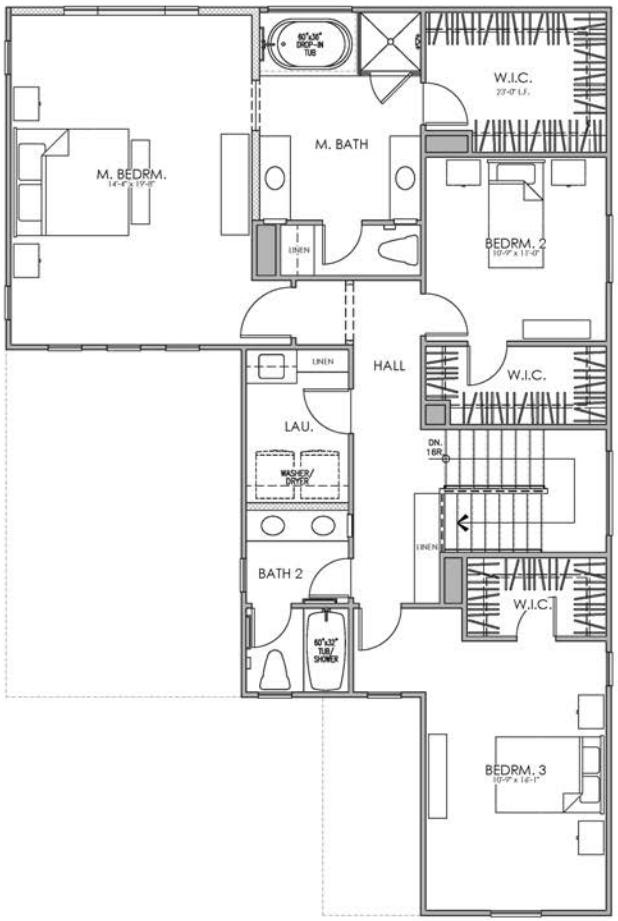
Source: GoogleEarth, July 2021.

Figure I-5
Views of the Surrounding Uses
View 4, 5, and 6

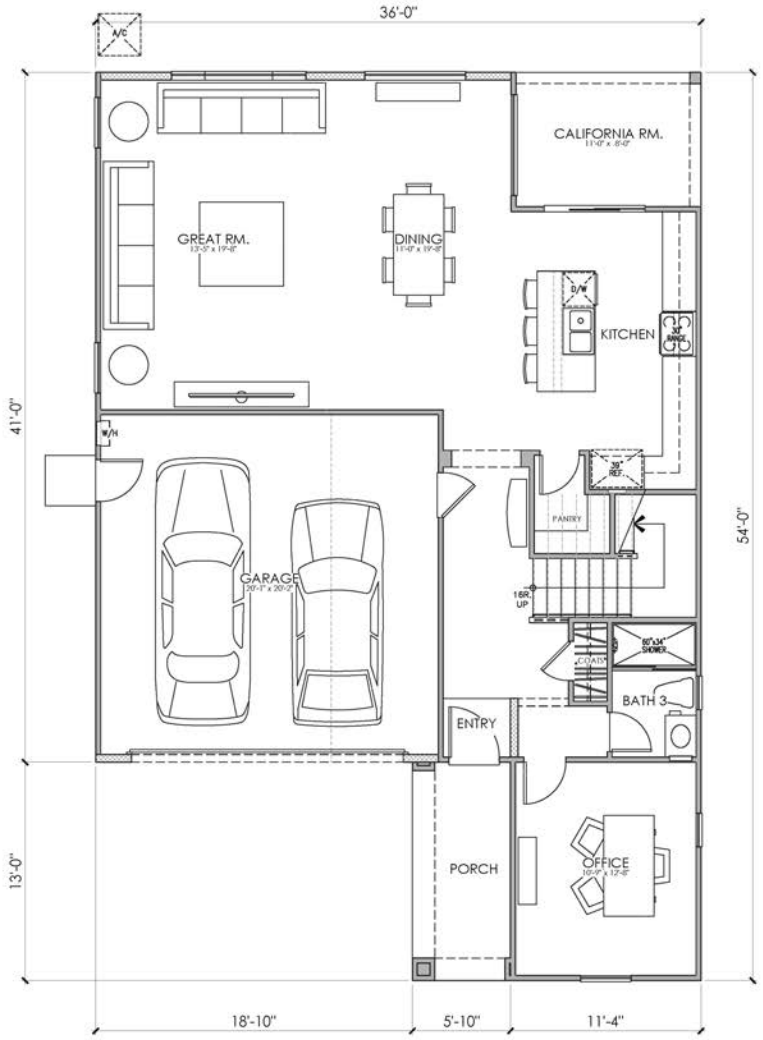


Source: Mayers & Associates Civil Engineering, Inc., October 2021.

Figure I-6
Conceptual Site Plan



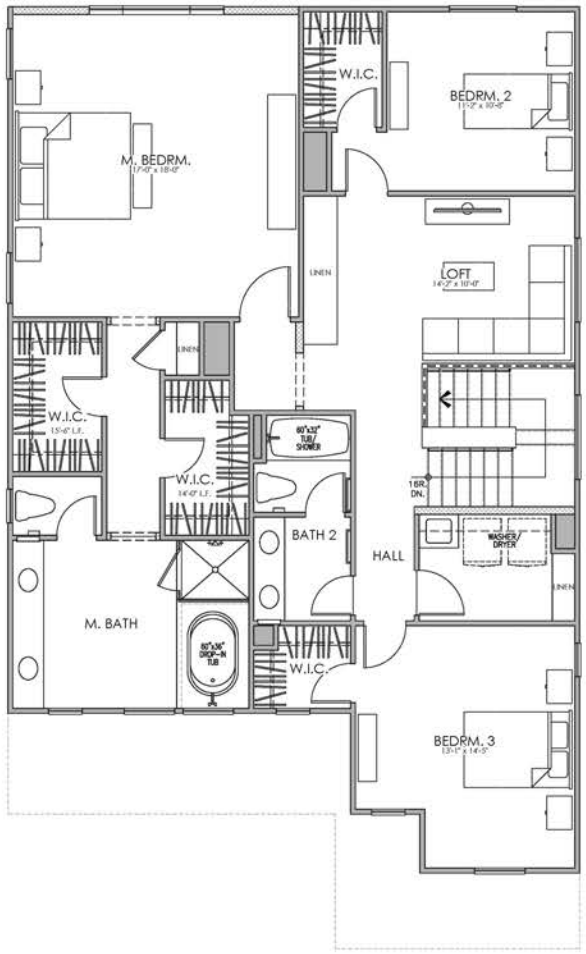
SECOND FLOOR PLAN



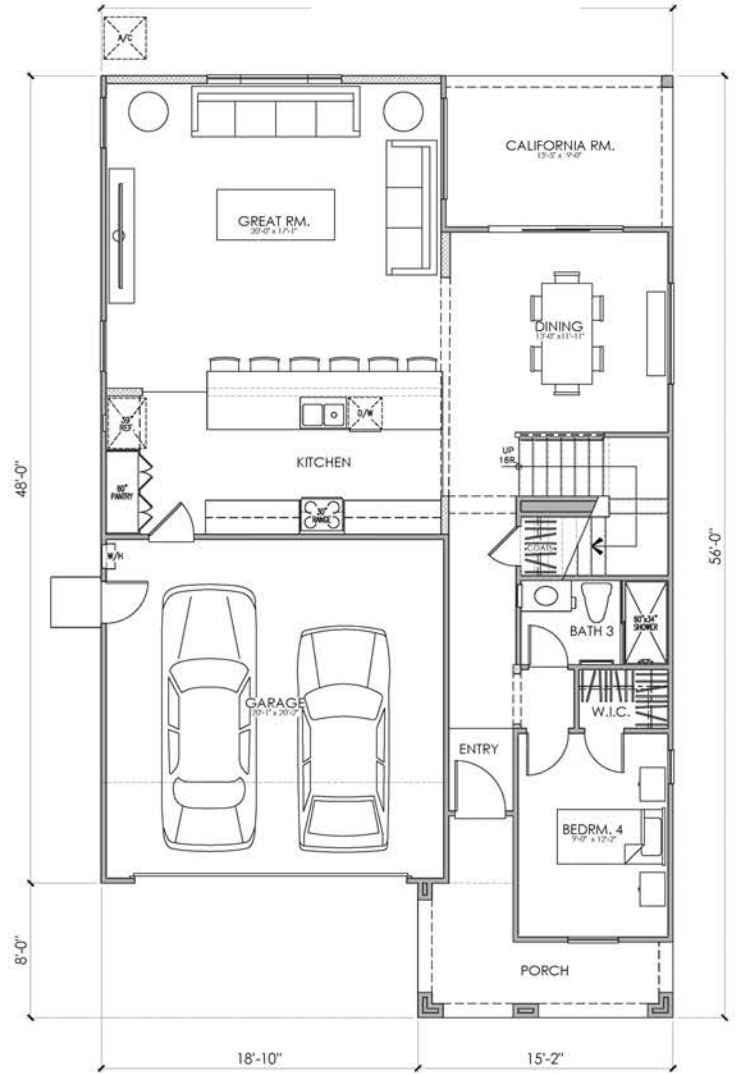
FIRST FLOOR PLAN

Source: Kevin L. Cook Architect, Inc., October 2021.

Figure I-7
Plan 1 Floor Plan



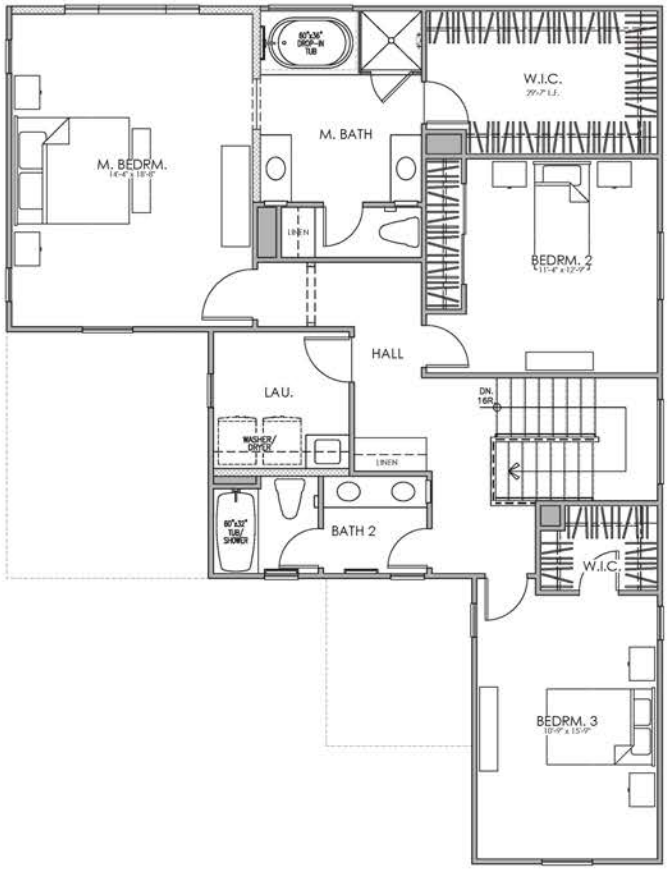
SECOND FLOOR PLAN



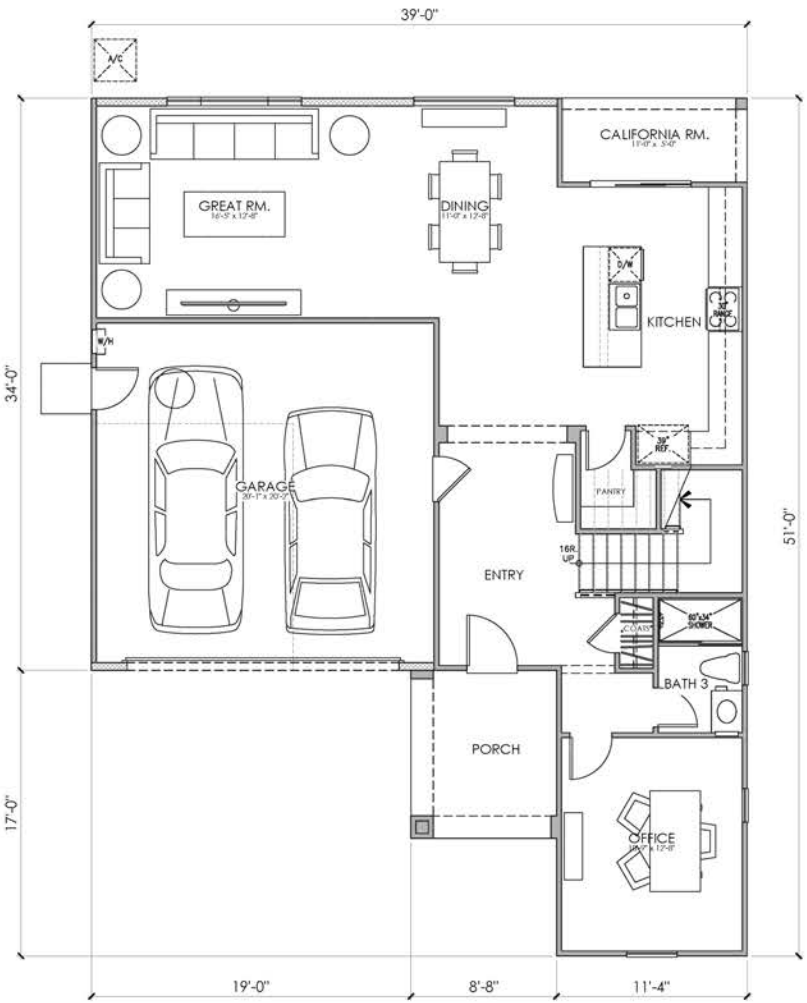
FIRST FLOOR PLAN

Source: Kevin L. Cook Architect, Inc., October 2021.

Figure I-8
Plan 2 Floor Plan



SECOND FLOOR PLAN



FIRST FLOOR PLAN

Source: Kevin L. Cook Architect, Inc., October 2021.

Figure I-9
Plan 3 Floor Plan

b) Design and Architecture

The Project has three floor plans with two exterior architectural design options for each floor plan. The two design options include a "Cottage" elevation and a "Spanish" elevation. Varying wall planes, rooflines, and columns articulate the front façade of each building. Each design option contains a variety of finish materials including stucco, wood, stone, clay, concrete tile, and shutters to articulate the façades along the street frontages. The Project's use of different textures, colors, setbacks, materials, and distinctive architectural treatments creates visual interest and avoids repetitive facades consistent with the Community Design Element of the General Plan. See **Figures I-10** through **I-16** for the Project's elevations and conceptual renderings, found at the end of Section 2. Project Characteristics.

c) Open Space and Landscaping

Prior to construction, the Project would remove existing ornamental trees located throughout the Project Site. The Project's proposed landscape plan would provide approximately 38 trees on-site, which includes the street trees along Western Avenue and the proposed private street. In addition, the Project would plant each individual lot with shrubs and other ornamental landscaping. Front, side and rear private yards would provide open space for each of the residential lots. See **Figure I-17** for the Project's landscape plans (found at the end of Section 2. Project Characteristics).

d) Access, Circulation, and Parking

The subdivision includes one private street, running west-east along the center portion of the subdivision, which terminates in with a "hammerhead" turnaround area at the eastern terminus. There would be one vehicular and pedestrian access point to the west-east private street from Western Avenue. There would be a fire and sanitation truck turn around at the eastern end of the private street. The private street would have a 36-foot paved roadway with a 6-inch raised curb. The Project design includes a four-foot wide parkway and a four-foot wide sidewalk on each side of the private streets, creating pedestrian pathways throughout the subdivision. Each home would have parking for two cars in a garage and two cars on a driveway. The design of the private street would include a minimum of six parking spaces.

e) Sustainability Features

The Project would be compliant with the California Energy Code/Title 24 requirements, and would include, but not be limited to, the following features:

- Low-flow faucets, shower heads, and toilets;
- Energy efficient mechanical systems;
- Energy efficient glazing and window frames; and
- Energy efficient lighting.

f) Anticipated Construction Schedule

The Applicant anticipates constructing the Project over approximately 12 months. Construction activities would include the demolition of the existing pavement, grading, and building construction. The applicant anticipates that demolition activities would start in the first quarter of 2023, and construction completion and occupancy would occur in the first quarter of 2024.

The Project would cut 880 cubic yards of soil and import 77 cubic yards for a total then of 957 cubic yards of earthwork material to occur on-site. Any exported materials would be disposed at one of the County's operating inert landfills (Olinda Alpha, Frank R. Bowerman, and Prima Deshecha). The City would review the Project's haul route as part of its review of the Project's grading permit.

3. ENVIRONMENTAL REVIEW

As demonstrated in the Section II, Categorical Exemption Analysis, this Project has been determined to qualify as a Class 32 In-Fill Development Project, which is a categorical exemption under CEQA.

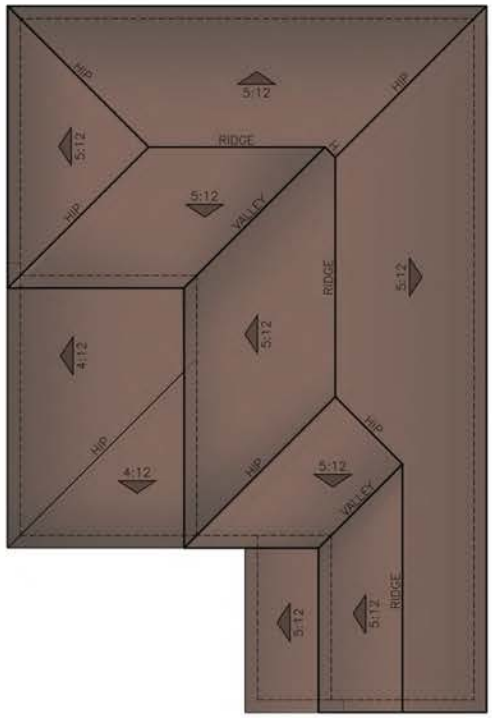
Source: Kevin L. Cook Architect, Inc., October 2021.

Figure I-10
East Elevation and Street Scene

RIGHT ELEVATION

LEFT ELEVATION

REAR ELEVATION

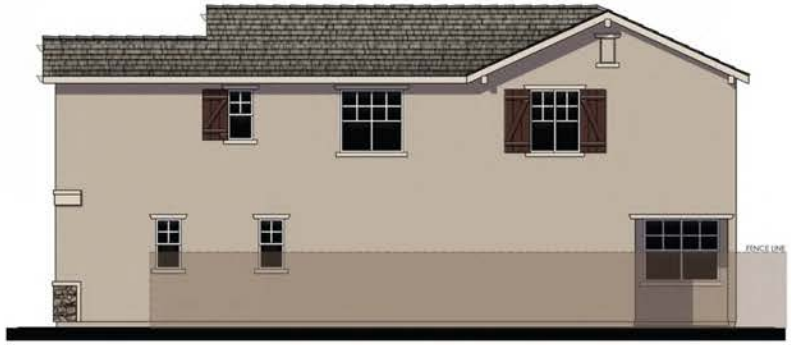


ROOF PLAN

FRONT ELEVATION

Source: Kevin L. Cook Architect, Inc., October 2021.

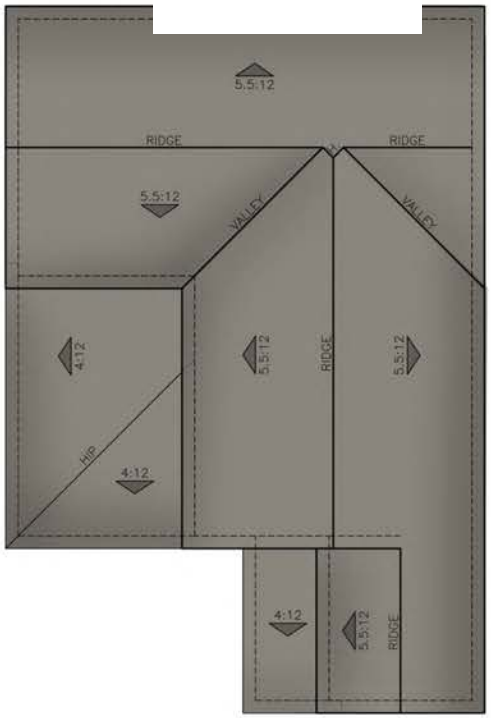
Figure I-11
Plan 1 Spanish Elevation



RIGHT ELEVATION

LEFT ELEVATION

REAR ELEVATION



ROOF PLAN

FRONT ELEVATION

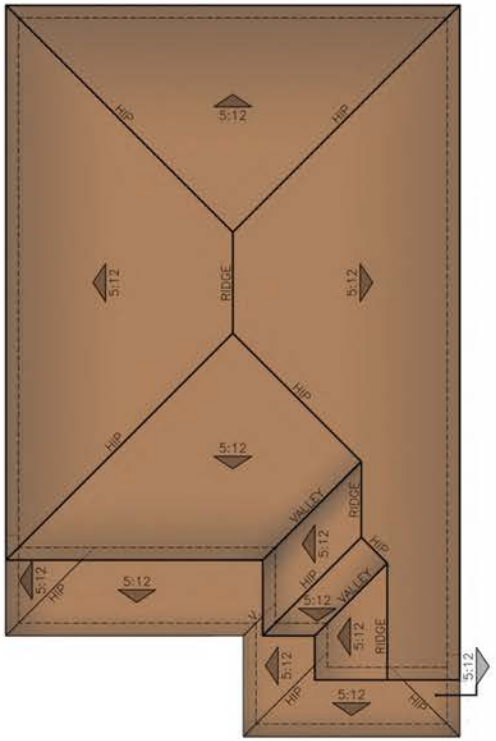
Source: Kevin L. Cook Architect, Inc., October 2021.

Figure I-12
Plan 1 Cottage Elevation

RIGHT ELEVATION

LEFT ELEVATION

REAR ELEVATION

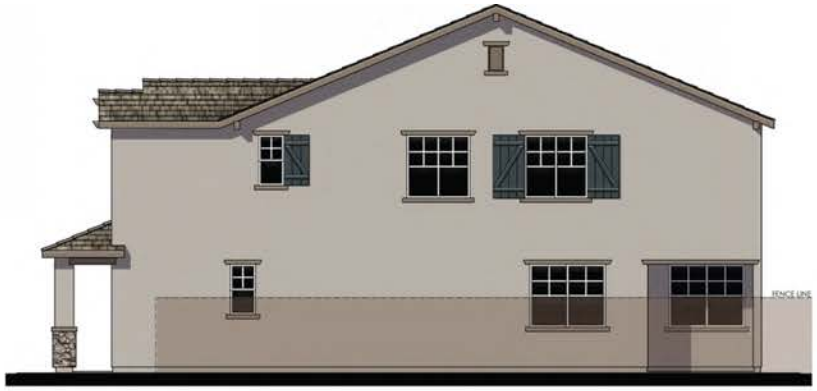


ROOF PLAN

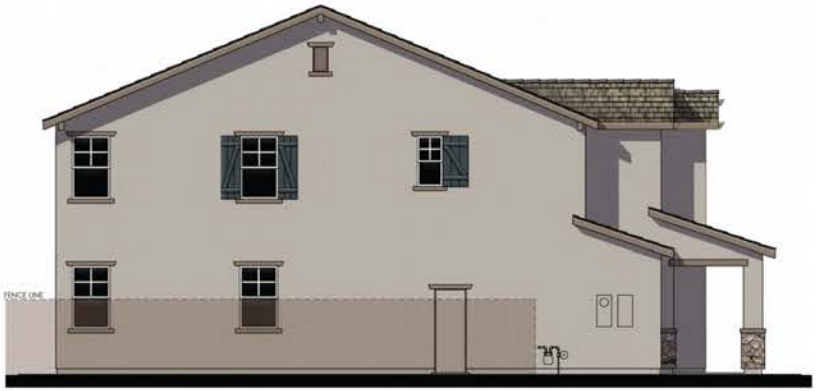
FRONT ELEVATION

Source: Kevin L. Cook Architect, Inc., October 2021.

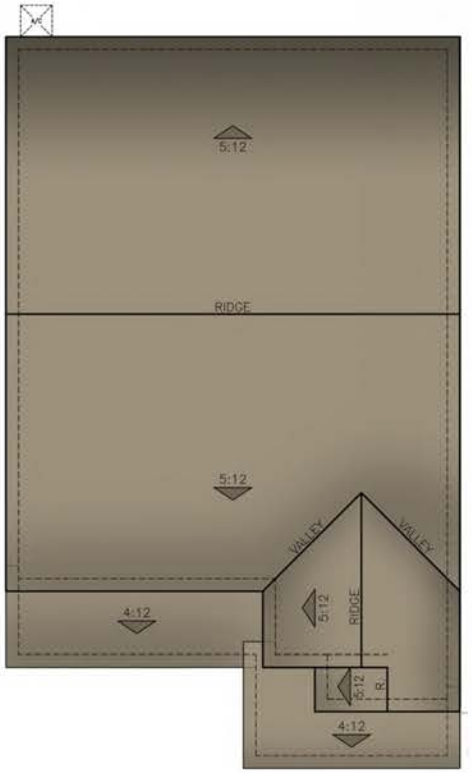
Figure I-13
Plan 2 Spanish Elevation



RIGHT ELEVATION



LEFT ELEVATION



ROOF PLAN

REAR ELEVATION

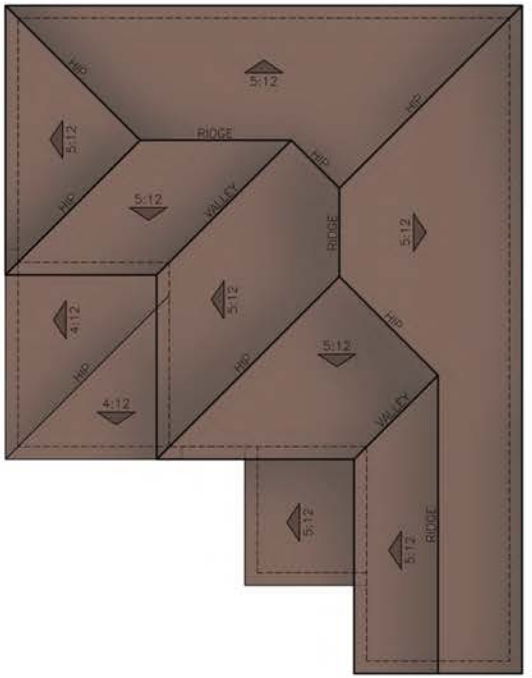
FRONT ELEVATION

Source: Kevin L. Cook Architect, Inc., October 2021.

Figure I-14
Plan 2 Cottage Elevation

RIGHT ELEVATION

LEFT ELEVATION



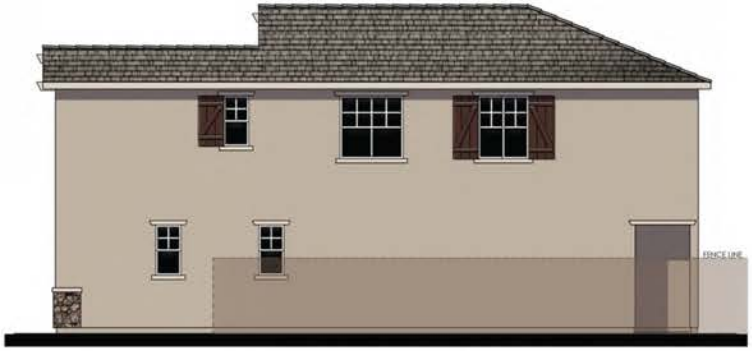
ROOF PLAN

REAR ELEVATION

FRONT ELEVATION

Source: Kevin L. Cook Architect, Inc., October 2021.

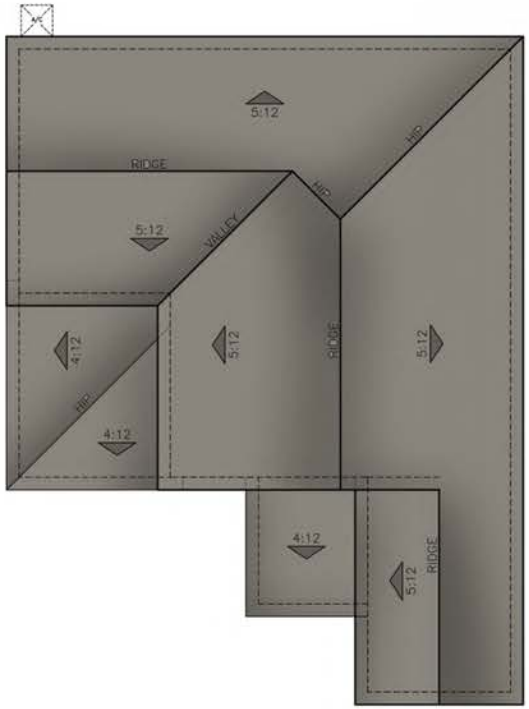
Figure I-15
Plan 3 Spanish Elevation



RIGHT ELEVATION

LEFT ELEVATION

REAR ELEVATION



ROOF PLAN

FRONT ELEVATION

Source: Kevin L. Cook Architect, Inc., October 2021.

Figure I-16
Plan 3 Cottage Elevation

Source: Land Inventions, October 2021.

Figure I-17
Landscape Plan

II. CATEGORICAL EXEMPTION ANALYSIS

1. EXEMPTION

The purpose of this analysis is to substantiate staff's recommendation that the Planning Commission consider whether the Project is Categorically Exempt from the requirements to prepare additional environmental documentation per California Environmental Quality Act (CEQA) Guidelines, Section 15332, Class 32 (In-fill Development Projects). This finding is recommended pursuant to Public Resources Code, Sections 21000-21189.57) as set forth in Section 15332 of the *State CEQA Guidelines* (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387).

2. EXEMPTION RATIONALE

Article 19, Categorical Exemptions, of the *State CEQA Guidelines* (Sections 15300 – 15333) lists classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA as required by Section 21084 of the Public Resources Code. This section provides an analysis demonstrating that the Project meets the conditions for a Class 32 Categorical Exemption and that none of the possible exceptions to a Categorical Exemption listed in Section 15300.2 of the *State CEQA Guidelines* is applicable to this Project. The specific language of each condition of the Class 32 Categorical Exemption and each possible exception is in italics below under their respective headings, followed by the Project analysis for each condition and exception.

a) Conditions of the Class 32 Categorical Exemption

[State CEQA Guidelines Section] 15332. In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- *The project site has no value as habitat for endangered, rare or threatened species.*
- *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- *The site can be adequately served by all required utilities and public services.*

3. PROJECT ANALYSIS

Condition (a): The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

a) Land Use and Planning

1) City of Anaheim General Plan

The *City of Anaheim General Plan* (General Plan) guides land use throughout the City. The General Plan sets forth goals, objectives, and programs to guide day-to-day land use policies and to meet the existing and future needs and desires of the community, while integrating a range of State-mandated elements including Land Use, Circulation, Green Element, Public Services, Growth Management, Safety, Noise, Economic Development, Community Design, and Housing. The Land Use Element of the General Plan consists of nine community policy areas that guide land use at a neighborhood level. The Project Site is located within the West Anaheim Area, which is designated as a redevelopment area. The City has initiated commercial and residential redevelopment projects, extensive outreach with West Anaheim stakeholders, detailed market studies, corridor landscape programs, and neighborhood improvement programs, among others.[2]

The General Plan designates the Project Site for Corridor-Residential land use. The Corridor Residential designation provides for development on minimum one-acre sites for single-family attached townhouse style housing fronting on arterial highways. The typical implementing zone for the Corridor Residential land use designation is the "RM-1" Multiple-Family Residential Zone. The permitted density range is from zero up to 13 dwelling units per gross acre.[3]

Table II-1, Project Consistency with the General Plan presents an analysis between the applicable goals and policies in the General Plan. As shown, the Project would be consistent with the applicable goals and policies.

Table II-1
Project Consistency with the General Plan

Goal/Policy[a]	Project Consistency
Land Use Element	
Goal 1.1: Preserve and enhance the quality and character of Anaheim's mosaic of unique neighborhoods.	**Consistent:** The Project design provides a variety of architectural materials and building planes. The use of quality materials in combination with a clear architectural design would enhance the overall neighborhood context.
Goal 2.1: Continue to provide a variety of quality housing opportunities to address the City's diverse housing needs.	**Consistent:** The Project would develop a new 12-unit, small lot single-family residential subdivision on an underutilized site surrounded by residential neighborhoods. The Project would increase the

[2] *City of Anaheim General Plan, Land Use Element, Revised June 2020, page LU-50.*
[3] *City of Anaheim General Plan, Land Use Element, Revised June 2020, page LU-25.*

Table II-1
Project Consistency with the General Plan

Goal/Policy[a]	Project Consistency
	diversity of housing by providing additional housing options in the immediate area.
Policy 2.1.1: Facilitate new residential development on vacant or underutilized infill parcels.	**Consistent:** The Project would develop a new 12-unit, small lot single-family residential subdivision on an underutilized site on Western Avenue that was previously developed with a single family residence.
Policy 2.1.6: Ensure quality development through appropriate development standards and by adherence to related Community Design Element policies and guidelines.	**Consistent:** The Project would incorporate high quality, permanent building materials and would comply with Community Design Element policies and guidelines, as discussed below under the Community Design Element heading.
Goal 3.1: Pursue land uses along major corridors that enhance the City's image and stimulate appropriate development at strategic locations.	**Consistent:** The Project would develop a new 12-unit, small lot single-family residential subdivision on an underutilized site on Western Avenue. Thereby, promoting the corridor-residential land use designation.
Goal 4.1: Promote development that integrates with and minimizes impacts to surrounding land uses.	**Consistent:** The Project is directly adjacent to residential uses to the north, east, and south, and provides rear setbacks ranging from 15'2" to 16'7". Though the Project would be comprised of a subdivision development on a currently vacant lot, the proposed setback would provide sufficient separation of the uses and would minimize impacts to the surrounding residential uses.
Policy 4.1.1: Ensure that land uses develop in accordance with the Land Use Plan and Zoning Code in an effort to attain land use compatibility.	**Consistent:** The *Anaheim Municipal Code* (Code) establishes the zoning for the Project Site, which is "T" Transition. With the approval of a CUP the zoning would be reclassified to RS-4, which allows for the 12-unit small lot subdivision. With the approval of the CUP the Project would be consistent with this policy and a compatible use within the immediate area of the Project Site.
Policy 4.1.2: Promote compatible development through adherence to Community Design Element policies and guidelines.	**Consistent:** The Project's use of different textures, colors, setbacks, materials, and distinctive architectural treatments, are designed to create visual interest, avoid repetitive facades, consistent with the Community Design Element. Refer to the Community Design Element heading, below.
Policy 4.1.3: Ensure that developers consider and address project impacts upon surrounding neighborhoods during the design and development process.	**Consistent:** The Project Site is relatively flat and is immediately surrounded by multi- and single-family residential land uses in an urban setting that is similar to other areas in Anaheim. The Project's two-story homes would be consistent with the single-family homes in the immediate area. The building heights and massing that would be developed with the implementation of the Project would be compatible with the character of the surrounding area.

Table II-1
Project Consistency with the General Plan

Goal/Policy[a]	Project Consistency
	Furthermore, rear setbacks ranging from 15'2" to 16'7", which are directly adjacent to residential uses; thus, reducing impacts to the immediate neighboring uses.
Policy 4.1.4: Require new or expanded uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.	**Consistent:** The Project would provide a minimum of 5'-foot side yard setbacks and rear setbacks ranging from 15'2" to 16'7", which are adjacent to residential uses, thus creating buffers to the immediate neighboring uses. The existing south side property line wall would remain, and additional trees and landscaping would be provided under future project conditions. In addition, there would be additional landscaping with trees along the eastern property line, along with a new block wall on the north and east property lines to provide additional buffer from the adjacent residential uses.
Community Design Element	
Policy 5.1.1: Design facades of residences facing arterial corridors to include richly articulated surfaces, walls, and roofline treatments.	**Consistent**: The two design options include a "Cottage" elevation and a "Spanish" elevation. Varying wall planes, rooflines, and columns articulate the front façade of each building. Each design option contains a variety of finish materials including stucco, wood, stone, clay, concrete tile, and shutters to articulate the façades along the street frontages. The Project's use of different textures, colors, setbacks, materials, and distinctive architectural treatments creates visual interest and avoids repetitive facades.
Policy 5.1.4: In addition to porches, require that each dwelling unit have a reasonable amount of usable private open space (e.g., elevated decks, terraces and rear yards.	**Consistent**: Each lot would maintain a minimum rear yard of 15'2" feet thereby creating private open space in the rear of each unit.
Policy 5.1.6: Where alley loading is not feasible, minimize curb cuts by incorporating shared driveways and locating parking behind residences.	**Consistent**: The subdivision includes one private no through street in the location of the original driveway of the Project Site and running west-east along the center portion of the subdivision. Thereby, creating one vehicular access point to the west-east private street from Western Avenue.
Policy 5.1.7: Place parkway street trees at regular intervals to buffer residential uses and create a unifying visual element along the arterial corridor.	**Consistent**: The Project's landscape plan would include a variety of trees, shrubs, and ground cover. Approximately 38 trees would be planted on the Project Site, of which six trees would be street trees, planted along Western Avenue.
Policy 5.1.8: Require a minimum landscaped setback between the sidewalk and the front yard fence to provide more privacy for residents and allow for an additional row of trees and landscaping.	**Consistent**: The Project would provide a minimum of 10-foot front yard setback, along with 32 trees planted throughout the front yards of each unit.

Table II-1
Project Consistency with the General Plan

Goal/Policy[a]	Project Consistency
Policy 5.1.10: Where possible, underground or screen utilities and utility equipment or locate and size them to be as inconspicuous as possible.	**Consistent:** The Project would screen above-ground utility equipment from the public right-of-way, as required by the Zoning Code.
Policy 11.1.2: Encourage architectural designs that are visually stimulating and varied, yet tasteful, containing rich contrasts and distinctive architectural elements.	**Consistent:** Refer to Policy 5.1.1 above.
Policy 11.1.3: Ensure that the scale, materials, style and massing of new development is consistent with its surroundings and any larger vision for an area.	**Consistent:** Though the scale and massing are similar to the single-family residences surrounding the site. The two types of design include hip and gable roof lines that are typically of residential structures versus the flat roof lines that are typical of commercial buildings. The Project design includes extensive use of architectural details. The overall design would be consistent with the surrounding area.
Policy 11.1.4: Add visual richness to residential streets by discouraging the same building elevations on adjacent lots and avoiding repetitious elements and colors.	**Consistent:** Two floor plans are proposed, along with two architectural designs for each of the floor plans. The proposed building facades would be articulated and use a range of architectural elements, including varied texture, materials, and color.
Policy 11.1.5: Encourage energy and environmental efficiency – such as "Green Development Standards" (see Green Element) – in the design and approval of new projects.	**Consistent:** The Project would be compliant with the California Energy Code/Title 24 requirements, and would include, but not be limited to, the following features: low-flow faucets, shower heads, and toilets; energy efficient mechanical systems; energy efficient glazing and window frames; and energy efficient lighting.
Green Element	
Goal 7.1: Reduce urban run-off from new and existing development.	**Consistent**: The Project Site does not currently operate under a Standard Urban Storm Water Mitigation Plan (SUSMP). As such, implementation of the Project with a SUSMP would improve water quality on the Project Site compared to existing conditions. Further, as detailed in the Preliminary Hydrology Report prepared for the Project, the Project proposes a stormdrain treatment consisting of infiltration treatment via permeable pavement that would not adversely affect the downstream facilities or neighborhood.[4]
Policy 7.1.1: Ensure compliance with the Federal Clean Water Act requirements for National Pollutant Discharge Elimination	**Consistent:** In accordance with the requirements of NPDES permit, the Project would implement a Stormwater Pollution Prevention Plan that specifies

[4] *Refer to **Appendix D**, Preliminary Hydrology Report for Tract 17944, City of Anaheim, Orange County, prepared by Mayers & Associates Civil Engineering, Inc., September 2021.*

Table II-1
Project Consistency with the General Plan

Goal/Policy[a]	Project Consistency
System (NPDES) permits, including developing and requiring the development of Water Quality Management Plans for all new development and significant redevelopment in the City.	Best Management Practices and erosion control measures during construction to manage runoff flows and prevent pollution. In addition, in accordance with NPDES Municipal Permit requirements, the Project would be required to implement Standard Urban Stormwater Mitigation Plan and Low Impact Development requirements throughout the operational life of the Project. The Standard Urban Stormwater Mitigation Plan would outline and require stormwater treatment measures or post-construction Best Management Practices to control pollutants of concern
Policy 7.1.4: Require new development and significant redevelopment to utilize site preparation, grading and best management practices that provide erosion and sediment control to prevent construction-related contaminants from leaving the site and polluting waterways.	**Consistent:** The Project would be required to obtain coverage under the National Pollutant Discharge Elimination System Construction General Permit. In accordance with the requirements of this permit, the Project would implement a Stormwater Pollution Prevention Plan that specifies the implementation of Best Management Practices and erosion control measures during construction to manage runoff flows and prevent pollution.
Policy 8.1.2: Regulate construction practices, including grading, dust suppression, chemical management, and encourage pre-determined construction routes that minimize dust and particulate matter pollution.	**Consistent:** South Coast Air Quality Management District's (SCAQMD) Rule 403 minimum requirements require the application of the best available dust control measures for all grading operations and include the application of water or other soil stabilizers in sufficient quantity to prevent the generation of visible dust plumes. Compliance with Rule 403 would require the use of water trucks during all phases where earth moving operations would occur. The emissions modeling that the Project would comply with SCAQMD's Rule 403.

[a] *City of Anaheim General Plan.*
Source (table): EcoTierra Consulting, 2021.

2) City of Anaheim Zoning Code

All on-site development activity is subject to Title 18 (Zoning) of the Code. The Zoning Code includes development standards for the various districts in the City. The Zoning Code establishes the underlying zoning for the Project Site, which is "T" Transition Zone. The intent of the "T" Transition Zone is to provide for a zone to include land that is used for agricultural uses, in a transitory or interim use, restricted to limited uses because of special conditions, or not zoned to one of the zoning districts for whatever reason, including recent annexation. The "Small Lot Single-Family Residential Subdivision" land use is a permitted use within the "T" Transition Zone,

subject to the approval of a conditional use permit, zoning reclassification from "T" Transition Zone to "RS-4" Single-Family Residential Zone, and the approval of a subdivision tract map.[5]

The applicant is proposing to reclassify the Project Site to the "RS-4" Single-Family Residential Zone and develop the Project in accordance with the development standards of said zone. Approval of the Project would allow the construction of a new 12-unit, small lot single-family residential subdivision including one private street on a 1.39-acre Project Site, which would result in a density of 8.7 units/acre. The proposed density of development is within density range established for the Corridor Residential land use designation.

The Project would also include a City-initiated Zoning Code Amendment to modify Code Section 18.04.020 (Intent of Individual Zones) to clarify that in addition to the RM-1 Zone, the RS-4 Zone would also implement the Corridor Residential General Plan land use designation for projects with proposed densities that are no greater than 13 dwelling units per acre.

The Project is consistent with the development standards of both RS-4 as explained below in **Table II-2, Zoning Consistency**.

Table II-2
Zoning Consistency

	RS-4 Development Standards	Project
Minimum Lot Area	CUP Approval	CUP Approval
Minimum Lot Width	50 feet	49.5 feet
Maximum Height	35 feet/2 stories	29'2" feet/2 stories
Maximum Site Coverage	50%	49%
Setbacks		
Front (north)	10 feet	Minimum 10 feet
Street Side (S. Western Ave.)	10 feet	13 feet
Interior Sides	5 feet	5 feet
Rear (south)	15 feet	Minimum 15'2" feet
Parking	4 (2 in garage)	48 (24 in garages) plus 6 on-street spaces

In addition, implementation of the Project would require removal of the site's existing ornamental trees. The reasonable and practical development of the property requires destruction of the subject trees. The topography of the building site renders destruction reasonably necessary, because the subject trees are in the footprint of the proposed buildings and are not good candidates for transplanting. However, the Project would comply with the specimen tree replacement requirement of the Code.

3) City of Anaheim Building Code

The City of Anaheim has adopted the California Building Code as Title 15 (Building and Housing) of the Code, inclusive of the *California Green Building Standards Code* (commonly known as

[5] *Code Section 18.14.030.*

CALGreen). The State developed CALGreen, and mandates that local jurisdictions adopt CALGreen, to attain consistency among the various jurisdictions within the State with the specific goals to reduce a building's energy and water use, reduce waste, and reduce the carbon footprint. The following types of projects are subject to the Green Building Code:

- All new buildings (residential and non-residential);
- Every building alteration with a building permit valuation of $200,000 or more (residential and non-residential);
- Residential alterations that increase the building's conditioned volume; and,
- Every building addition (residential and non-residential).

The Project would be compliant with the California Energy Code/Title 24 requirements, and would include, but not be limited to, the following features:

- Low-flow faucets, shower heads, and toilets;
- Energy efficient mechanical systems;
- Energy efficient glazing and window frames; and
- Energy efficient lighting.

(a) Summary

As discussed above, with the approval of above referenced zoning reclassification, CUP, and subdivision tract map, the Project would be consistent with its general plan designation and all applicable general plan policies, as well as, with its zoning designation and regulations.

Condition (b): The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The Project Site is located entirely within the City limits on a site that is approximately 60,548 square feet (1.39-acre) in size. **Figures I-1** through **I-5** in **Section I, Project Description** show views of the Project Site and its regional vicinity; as shown therein, the Project Site is located in an urbanized setting characterized by residential uses. As such, the Project meets this condition.

Condition (c): The project site has no value as habitat for endangered, rare or threatened species.

a) Conservation Plans

The City encompasses a variety of open space and natural areas that serve as habitat for sensitive species. Portions of the City of Anaheim are within the Orange County Central/Coastal Natural Communities Conservation Plan Subregion (NCCP) and *Habitat Conservation Plan* (HCP).[6] The

[6] *Anaheim General Plan/Zoning Code Update EIR, May 2004*.

NCCP/HCP provides for the protection of a number of plant and animal species, referred to as target species and identified species, and considered sensitive.

The Project Site is not located within the NCCP or the HCP. Regardless, a background search and literature review was conducted of existing biological resources data within the Project footprint, including a 500-foot buffer surrounding the site.[7] The review focused on special-status plant and wildlife species and sensitive habitat types identified using the following databases: Google Earth, the California Department of Fish and Wildlife's California Natural Diversity Database (CNDDB), the California Native Plant Society (CNPS) Rare Plant Inventory (RPI), National Wetland Inventory (NWI), and U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) trust resource report. The CNDDB and NWI query included the project footprint and a one-mile buffer. The CNPS RPI query consisted of an eight-quadrangle search around the Project area; a nine-quadrangle search was not completed as CNPS treats the Long Beach and Long Beach OE S 7.5-minute USGS quadrangles as a single quadrangle. This search resulted in lists of potentially occurring biological resources, compiled from these queries.[8] These results include special status plant and wildlife species (including state or federally listed as rare, threatened, endangered, species of special concern, or unique species) and natural communities.

1) CNDDB and USFW IPaC Special Status Wildlife

Results of the CNDDB and IPaC queries indicated five special-status wildlife species known to occur within the one-mile search area (refer to **Appendix A** of this document). These include the California Least Tern (*Sterna antillarum browni*), the Western Snowy Plover (*Charadruis nivosus nivos*), the Coastal California gnatcatcher (*Polioptila californica californica*), the Pacific Pocket Mouse (*Perognathus longimembris pacificus*), and the Western tidal-flat tiger beetle (*Habroscelimorpha gabbii*).[9] These species require specialized habitat such as coastal sage scrub and coastal environments including open beaches, mudflats, sand dunes, sand spits, lagoons, estuaries, salt marshes, dredged material deposal sites, salt pond levees, dry salt ponds, river alluvium, and river bars, which are not present within Project Site. While no suitable habitat for these five special-status wildlife species is present within the Project Site and 500-foot buffer area, suitable nesting habitat for raptors and native migratory bird species protected by California Fish and Game Code 3503.5 and the Migratory Bird Treaty Act (MBTA) is present within the Project Site. While no additional mitigation measures would be required, the Project would be required to comply with these existing federal and State laws (i.e., MBTA and California Fish and Game Code, respectively).

The Project Site is surrounded by residential development which suggests human activity in the area is high, resulting in a low likelihood that wildlife species sensitive to human disturbance would be present in or use the study area. The Project Site and surrounding area is anticipated to

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[7] *Refer to **Appendix A**, Biological Constraints Desktop Review for the Pepperwood Place Project, City of Anaheim, Orange County, California, prepared by Kleinfelder, July 30, 2021.*

[8] *Refer to **Appendix A**, Biological Constraints Desktop Review for the Pepperwood Place Project, City of Anaheim, Orange County, California, prepared by Kleinfelder, July 30, 2021, Appendix A and B.*

[9] *Refer to **Appendix A**, Biological Constraints Desktop Review for the Pepperwood Place Project, City of Anaheim, Orange County, California, prepared by Kleinfelder, July 30, 2021, Appendix A.*

support wildlife species that thrive in urban and disturbed habitats, including but not limited to, California ground squirrel (*Otospermophilus beecheyi*), raccoon (*Procyon lotor*), American crow (*Corvus brachyrhynchos*), European starling (*Sturnus vulgaris*), northern mockingbird (*Mimus polyglottos*), lesser goldfinch (*Carduelis psaltria*), rock pigeon (*Columba livia*), house finch (*Passer domesticus*), and western fence lizard (*Sceloporus occidentalis*).

2) CNPS and RPI Special Status Plants

Results of the CNPS RPI query indicated 26 special-status plant species known to occur within the eight-quad search area. However, the Biological Constraints Desktop Review (refer to **Appendix A** of this document), concluded that none of these species would occur on the Project Site.[10] The study area consists of developed and landscaped areas that do not support habitat suitable for special status plant species. Therefore, Project activities would not affect special status plant habitat.

3) NWI Wetland Features

Results of the NWI query indicated one wetland feature is present within the one-mile search radius. Carbon Creek is located approximately 0.35 miles northwest of the Project. Carbon Creek is an intermittent creek with an artificial streambed that does not contain suitable habitat for special status species. This creek connects with the Los Alamitos, a man-made channel, which connects with San Pedro Bay.[11] However, compliance with the California Water Boards Construction Stormwater Program, as discussed below under subheading (e) Project-Specific Water Quality Impacts, would result in less than significant impacts to Carbon Creek and all downstream connecting bodies of water.

4) Summary

Due to the developed and landscaped nature of the Project Site and surrounding area, no suitable habitat that would support special-status plant or wildlife species, or sensitive habitats protected by California Department of Fish and Wildlife (CDFW), is present. The Project Site and its vicinity are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.[12] However, there are several ornamental trees growing within the Project Site boundaries, which would be removed during construction. None of these trees are protected species by the City's tree protection ordinance; however, these trees may provide temporary suitable habitat for nesting migratory birds, which are protected under the federal MBTA. The MBTA, which is an international treaty ratified in 1918, protects migratory nongame native bird species (as listed in 50 C.F.R. Section 10.13) and their nests. Additionally, Section 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests, including raptors

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[10] *Refer to **Appendix A**, Biological Constraints Desktop Review for the Pepperwood Place Project, City of Anaheim, Orange County, California, prepared by Kleinfelder, July 30, 2021, Appendix B.*

[11] *Refer to **Appendix A**, Biological Constraints Desktop Review for the Pepperwood Place Project, City of Anaheim, Orange County, California, prepared by Kleinfelder, July 30, 2021.*

[12] *California Department of Fish and Wildlife, California Regional Conservation Plans, April 2019.*

and other migratory nongame birds (as listed under the MBTA). Tree removals would be undertaken pursuant to applicable City permits and requirements. The Project would be required to comply with these existing federal and State laws (i.e., MBTA and California Fish and Game Code, respectively). Additionally, the Project would include at least 38 trees, which would increase the Project Site's potential for usage by migratory or nesting birds.

The Project would not result in any significant impacts in regards to habitat for endangered, rare, or threatened species, the Project meets this condition.

Condition (d): Approval of the project would not result in any significant effects related to traffic, noise, air quality, greenhouse gases, or water quality.

The following provides a Project-specific analysis of the impacts to traffic, noise, air quality, greenhouse gases, and water quality.

a) Project-Specific Transportation Impacts

Refer to **Appendix B – Traffic Impact Analysis and Appendix C - VMT Assessment**, regarding new/updated information in the Final Traffic Impact Analysis and VMT Assessment.

The following transportation impact analysis summarizes and incorporates by reference the information provided in the *Revised Traffic Impact Analysis for the Pepperwood Place Project, Anaheim, CA,* prepared by Linscott Law & Greenspan, June 2021 (Impact Assessment) and the *Final Vehicle Miles Traveled Assessment for the Proposed Pepperwood Place Project, Anaheim, CA,* prepared by Linscott Law & Greenspan, September 2021 (Trip Generation Assessment). The Traffic Impact Anaysis and VMT Assessment are available as **Appendix B and Appendix C** to this document.

1) Project Trip Generation Forecast Comparison

The amount of one-way vehicular movement, either entering or exiting the generating land use, referred to as "vehicle trip ends," determines the number of trips generated for a project. Traffic generation rates used in traffic forecasting procedures are found in the ITE Trip Generation Manual; the ITE Trip Generation Manual, 10th Edition published by the Institute of Transportation Engineers (ITE) [Washington, D.C., 2017], was utilized to forecast these results. The Project is forecast to generate approximately 113 daily trips, with 9 trips (2 inbound, 7 outbound) produced in the AM peak hour and 12 trips (8 inbound, 4 outbound) produced in the PM peak hour on a "typical" weekday.[13]

The City of Anaheim has adopted Level of Service policies in the City of Anaheim General Plan. These policies set standards for which local transportation infrastructure will strive to maintain. Pursuant to SB 743, the analysis of Level of Service will no longer be a part of a project's CEQA analysis. However, because the City of Anaheim General Plan contains Level of Service Policies, the City will continue to apply these General Plan policies. Per the City of

[13] *Refer to **Appendix B**, Revised Traffic Impact Analysis for the Pepperwood Place Project, Anaheim, CA, prepared by Linscott Law & Greenspan, June 2021, Table 5-1.*

Anaheim threshold criteria, as a minimum, intersections where the Project would add 51 (i.e., 3% of 1,700) or more trips during either AM or PM weekday peak hours need to be studied. As a result, based on the nominal AM and PM peak hour trip generation increase with the Project (i.e. < 50 peak hour trips), the Project would not significantly impact the surrounding transportation system.[14]

2) Project Trip Generation Assessment

The State of California defines the Project as a Single-Family Residential development.[15] Under the Traffic Impact Analysis (TIA) Guidelines for CEQA - VMT, developed by the City of Anaheim in compliance with CEQA, project screening can determine if a project would be required to conduct a detailed VMT analysis. As such, the following guidance summarizes the potential project screening, developed for the City of Anaheim:

Type 1: Transit Priority Area (TPA) Screening

Pursuant to CEQA Guidelines Section 15064.3, "Determining the Significance of Transportation Impacts" Subsection (b)(1) states in part:

> *"Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact."*

Pursuant to the statute, development projects may be screened out of VMT analysis based on proximity to certain transit facilities due to the presumption of less than significant impacts. The Technical Advisory reiterates this screening criteria, but also highlights certain project-specific or location-specific characteristics which may indicate the project will still generate "significant levels of VMT", even when located within one-half mile of a major transit stop or a stop along a high-quality transit corridor. These characteristics relate to the project's floor area ratio (FAR), parking supply, and number of dwelling units, as well as consistency with the applicable Sustainable Communities Strategy (SCS). If the project has any characteristics which indicate that the presumption of less than significant impacts as stated in the CEQA Guidelines may not be appropriate, the OPR Technical Advisory recommends that the project should not be screened out of further VMT analysis.

The City of Anaheim has a developed a TPA map, which was utilized to determine whether this Project can be screened out based on the TPA criteria.

1. Has a total Floor Area Ratio (FAR) of less than 0.75;
2. Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking);

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[14] *The threshold criteria is outlined in the City of Anaheim Criteria For Preparation of Traffic Impact Studies.*

[15] *Refer to **Appendix C**, Final Vehicle Miles Traveled Assessment for the Proposed Pepperwood Place Project, Anaheim, CA, prepared by Linscott Law & Greenspan, September 2021, for specific criteria.*

3. Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization); or

4. Replaces affordable residential units with a smaller number of moderate- or high-income residential units.

Based on the above, the Project will not screen-out under this criteria since while the Project Site is within the TPA, the Project Floor Area Ratio is less than 0.75.[16]

Type 2: Low VMT Area Screening

An additional screening methodology is provided for residential and office land use projects. Lead agencies may prepare maps based on a regional travel demand model or travel survey data to illustrate areas that are currently below the selected VMT threshold. OPR reasons that if a project has similar characteristics to the existing area (i.e., density, mix of uses, transit service, etc.), it would tend to exhibit similar VMT. Therefore, if a project is fully located within an area identified as having a below-threshold VMT, it may be presumed to also have less than significant VMT impacts and be screened out from requiring a detailed VMT analysis.

The City of Anaheim has a developed a map showing low VMT-generating zones as compared to the County, which was utilized to determine whether this Project can be screened out based on the low VMT-generating area criteria. In addition, the Project must be consistent with the existing land use within that TAZ. Therefore, a review was conducted to confirm that the Project land use is consistent with the existing land use within the Orange County Transportation Analysis Model (OCTAM). The Project is located in the OCTAM traffic analysis zone (TAZ) 350.[17]

Therefore, the Project would screen-out under this criterion since it is located within a low VMT-generating area (<15% below the Orange County Average)[18] and the Project is consistent with the existing land use in the TAZ, which is primarily residential.

3) Site Access and On-Site Circulation Evaluation

The Project access is forecast to operate at LOS C or better during the AM and PM peak hours under Year 2022 Cumulative Plus Project traffic conditions. As such, Project access would be adequate. Motorists entering and exiting the Project Site would be able to do so without undue congestion. The on-site circulation layout of the Project as illustrated in **Figure II-1** on an overall basis is adequate. Curb return radii are generally adequate for small service/delivery (FedEx, UPS) trucks and trash trucks.[19] The on-site circulation layout of the Project on an overall basis is adequate.

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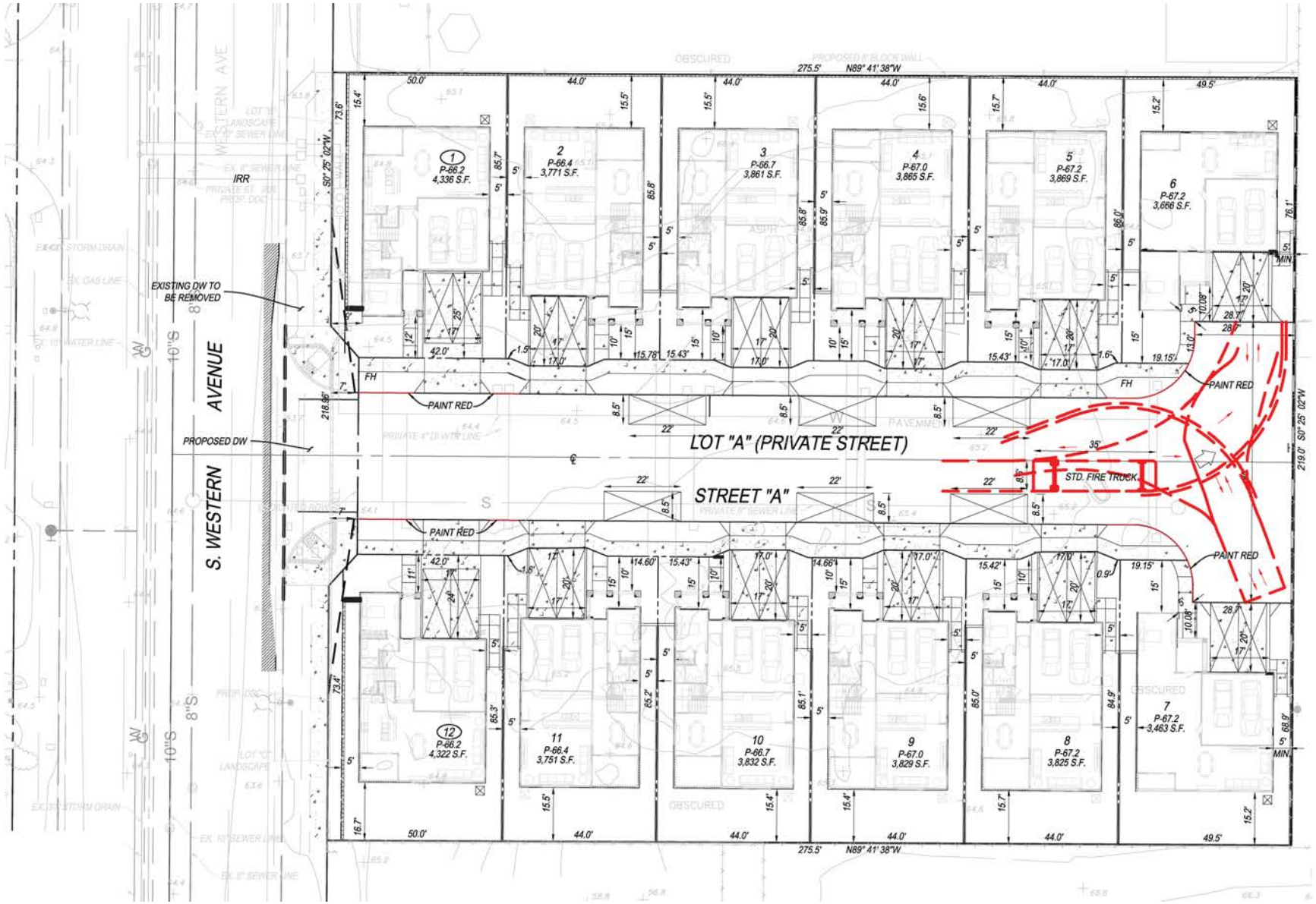
[16] *Attachment A of the City of Anaheim Traffic Impact Analysis Guidelines for CEQA Analysis, June 2020.*

[17] *Refer to **Appendix C**, Final Vehicle Miles Traveled Assessment for the Proposed Pepperwood Place Project, Anaheim, CA, prepared by Linscott Law & Greenspan, September 2021, refer to Table 1.*

[18] *Attachment B of the City of Anaheim Traffic Impact Analysis Guidelines for CEQA Analysis, June 2020.*

[19] *Refer to **Appendix B**, Revised Traffic Impact Analysis for Pepperwood Place Project, Anaheim, CA, prepared by Linscott Law & Greenspan, June 2021.*



Source: Kevin L. Cook Architect, Inc., September 2021.

Figure II-1
On-Site Circulation Plan

4) Transportation Impact Summary

As indicated above, the Project would result in less than significant impacts to traffic. Therefore, as the Project Site would not result in any significant effects related to traffic, the Project meets this condition for traffic.

b) Project-Specific Noise Impacts

Noise is typically defined as a sound that is loud, unpleasant, unexpected, or otherwise undesirable and is described in terms of a sound's amplitude (loudness), frequency (pitch), or duration (time). The ambient noise environment is comprised of stationary and mobile noise sources. Sound dissipates exponentially with distance from the noise source. This phenomenon is known as "spreading loss." For a single point source, sound levels decrease by approximately 6 dB for each doubling of distance from the source. This drop-off rate is appropriate for noise generated by on-site operations from stationary equipment or activity at a project site. If noise is produced by a line source, such as highway traffic, the sound decreases by 3 dB for each doubling of distance in a hard site environment. Line-source noise in a relatively flat environment with absorptive vegetation decreases by 4.5 dB for each doubling of distance.[20]

The physical measure of sound, or sound level, is in decibels (dB), based on a logarithmic scale. Therefore, a doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; a halving of the energy would result in a 3 dB decrease. Everyday sounds normally range from 30 dB (very quiet) to 100 dB (very loud). The A-weighted decibel scale relates noise to human sensitivity. The "A-weighted decibel", abbreviated dBA, is the measurement used for common noise levels. **Table II-3, Typical Noise Levels**, provides examples of various noises and their typical A-weighted noise level.

Table II-3
Typical Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110	Rock Band
Jet Fly-Over at 100 Feet	105	
	100	
Gas Lawnmower at 3 Feet	95	
	90	
	85	Food Blender at 3 Feet
Diesel Truck Traveling at 50 MPH at 50 Feet	80	Garbage Disposal at 3 Feet
Noisy Urban Area during Daytime	75	
Gas Lawnmower at 100 Feet	70	Vacuum Cleaner at 10 Feet
Commercial Area	65	Normal Speech at 3 Feet
Heavy Traffic at 300 Feet	60	
	55	Large Business Office
Quiet Urban Area during Daytime	50	Dishwasher in Next Room

[20] *City of Anaheim, The Revised Platinum Triangle Expansion Project Subsequent Environmental Impact Report No. 339, August 2010, pages 5.5-1 and 5.5-2.*

Table II-3
Typical Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	45	
Quiet Urban Area during Nighttime	40	Theater, Large Conference Room (background)
Quiet Suburban Area during Nighttime	35	
	30	Library
Quiet Rural Area during Nighttime	25	Bedroom at Night, Concert Hall (background)
	20	
	15	Broadcast/Recording Studio
	10	
	5	
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing

Source: California Department of Transportation, 2009.

Although human perception of sound is somewhat subjective, it is widely accepted that the average healthy ear (1) can barely perceive an increase or decrease of 3 dBA; (2) can perceive a change of 3 dBA in outdoor environments; and (3) can notice that an increase of 10 dBA sounds twice as loud.

Noise, or sound over a period of time, can be measured using a number of methods. The two most common methods are the community noise equivalent (CNEL) and the equivalent sound level (Leq). dBA Leq is the term for measurement of the average noise levels over a period of minutes or hours. The CNEL scale represents the average of 24-hourly noise measurements and adjusts or penalizes the dBA during certain sensitive time periods to account for increased noise sensitivity during the evening and nighttime periods. The evening time period (7:00 PM to 10:00 PM) penalizes noises by 5 dBA, while nighttime (10:00 PM to 7:00 AM) noises are penalized by 10 dBA.

1) Regulatory Setting

(a) State of California

Title 24 of the *California Code of Regulations,* also known as the California Building Standards Code, establishes building standards applicable to all occupancies throughout the state. Section 1207.11.2 requires that the design of residential structures, other than detached single-family dwellings, prevent the intrusion of exterior noise so that the interior noise attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room. Section 1207.12 states, "if interior allowable noise levels are met by requiring that windows be inoperable or closed, the design for the structure must also specify a ventilation or air-conditioning system to provide a habitable interior requirement. The ventilation system must not compromise the dwelling unit or guest room noise reduction."

(i) City of Anaheim

City of Anaheim General Plan

The City has adopted the State of California's exterior noise and land use compatibility standards for land use development in the Noise Element of its General Plan, as shown in **Table II-4, Land Use Compatibility for Community Noise Exposure**. These Guidelines establish standards for outdoor noise levels that are acceptable, conditionally acceptable, and unacceptable for a variety of land uses. For industrial uses, noise levels of up to 75 dBA CNEL are "normally acceptable." Noise environments with noise levels up to 80 dBA CNEL are "conditionally acceptable"; under this circumstance, the City may permit the development only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the project design. Conventional construction, but with closed windows and a fresh air supply system or air conditioning, would normally suffice as a noise insulation feature for these conditionally acceptable environments. These standards apply to the Project itself.

The City of Anaheim General Plan contains goals and policies that address noise. The following General Plan goals and policies are applicable to the Project:

- Goal 1.1: Protect sensitive land uses from excessive noise through diligent planning and regulation.
- Goal 2.1: Encourage the reduction of noise from transportation-related noise sources such as motor vehicles, aircraft operations, and railroad movements.
    - Policy 3: Require that development generating increased traffic and subsequent increases in the ambient noise level adjacent to noise-sensitive land uses provide appropriate mitigation measures.
- Goal 3.1: Protect residents from the effects of "spill over" or nuisance noise emanating from the City's activity centers.
    - Policy 1: Discourage new projects located in commercial or entertainment areas from exceeding stationary-source noise standards at the property line of proximate residential or commercial uses, as appropriate.
    - Policy 2: Prohibit new industrial uses from exceeding commercial or residential stationary-source noise standards at the most proximate land uses, as appropriate. (Industrial noise may spill over to proximate industrial uses so long as the combined noise does not exceed the appropriate industrial standards.)
    - Policy 3: Enforce standards to regulate noise from construction activities. Particular emphasis shall be placed on the restriction of the hours in which work other than emergency work may occur. Discourage construction on weekends or holidays except in the case of construction proximate to schools where these operations could disturb the classroom environment.

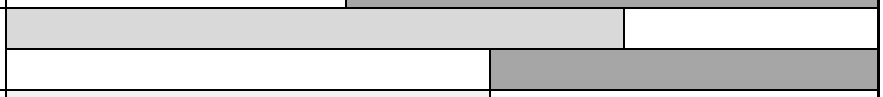
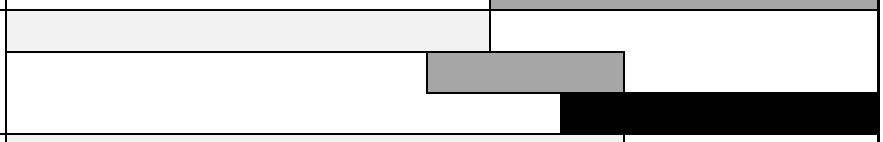
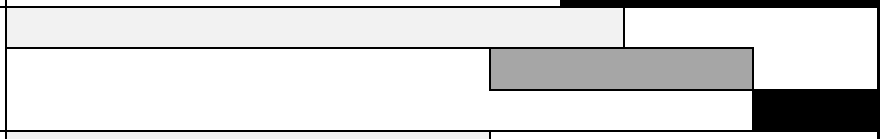
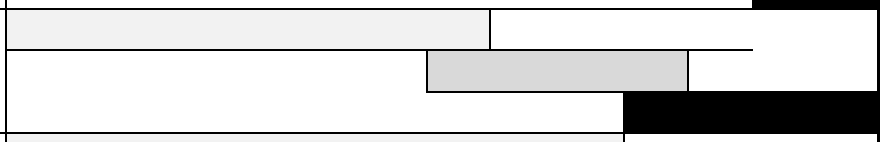
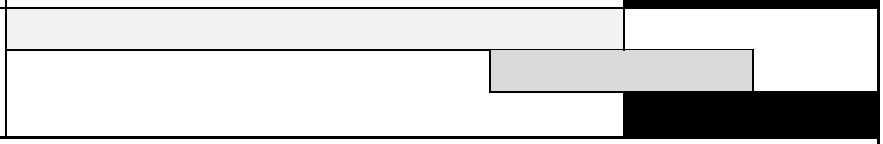
- Policy 4: Require that construction equipment operate with mufflers and intake silencers no less effective than originally equipped.
- Policy 3: Encourage the use of portable noise barriers for heavy equipment operations performed within 100 feet of existing residences or make applicant provide evidence as to why the use of such barriers is infeasible.

In the City of Anaheim General Plan Noise Element, the City adopted land use-noise compatibility standards shown in **Table II-4, Land Use Compatibility for Community Noise Exposure**.

Table II-4
Land Use Compatibility for Community Noise Exposure (Exterior)[1]

Land Use		Community Noise Exposure dBA CNEL or L_{dn}
		55 60 65 70 75
	Normally Acceptable:	Specified land use is satisfactory based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	Conditionally Acceptable:	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning would normally suffice. Outdoor environment would seem noisy.
	Normally Unacceptable:	New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made with needed noise insulation features included in the design. Outdoor areas must be shielded.
	Clearly Unacceptable:	New construction or development should generally not be undertaken. Construction cost to make the indoor environment acceptable would be prohibitive and the outdoor environment would not be usable.
Residential- Low Density, Single Family, Duplex, Mobile Homes		
Residential- Multiple Family		
Transient Lodging- Motels, Hotels		
Schools, Libraries, Churches, Hospitals, Nursing Homes		
Auditoriums, Concert Halls, Amphitheaters		

Table II-4
Land Use Compatibility for Community Noise Exposure (Exterior)[1]

Land Use	Community Noise Exposure dBA CNEL or L_{dn} 55 60 65 70 75
	
Sports Arenas, Outdoor Spectator Sports	
Playgrounds, Neighborhood Parks	
Golf Courses, Riding Stables, Water Recreation, Cemeteries	
Office Buildings, Businesses, Commercial and Professional	
Industrial, Manufacturing, Utilities, Agriculture	

Notes:
(1) Source: City of Anaheim General Plan Noise Element, Figure N-2, May 2004.

Anaheim Municipal Code

The following sections, Chapter 6.70 (Sound Pressure Levels) and Chapter 6.72 (Amplified Sound) of Title 6 (Public Health and Safety) of the Code apply to the Project:

> **6.70.010 ESTABLISHED**: Sound produced in excess of the sound pressure levels permitted herein are hereby determined to be objectionable and constitute an infringement upon the right and quiet enjoyment of property in this City.
>
> No person shall within the City create any sound radiated for extended periods from any premises which produces a sound pressure level at any point on the property line in excess of sixty decibels (Re 0.0002 Microbar) read on the A-scale of a sound level meter. Readings shall be taken in accordance with the instrument manufacturer's instructions, using the slowest meter response.
>
> The sound level measuring microphone shall be placed at any point on the property line, but not closer than three (3) feet from any wall and not less than three (3) feet above the ground, where the above listed maximum sound pressure level shall apply. At any point the measured level shall be the average of not less than three (3) readings taken at two (2) minute intervals. To have valid readings, the levels must be five (5) decibels or more above

the levels prevailing at the same point when the sources of the alleged objectionable sound are not operating.

Sound pressure levels shall be measured with a sound level meter manufactured according to American Standard S1.4-1961 published by the American Standards Association, Inc., New York City, New York.

Traffic sounds sound created by emergency activities and sound created by governmental units or their contractors shall be exempt from the applications of this chapter. Sound created by construction or building repair of any premises within the City shall be exempt from the applications of this chapter during the hours of 7:00 a.m. to 7:00 p.m. Additional work hours may be permitted if deemed necessary by the Director of Public Works or Building Official. (Ord. 2526 § 1 (part); June 18, 1968; Ord. 3400 § 1; February 11, 1975: Ord. 6020 § 1; April 25, 2006.)

6.72.010 PURPOSE: This City Council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety, and welfare of its citizenry. While recognizing that certain uses of sound-amplifying equipment are protected by the constitutional rights of freedom of speech and assembly, the City Council, nevertheless, feels obligated to reasonably regulate the use of sound-amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and raucous noise (Ord. 4059 § 1 (part); October 9, 1979; Ord. 5941 § 1 (part); September 14, 2004.)

6.72.020 REGULATION OF AMPLIFIED SOUND: Notwithstanding the provisions of Chapter 6.70 of this code, it shall be unlawful for any person to use or operate, or cause to be used or operated, within the City of Anaheim any sound-amplifying equipment in a fixed or movable position, or mounted upon any vehicle, except when used or operated in compliance with the following provisions:

.010 In all residential zones and within two hundred feet of any boundary thereof, no sound-amplifying equipment shall be operated or used for commercial purposes, except sound-amplifying equipment may be used for commercial purposes upon a moving vehicle between the hours of 8:00 a.m. and 8:00 p.m. to announce the presence of such vehicle in an area or location for commercial purposes; provided that such sound-amplifying equipment shall not be used during periods that the vehicle is stopped, parked or otherwise in a stationary position.

.020 In all residential zones and within two hundred feet of any boundary thereof, no sound-amplifying equipment shall be operated or used for noncommercial purposes between the hours of 8:00 p.m. and 8:00 a.m. of the following day.

.030 In all non-residential zones, except such portions thereof as may be included within two hundred feet of the boundary of any residential zone, the operation or use of sound-amplifying equipment for commercial purposes

is prohibited between the hours of 9:00 p.m. and 8:00 a.m. of the following day.

.040 In all non-residential zones, except such portions thereof as may be included within two hundred feet of the boundary of any residential zone, the operation or use of sound-amplifying equipment for noncommercial purposes is prohibited between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

.050 Sound emanating from sound-amplifying equipment shall not be audible to a person of normal hearing acuity within an enclosed building (other than a building within which the sound emanate) at a distance in excess of two hundred feet from the sound amplifying equipment.

.060 In no event shall the sound-amplifying equipment be unreasonably loud, raucous, jarring or disturbing to a person of normal sensitiveness within the area of audibility, or disturb the peace or quiet of any neighborhood.

.070 It shall be unlawful for any person to operate or use any sound-amplifying equipment within, upon or adjacent to the premises of any hospital, school, or publicly owned or operated arena, stadium, convention center or auditorium, while in use, in a manner which disturbs, disrupts or interferes with the conduct of any event, business or activity of any nature then occurring within such building or premises. Nothing contained in this subsection shall be deemed to prohibit any conduct which is otherwise prohibited by California Penal Code Sections 302 or 403, or any other provision of State law. (Ord. 4059 § 1 (part); October 9, 1979; Ord. 5781 § 1; September 25, 2001; Ord. 5941 § 1 (part); September 14, 2004.)

6.73.020 NOISE RESTRICTIONS.

It shall be unlawful and constitute a public nuisance for any owner or responsible person to conduct or allow to be conducted any party or similar event from which loud and unreasonable noise originates between the hours of 10:00 p.m. and 7:00 a.m. Continuation of any activity prohibited by this section after written notification by a peace officer as provided in Section 6.73.030 that the activity is disturbing the comfort, health, peace, safety, quiet enjoyment or repose of one or more other persons shall be prima facie evidence of willful intent within the meaning of Section 6.73.010.010.(Ord. 5337 § 1 (part); October 20, 1992: Ord. 6259 § 1 (part); November 20, 2012.)

In addition, while not specifically applicable, due to the residential nature of the Project, Section 18.40.090 (Sound Attenuation for Residential Developments) of Chapter 18.40 (General Development Standards) of the Zoning Code generally applies to the Project:

18.40.090 SOUND ATTENUATION FOR RESIDENTIAL DEVELOPMENTS:

.010 Applicability. Residential developments involving the construction of two (2) or more dwelling units, or residential subdivisions resulting in two (2)

or more parcels, and located within six hundred (600) feet of any railroad, freeway, expressway, major arterial, primary arterial or secondary arterial, as designated by the Circulation Element of the General Plan, shall comply with the provisions of this section. The construction of an Accessory Dwelling Unit or Accessory Dwelling Unit – Junior shall not constitute a residential development subject to the provisions of this section.

.020 Study Required. A noise level analysis shall be performed for any new residential development or subdivision to determine the projected interior and exterior noise levels within the development. The study shall include mitigation measures that would be required to comply with applicable City noise standards, as identified in this section. The study shall be provided by the applicant, at its sole expense, to the City at the time of application for development of the residential development or subdivision.

.030 Attenuation. Mitigation measures, without limitation, may include masonry walls, an earthen berm or a combination thereof. Masonry walls must comply with the requirements of Chapter 18.46 (Landscaping and Screening). The height of any proposed walls shall be determined by the approval authority based on the recommendation of a sound attenuation study prepared by a state-licensed acoustical engineer, unless a variance is granted by the approval authority, or City Council on appeal, in accordance with the procedures established in Chapter 18.60 (Common Procedures) for the processing of variances.

.040 Single-Family Detached. Exterior noise within the private rear yard of any single family lot and/or within any common recreation areas, shall be attenuated to a maximum of sixty-five (65) dB CNEL. Interior noise levels shall be attenuated to a maximum of forty-five (45) dB CNEL, or to a level designated by the Uniform Building Code, as adopted by the City.

.050 Single-Family Attached or Multiple Family. Exterior noise within common recreation areas of any single family attached or multiple family dwelling project shall be attenuated to a maximum of sixty-five (65) dB CNEL. Interior noise levels shall be attenuated to a maximum of forty-five (45) dB CNEL, or to a level designated by the Uniform Building Code, as adopted by the City.

.060 Minor Deviations. Notwithstanding any provision of this Code to the contrary, the Planning Commission may grant a deviation from the requirements imposed by subsections .040 and .050 of this section pertaining to exterior noise levels in accordance with the procedures established in Chapter 18.60 (Common Procedures) for the processing of variances except that the findings set forth in Section 18.74.060 (Findings) of Chapter 18.74 (Variances) shall not be required and provided that before any such deviation is granted by the Planning Commission, the evidence presented shows that all of the following conditions exist:

.0601 The deviation from prescribed levels does not pertain to interior noise levels;

.0602 The deviation does not exceed five (5) dB CNEL above the prescribed levels for exterior noise; and

.0603 Measures to attenuate noise to the prescribed levels would compromise or conflict with the aesthetic value of the project.

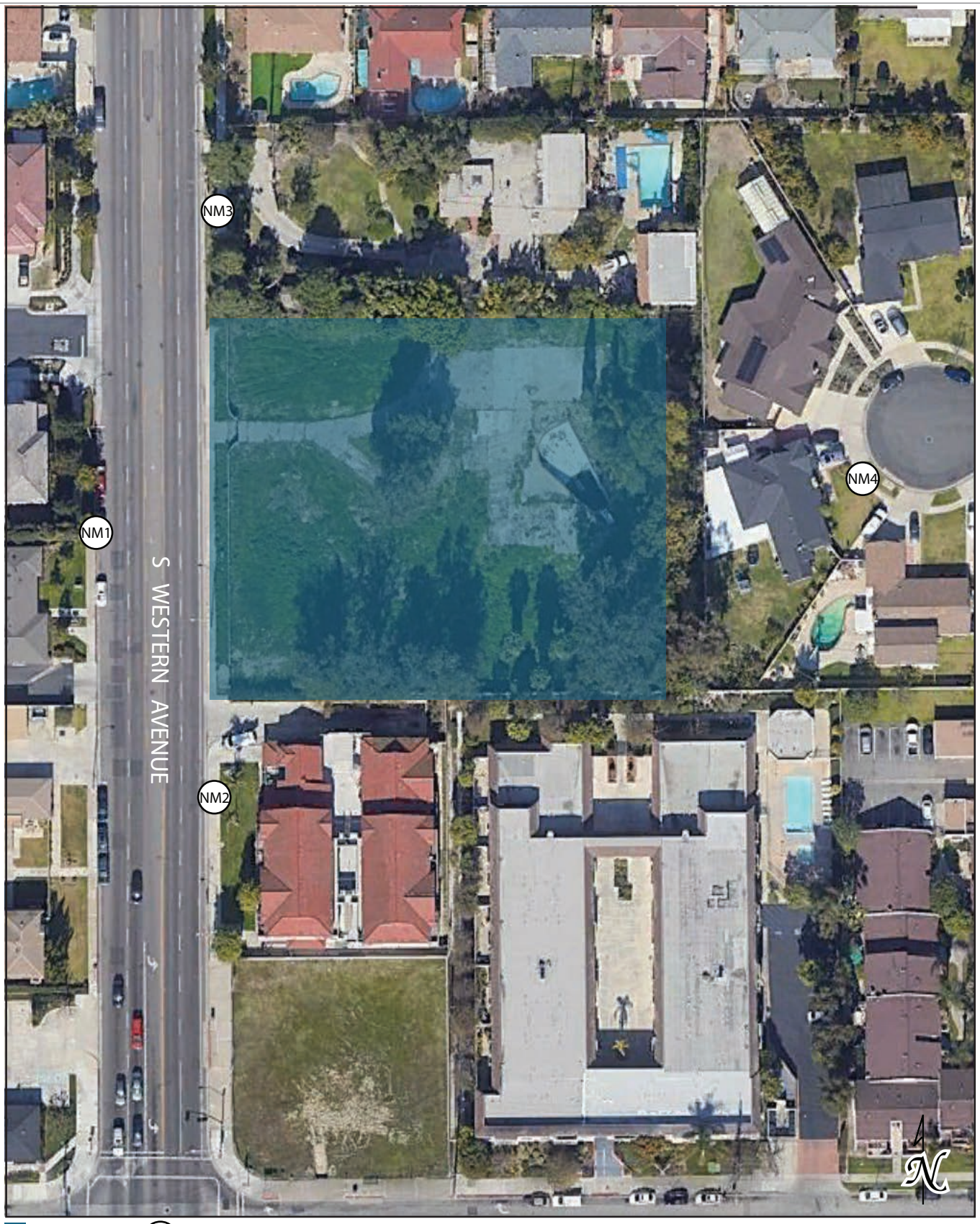
2) Existing Conditions

The State of California defines sensitive receptors as those land uses that require serenity or otherwise adversely affected by noise events or conditions. Schools, libraries, churches, hospitals, single and multiple-family residential, including transient lodging, motels and hotel uses make up the majority of these types of areas.

A residential neighborhood with single-family uses surrounds the Project Site. Sensitive land uses that may be affected by project noise include: directly east, north and south of the site, and ~80 feet east of the site (across S. Western Avenue).

To identify existing noise conditions, four short-term (10-minute) noise levels were measured in the vicinity of the Project Site. **Figure II-2, Noise Measurement Location Map** depicts the locations of the noise measurements. EcoTierra Consulting ("Consultant") conducted the noise survey on August 17, 2021 between 1:41 PM and 3:42 PM using the Larson Davis Sound Track LxT2 sound level meter, which conforms to industry standards set forth in ANSI S1.4-1983 (R2006) – Specification for Sound Level Meters/Type 1 and meets the requirements set forth in City of Anaheim municipal code 6.70.010. The Consultant calibrated and operated the instrument according to the manufacturer's written specifications. At the measurement sites, the Consultant placed the microphone at a height of approximately five feet above grade. At the time of the noise measurements, there was hazy sunshine; and the temperature was 83 degrees Fahrenheit with 10 mph wind conditions and approximately 55 percent humidity.

As shown on **Figure II-2, Noise Measurement Location Map**, the Consultant took the noise measurements near the closest residential uses to: the west, west of S. Western Avenue and north of Ball Road (NM1); to the south, adjacent to the southern boundary of the site on the eastern side of S. Western Avenue (NM2); to the north, adjacent to the northern boundary of the site and south of W. Teranimar Drive (NM3); and to the east, at the closest residential uses located at the end of the cul-de-sac of W. Glen Holly Drive (NM4). **Table II-5, Existing Ambient Noise Levels,** provides a summary of the ambient noise data. Ambient average noise levels were between 48.1 and 73.4 dBA Leq. **Appendix F** to this document includes photos, field sheet, and measured noise data. The dominant noise sources were from vehicles traveling along the adjacent roadways, pedestrians, residential ambiance (music playing, wind chimes etc.), helicopters and other aircraft.



Project Site (NM) Noise Measurement Location

Source: Google Earth, September 2021.

Figure II-2
Noise Measurement Location Map

Table II-5
Existing Ambient Noise Levels

Noise Measurement Location	Location	Primary Noise Sources	Noise Levels[a]		
			L_{eq}	L_{max}	L_{min}
NM1	Adjacent to the residential uses on the western side of S. Western Avenue (north of Ball Road).	Traffic noise along Western Avenue, Ball Road and surrounding roads. The local buildings reflect much of the sound. Other noise sources include bird song residential ambiance, wind chimes, music being played, pedestrians. Occasional low altitude propeller aircraft & helicopters. Leaf rustle from trees due to 10 mph breeze.	67.7	76.9	47.5
NM2	Adjacent to the residential use closest to the project's southern boundary (east of S. Western Avenue and north of Ball Road).		67.8	75.9	54.5
NM3	Adjacent to the residential use east of S. Western Avenue and just north of the project's northern boundary.		73.4	92.1	50.5
NM4	Adjacent to the closest residential uses located east of the site, at the end of the cul-de-sac of W. Glen Holly Drive.		48.1	59.8	41.7

[a] *See **Figure II-2** for noise measurement locations. Each noise measurement was over a 10-minute duration.*
[b] *Noise measurements performed on August 17, 2021.*
*Ambient noise data details are available in **Appendix F** to this document.*

3) Construction Noise

The Applicant expects construction of the Project to last approximately 12 months and require the use of heavy equipment. The Applicant anticipates that the construction phases for the Project would include demolition, site preparation, grading, building construction, paving, and architectural coating. During each construction phase there would be a different mix of equipment operating and noise levels would vary based on the amount of equipment in operation and the location of each activity.

As stated above, the nearest sensitive receptors that could potentially be subject to noise impacts associated with demolition/construction of the Project include residential uses directly north, east and south of the Site, and approximately 80 feet west of the site (across S. Western Avenue). However, any increase in noise levels at off-site receptors during construction of the Project would be temporary in nature, and would not generate continuously high noise levels, although occasional single-event disturbances from construction are possible. In addition, the construction noise during the heavier initial periods of construction (i.e., demolition and site preparation work) would

typically be reduced in the later construction phases (i.e., interior building construction at the proposed building) as the physical structure of the proposed structure would break the line-of-sight noise transmission from the construction area to the nearby sensitive receptors. As shown in **Table II-5** above, sensitive receptors in the area are already exposed to maximum (Lmax) noise levels up to 92.1 dBA.

A summary of noise level data for a variety of construction equipment compiled by the Federal Highway Administration (FHWA) is available in **Appendix F** of this document. Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings.

Noise levels associated with each phase of construction were modeled utilizing worksheets based on the FHWA Roadway Construction Noise Model (RNCM), together with several key construction parameters including: distance to each sensitive receiver, equipment usage, percent usage factor, and baseline parameters for the Project Site. This analysis bases distances to receptors on the acoustical center of the proposed construction activity, and calculated the construction noise levels for each phase. To be conservative, the noise generated by each piece of equipment was added together for each phase of construction; however, it is unlikely (and unrealistic) that every piece of equipment would be used at the same time, at the same distance from the receptor, for each phase of construction. **Table II-6**, **Construction Noise Levels (by Phase) at Nearest Receptors** provides a summary of anticipated noise levels during each construction phase at the closest receptors; and worksheets are included as **Appendix F** to this document.

Table II-6
Construction Noise Levels (by Phase) at the Nearest Receptors

Construction Phase	Receptor Location	Existing Ambient Noise Levels (dBA Leq)[1]	Unmitigated Construction Noise Levels (dBA Leq)[2]
Demolition	West (NM1)	67.7	71.6
	South (NM2)	67.8	76.6
	North (NM3)	73.4	75.8
	East (NM4)	48.1	75.3
Site Preparation	West (NM1)	67.7	70.5
	South (NM2)	67.8	75.5
	North (NM3)	73.4	74.8
	East (NM4)	48.1	74.2
Grading	West (NM1)	67.7	70.3
	South (NM2)	67.8	75.3
	North (NM3)	73.4	74.6
	East (NM4)	48.1	74.0
Building Construction	West (NM1)	67.7	67.3
	South (NM2)	67.8	72.3
	North (NM3)	73.4	71.6
	East (NM4)	48.1	71.0

Table II-6
Construction Noise Levels (by Phase) at the Nearest Receptors

Construction Phase	Receptor Location	Existing Ambient Noise Levels (dBA Leq)[1]	Unmitigated Construction Noise Levels (dBA Leq)[2]
Paving	West (NM1)	67.7	68.7
	South (NM2)	67.8	73.7
	North (NM3)	73.4	72.9
	East (NM4)	48.1	72.4
Architectural Coating	West (NM1)	67.7	60.5
	South (NM2)	67.8	65.5
	North (NM3)	73.4	64.8
	East (NM4)	48.1	64.2

Notes:
*(1) Noise measurement locations are shown on **Figure II-2**.*
*(2) Construction noise calculation details available in **Appendix F**.*
Note: Noise levels from construction activities do not take into account attenuation afforded by intervening structures or topography.

As shown in **Table II-6** above, construction noise levels could reach up to 76.6 dBA during the noisiest phase (demolition) at the residential receptors closest to the southern boundary of Project Site (NM2), located on the eastern side of S. Western Avenue and north of Ball Road. Construction equipment would operate throughout the Project site during each phase and the associated noise levels would not occur at a fixed location for extended periods. The Project will disperse construction noise throughout the project site and roadway noise will mask much of the construction noise. The City's Noise Ordinance does not establish quantitative construction noise standards. The FTA has established a daytime threshold of 90 dBA Leq (1 hour) for residential uses 100 dBA Leq (1 hour) for nonresidential uses to evaluate construction noise impacts.[21] As shown by the results report in Table II-6, noise levels at the closest sensitive receptor locations would be well below 90 dBA. Although construction noise would have a temporary or periodic increase in the ambient noise levels above the existing levels within the project vicinity, the Code requires construction to occur between 7:00 a.m. and 7:00 p.m. Sound created by construction is exempt from the Code standards during this period. Therefore, with compliance with City noise regulations, construction noise impacts would be less than significant.

4) Operational Noise

(a) Stationary Noise Sources

Mechanical equipment (e.g., heating, ventilation, and air conditioning [HVAC] equipment) typically generates noise levels of approximately 52 dBA at 50 feet.[22] Sound levels decrease by 6

[21] *Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, Table 7-2, Page 179, September 2018.*
[22] *Elliott H. Berger, Rick Neitzel1, and Cynthia A. Kladden. (2010). Noise Navigator Sound Level Database with Over 1700 Measurement Values.*

dBA for each doubling of distance from the source.[23] The façade of the nearest noise-sensitive receptor is anticipated to be no closer than 15 feet from the closest potential proposed dwelling unit. At 15 feet, mechanical equipment noise levels would be 62.5 dBA. However, according to the site plan (dated December 22, 2020) the HVAC unit looks to be located at ground level, and would be shielded by 6-foot-tall cinder block wall. The block wall would reduce the noise level from the HVAC unit by at least 5 dBA, which would reduce the noise level down to 57.5 dBA at the nearest noise-sensitive receptor. Therefore, the noise level would be below the City's 60 dBA exterior noise standard set forth in AMC §6.70.0110. Impacts from mechanical equipment would be less than significant.

(b) Traffic Noise

In order for a new noise source to be audible, there would need to be a three dBA or greater CNEL noise increase. The traffic volume on any given roadway would need to double in order for a three dBA increase in ambient noise to occur.[24] Per the traffic study,[25] the greatest increase in Project traffic volume would be 20 vehicles and the existing plus cumulative plus project traffic average daily traffic volume[26] would range between 7,520 vehicles to 10,090 vehicles per day along the segments of Orange Avenue, Ball Road and Western Avenue.[27] Therefore, as the highest Project-related increase in traffic along road segments within a ¼ mile of the Project Site would not result in any audible increase in traffic noise generated by the Project, traffic noise-related impacts would be considered less than significant.

(c) Airport-Related Noise

The nearest airport is Fullerton Municipal Airport, located approximately 3.68 miles northeast of the Project Site. As such, air traffic noise from Fullerton Municipal Airport would not be a source that contributes to the ambient noise levels on the project site. Therefore, impacts are less than significant.

5) Noise Impact Summary

The Project would not result in any significant noise impacts during the construction and operations phases.

c) Project-Specific Air Quality Impacts

This checklist has evaluated the Project to determine if it would violate an air quality standard or contribute to an existing or projected air quality violation. Additionally, this analysis evaluated the Project to determine if it would result in a cumulatively considerable net increase of a criteria

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[23] *Cyril M. Harris, Noise Control in Buildings, 1994*
[24] *2018 FTA Transit Noise and Vibration Assessment Manual, page 210.*
[25] *Refer to **Appendix B**. Linscott, Law & Greenspan. Revised Traffic Impact Analysis Pepperwood Place Project. June 15, 2021.*
[26] *Calculated from the Existing plus Cumulative AM Peak Hour volume*
[27] *Refer to **Appendix F** for Roadway Noise Calculations for the Existing Plus Cumulative Projects and Existing Plus Cumulative Project Plus Project Scenarios.*

pollutant for which the South Coast Air Basin (SCAB) is non-attainment under an applicable federal or state ambient air quality standard. The significance of these potential impacts is below.

1) Standards of Significance

The SCAQMD has developed significance thresholds for regulated pollutants, as summarized in **Table II-7, SCAQMD Air Quality Significance Thresholds**. The SCAQMD's CEQA Air Quality Significance Thresholds (April 2019) indicate that any projects in the SCAB with daily emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact. The SCAQMD also provides a threshold for emissions of lead; however, this analysis did not calculate lead emissions because a) that is not a pollutant that is analyzed in CalEEMod, b) lead emissions were mainly sourced from vehicle emissions, but lead has been banned for use in fuel for new vehicles since 1996 and have been banned in residential paints since 1978, and c) Orange County is in both state and federal attainment for lead, so lead is not a pollutant of concern for air quality emissions in Anaheim. So yes, the project will not be a substantive sources of lead emissions. Additionally, the air quality-modeling program (discussed below) does not calculate any emissions of lead from typical construction or operational activities.

Table II-7
SCAQMD Air Quality Significance Thresholds

Mass Daily Thresholds[a]		
Pollutant	**Construction**	**Operation**
NO_x	100 pounds/day	55 pounds/day
VOC[b]	75 pounds/day	55 pounds/day
PM_{10}	150 pounds/day	150 pounds/day
$PM_{2.5}$	55 pounds/day	55 pounds/day
SO_x	150 pounds/day	150 pounds/day
CO	550 pounds/day	550 pounds/day
Lead	3 pounds/day	3 pounds/day
Toxic Air Contaminants and Odor Thresholds		
Toxic Air Contaminants (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Hazard Index ≥ 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	
GHG	10,000 MT/yr CO2eq for industrial facilities	
Ambient Air Quality for Criteria Pollutants [c]		
NO_2 1-hour average Annual arithmetic mean	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.18 ppm (state) 0.03 ppm (state) and 0.0534 ppm (federal)	
PM_{10} 24-hour average Annual average	10.4 $\mu g/m^3$ (construction)[d] & 2.5 $\mu g/m^3$ (operation) 1.0 $\mu g/m^3$	
$PM_{2.5}$ 24-hour average	10.4 $\mu g/m^3$ (construction)[d] & 2.5 $\mu g/m^3$ (operation)	
Sulfate 24-hour average	25 $\mu g/m^3$ (state)	
CO	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards:	

Table II-7
SCAQMD Air Quality Significance Thresholds

Mass Daily Thresholds[a]	
1-hour average	20 ppm (state) and 35 ppm (federal)
8-hour average	9.0 ppm (state/federal)

Notes: ppm = parts per million by volume; µg/m³ = micrograms per cubic meter
[a] *Source: SCAQMD CEQA Handbook (SCAQMD, 1993).*
[b] *The definition of VOC includes ROG compounds and additional organic compounds not included in the definition of ROG. However, for the purposes of this evaluation, VOC and ROG would be considered synonymous.*
[c] *Ambient air quality thresholds for criteria pollutants based on SCAQMD Rule 1303, table A-2 unless otherwise stated.*
[d] *Ambient air quality threshold based on SCAQMD Rule 403.*
Source: SCAQMD CEQA Handbook (SCAQMD, 1993), SCAQMD Air Quality Significance Thresholds, revised April 2019

2) Construction Emissions

The analysis estimated emissions using the CalEEMod (Version 2020.4.0) software, which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant emissions from a variety of land use projects. The SCAQMD developed CalEEMod in collaboration with the air districts of California.[28] Regional data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) from the various California air districts accounts for local requirements and conditions. The model is an accurate and comprehensive tool for quantifying air quality impacts from land use projects throughout California and recommended for use in CEQA documents by the SCAQMD.[29]

The analysis forecasts daily regional emissions during construction by assuming a conservative estimate of construction activities (i.e., assuming all construction occurs at the earliest feasible date) and applying the mobile source and fugitive dust emissions factors. The analysis adjusts the input values used to be project-specific for the construction schedule and, uses CalEEMod defaults for the construction equipment that the Project would use. The CalEEMod program uses the EMFAC2017 computer program to calculate the emission rates specific for Orange County for construction-related employee vehicle trips and the OFFROAD2011 computer program to calculate emission rates for heavy truck operations. EMFAC2017 and OFFROAD2011 are computer programs generated by California Air Resources Board (CARB) that calculates composite emission rates for vehicles. The program reports emission rates in either grams per trip and grams per mile, or grams per running hour. The analysis uses daily truck trips and CalEEMod default trip length data to assess roadway emissions from truck exhaust. The maximum daily emissions are estimated values for the worst-case day and do not represent the emissions that would occur for every day of project construction. The analysis then compares maximum daily emissions to the SCAQMD daily regional numeric indicators. Detailed construction equipment lists, construction scheduling, and emission calculations are available in the CalEEMod Output provided in **Appendix G** of this document.

[28] *SCAQMD. website: http://www.aqmd.gov/caleemod/, accessed September 2021.*
[29] *South Coast Air Quality Management District, California Emissions Estimator Model.*

Construction activities associated with the Project would result in emissions of VOCs, NO_X, SO_X, CO, PM_{10}, and $PM_{2.5}$ from the following construction activities:

- Demolition
- Site Preparation
- Grading
- Building Construction
- Paving
- Architectural Coating

The Applicant expects construction to start no sooner than the first quarter of 2023 (January) and take approximately 12 months. The construction schedule utilized in the analysis represents a "worst-case" analysis scenario even if construction was to occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent.[30] The construction activities for the Project are anticipated to include: demolition of approximately 12,000 square feet (SF) of existing paving/swimming pool, site preparation and grading of approximately 1.39 acres, construction of 12 single-family dwelling units (with a maximum square footage of 2,580 each; for a total of 30,960 SF), paving of approximately 0.36 acres of on-site roads, and application of architectural coatings. Approximately 77 cubic yards (CY) of dirt would be imported during grading.

Dust is typically a major concern during demolition, site preparation and rough grading activities. Because such emissions are not amenable to collection and discharge through a controlled source, they are "fugitive emissions". Fugitive dust emissions rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). CalEEMod calculated fugitive dust emissions resulting from this phase of activity. The Project would be required to comply with existing SCAQMD rules for the reduction of fugitive dust emissions. SCAQMD Rule 403 establishes these procedures. The Project would comply with this rule through application of standard best management practices in construction and operation activities. These activities include the application of water or chemical stabilizers to disturbed soils, managing haul road dust by application of water, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 mph, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph and establishing a permanent, stabilizing ground cover on finished sites. In addition, projects that disturb 50 acres or more of soil or move 5,000 cubic yards of materials per day are required to submit a Fugitive Dust Control Plan or a Large Operation Notification Form to SCAQMD. Based on the size of the

[30] *As shown in the California Emissions Estimator Model (CalEEMod) User's Guide Version 2020.4.0, Section 4.3 "OFFROAD Equipment" as the analysis year increases, emission factors for the same equipment pieces decrease due to the natural turnover of older equipment being replaced by newer less polluting equipment and new regulatory requirements.*

Project area (approximately 1.39 acres) a Fugitive Dust Control Plan or Large Operation Notification would not be required.

SCAQMD's Rule 403 minimum requirements require that the application of the best available dust control measures is used for all grading operations and include the application of water or other soil stabilizers in sufficient quantity to prevent the generation of visible dust plumes. Compliance with Rule 403 would require the use of water trucks during all phases where earth-moving operations would occur; the emissions modeling assumes that the project would comply with Rule 403.

CalEEMod estimated construction emissions for construction worker vehicles traveling to and from the Project Site, as well as vendor trips (construction materials delivered to the Project site). SCAQMD Rules that are currently applicable during construction activity for this Project include but are not limited to Rule 1113 (Architectural Coatings) and Rule 403 (Fugitive Dust). The analysis considers these Best Available Control Measures (BACMs) as standard regulatory requirements and provides credit for Rule 403 and Rule 1113.

Table II-8, Construction-Related Regional Pollutant Emissions summarizes the estimated maximum daily construction emissions. **Appendix G** to this document provides detailed construction model outputs.

Table II-8
Construction-Related Regional Pollutant Emissions

Activity		Pollutant Emissions (pounds/day)					
		ROG	**NOx**	**CO**	**SO_2**	**PM10**	**PM2.5**
Demolition	On-Site[a]	1.47	14.32	13.46	0.02	0.71	0.64
	Off-Site[b]	0.04	0.08	0.41	0.00	0.15	0.04
	Subtotal	1.51	14.39	13.87	0.03	0.86	0.68
Site Preparation	On-Site[a]	1.13	12.43	6.64	0.02	2.95	1.64
	Off-Site[b]	0.02	0.02	0.25	0.00	0.09	0.02
	Subtotal	1.16	12.44	6.89	0.02	3.04	1.66
Grading	On-Site[a]	1.33	14.47	8.70	0.02	3.37	1.89
	Off-Site[b]	0.04	0.33	0.41	0.00	0.16	0.04
	Subtotal	1.37	14.80	9.11	0.02	3.53	1.94
Building Construction	On-Site[a]	1.52	11.71	12.61	0.02	0.51	0.50
	Off-Site[b]	0.04	0.17	0.39	0.00	0.15	0.04
	Subtotal	1.56	11.88	13.01	0.02	0.66	0.54
Paving	On-Site[a]	0.74	6.24	8.80	0.01	0.31	0.28
	Off-Site[b]	0.04	0.03	0.40	0.00	0.15	0.04
	Subtotal	0.78	6.26	9.20	0.01	0.45	0.32
Architectural Coating	On-Site[a]	20.00	1.30	1.81	0.00	0.07	0.07
	Off-Site[b]	0.01	0.00	0.06	0.00	0.02	0.01
	Subtotal	20.01	1.31	1.87	0.00	0.09	0.08

Table II-8
Construction-Related Regional Pollutant Emissions

Activity	Pollutant Emissions (pounds/day)					
	ROG	**NOx**	**CO**	**SO_2**	**PM10**	**PM2.5**
Total for overlapping phases[c]	35.21	**22.35**	**19.45**	**24.08**	**0.04**	**1.21**
SCAQMD Thresholds	75	75	100	550	150	150
Exceeds Thresholds?	**No**	**No**	**No**	**No**	**No**	**No**

[a] *On-site emissions from equipment operated on-site that is not operated on public roads. On-site grading and site preparation PM-10 and PM-2.5 emissions show mitigated values for fugitive dust for compliance with SCAQMD Rule 403.*
[b] *Off-site emissions from equipment operated on public roads.*
[c] *Construction, painting and paving phases may overlap.*
Source: CalEEMod Version 2020.4.0. Output, available in ***Appendix G.***

As shown in **Table II-8, Construction-Related Regional Pollutant Emissions**, emissions resulting from the Project construction would not exceed criteria pollutant thresholds established by the SCAQMD for emissions of any criteria pollutant. Thus, a less than significant impact would occur for Project-related construction-source emissions.

(a) Localized Significance-Construction

The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards (NAAQS/CAAQS). Collectively, these are localized significance thresholds (LSTs).

The significance of localized emissions impacts depends on whether ambient levels within 500 meters (0.31 miles) of any given project are above or below State standards. In the case of CO and NO_2, if ambient levels are below the standards, a project has a significant impact if project emissions result in an exceedance of one or more of these standards. If ambient levels already exceed a state or federal standard, then project emissions are significant if they increase ambient concentrations by a measurable amount. This would apply to PM_{10} and $PM_{2.5}$; both of which are non-attainment pollutants.

The SCAQMD established LSTs in response to the SCAQMD Governing Board's Environmental Justice Initiative I-4. LSTs represent the maximum emissions from a project that would not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard at the nearest residence or sensitive receptor. The SCAQMD states that lead agencies can use the LSTs as another indicator of significance in its air quality impact analyses.

To address the issue of localized significance, the SCAQMD adopted LSTs that show whether a project would cause or contribute to localized air quality impacts and thereby cause or contribute to potential localized adverse health effects. The analysis makes use of methodology included in the SCAQMD Final Localized Significance Threshold Methodology (LST Methodology). SCAQMD's Methodology clearly states, "Off-site mobile emissions from the Project should NOT be included in the emissions compared to LSTs."[31] Therefore, for purposes of the construction

[31] *South Coast Air Quality Management District, Localized Significance Thresholds Methodology, 2005.*

LST analysis, this analysis only considers emissions included in the CalEEMod "on-site" emissions outputs.

The land uses immediately surrounding the Project Site include: the residential uses directly east, north and south of the site, and ~80 feet east of the site (across S. Western Avenue). According to LST Methodology, "any receptor located closer than 25 meters (82 feet) shall be based on the 25-meter thresholds." The Project Site is approximately 1.39 acres and the nearest sensitive receptors to the Project Site include the residential uses adjacent to the site; therefore, the analysis used SCAQMD Look-up Tables for 1 acre at a distance of 25 meters. Other air quality sensitive land uses are located further from the Project Site and would experience lower impacts. **Table II-9, Local Construction Emissions at the Nearest Receptors,** shows the on-site emissions from the CalEEMod model for the different construction phases and the LST emissions thresholds.

Table II-9
Local Construction Emissions at the Nearest Receptors

Activity	On-Site Pollutant Emissions (pounds/day)			
	NO_x	**CO**	**PM_{10}**	**$PM_{2.5}$**
Demolition	14.32	13.46	0.71	0.64
Site Preparation	12.43	6.64	2.95	1.64
Grading	14.47	8.70	3.37	1.89
Building Construction	11.71	12.61	0.51	0.50
Paving	6.24	8.80	0.31	0.28
Architectural Coating	1.30	1.81	0.07	0.07
SCAQMD Thresholds[a]	**81**	**485**	**4**	**3**
Exceeds Threshold?	**No**	**No**	**No**	**No**

[a] *The nearest sensitive receptors to the project include: the residential uses directly east, north and south of the site, and ~80 feet east of the site (across S. Western Avenue); therefore, the 25 meter threshold was used.*

Source: Calculated from CalEEMod and SCAQMD's Mass Rate Look-up Tables for 2 acres at a distance of 25 m in SRA 17 Central Orange County.

The data provided in **Table II-9, Local Construction Emissions at the Nearest Receptors**, shows that none of the analyzed criteria pollutants would exceed the local emissions thresholds at the nearest sensitive receptors. Therefore, a less than significant local air quality impact would occur from construction of the Project.

3) Operational Emissions

Operational activities associated with the Project would result in emissions of VOCs, NO_X, SO_X, CO, PM_{10}, and $PM_{2.5}$ from the following primary sources:

- Area Source Emissions
- Energy Source Emissions
- Mobile Source Emissions

(a) Area Source Emissions

Architectural Coatings: Over a period of approximately 10 days the buildings that are part of this Project would be subject to emissions resulting from the evaporation of solvents contained in

paints, varnishes, primers, and other surface coatings as part of Project maintenance. Rule 1113 (Architectural Coatings) limits paints applied to buildings to 50g/L VOC content.

Consumer Products: Consumer products include, but are not limited to detergents, cleaning compounds, polishes, personal care products, and lawn and garden products. Many of these products contain organic compounds which when released in the atmosphere can react to form ozone and other photochemically reactive pollutants.

Fireplaces: The Project is not proposing to install any wood-burning fireplaces; and therefore, does not result in any emissions associated with any wood-burning hearths/fireplaces. CalEEMod defaults estimates that 90 percent of the homes will have fireplaces.

Landscape Maintenance Equipment: Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the Project.

(b) Energy Source Emissions

Combustion Emissions Associated with Natural Gas and Electricity: Most projects have criteria pollutant emissions emitted through the generation of electricity and consumption of natural gas. Anaheim Public Utilities' power supply comes from resources located in Anaheim and across the Western United States.[32]

(c) Source Emissions

Vehicles: Project mobile source air quality impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in ¼ mile of the Project. The Project-related operational air quality impacts are primarily from vehicle trips generated by the Project.

According to the project-specific traffic analysis (TIA)[33], the Project would generate 113 daily trips. Using the trip generation rates from the TIA, the Project would generate 9.44 daily trips/DU. CalEEMod defaults were used for the Saturday and Sunday trip generation rates. The CalEEMod program then applies the emission factors for each trip, provided by the EMFAC2017 model, to determine the vehicular traffic pollutant emissions.

Fugitive Dust Related to Vehicular Travel: Vehicles traveling on paved roads would be a source of fugitive emissions due to the generation of road dust inclusive of tire wear particulates.

(d) Emissions Summary

The analysis included the potential operations-related air emissions for the criteria pollutants and cumulative impacts. The analysis calculated the worst-case summer or winter criteria pollutant

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[32] *City of Anaheim Public Utilities, About Electric Service, website: https://www.anaheim.net/2104/About-Electric-Services, accessed September 2021.*

[33] *Refer to **Appendix B**, Revised Traffic Impact Analysis for the Pepperwood Place Project, Anaheim, CA, prepared by Linscott Law & Greenspan, June 2021.*

emissions created from the Project's long-term operations, which are below in **Table II-10, Regional Operational Pollutant Emissions**.

Table II-10
Regional Operational Pollutant Emissions

Operational Activities – Summer Scenario	Pollutant Emissions (pounds/day)					
	VOC	NOx	CO	SOx	PM_{10}	$PM_{2.5}$
Area Sources[a]	0.72	0.19	1.07	0.00	0.02	0.02
Energy Usage[b]	0.01	0.07	0.03	0.00	0.01	0.01
Mobile Sources[c]	0.31	0.34	3.15	0.01	0.83	0.22
Total Emissions	**1.04**	**0.60**	**4.25**	**0.01**	**0.86**	**0.25**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

[a] Area sources consist of emissions from consumer products, architectural coatings, and landscaping equipment.
[b] Energy usage consists of emissions from generation of electricity and on-site natural gas usage.
[c] Mobile sources consist of emissions from vehicles and road dust.
*Source: CalEEMod Version 2020.4.0; the higher of either summer or winter emissions, available in **Appendix G**.*

The results from **Table II-10, Regional Operational Pollutant Emissions,** show that the Project does not exceed the SCAQMD regional thresholds. Therefore, a less than significant regional air quality impact would occur from operation of the Project. No mitigation measures are required.

4) Localized Significance – Operation

Project-related air emissions from on-site sources such as architectural coatings, landscaping equipment, onsite usage of natural gas appliances as well as the operation of vehicles on-site may have the potential to exceed the state and federal air quality standards within 500 meters (0.31 miles of the Project Site. However, these pollutant emissions may not be significant enough to create a regional impact to the Air Basin. The nearest sensitive receptors to the Project Site include: the residential uses directly east, north and south of the site, and ~80 feet east of the site (across S. Western Avenue).

According to SCAQMD LST methodology, LSTs would apply to the operational phase of a project, if the project includes stationary sources (such as mining sites, boilers, power-generating plants, etc.), or attracts mobile sources (such as heavy-duty trucks) that may spend long periods queuing and idling at the site; such as industrial warehouse/transfer facilities. The Project involves the construction and operation residential uses. Due the lack of on-site/stationary source emissions, the Project does not warrant a long-term localized significance threshold analysis.

Therefore, the Project's contribution to cumulative regional emissions would not be considerable and, thus, would be less than significant.

5) Toxic Air Contaminants

Some people are especially sensitive to air pollution and require special consideration when evaluating air quality impacts from projects. These groups of people include children, the elderly, and individuals with pre-existing respiratory or cardiovascular illness, and athletes and others who engage in frequent exercise. AQMD defines "sensitive receptors" to be to be a receptor such as

residence, hospital, convalescent facility where it is possible that an individual could remain for 24 hours. The nearest sensitive receptors to the Project Site include: the residential uses directly east, north and south of the site, and ~80 feet east of the site (across S. Western Avenue).[34]

(a) Construction

With respect to TACs, the greatest potential for TAC emissions resulting from construction of the Project would involve diesel particulate emissions associated with trucks and heavy equipment. Based on SCAQMD guidance, health effects from TACs are usually described in terms of individual cancer risk, which is the likelihood that a person exposed to TACs over a 70-year lifetime would contract cancer. Project construction activity would not result in long-term substantial sources of TAC emissions (i.e., 30 or 70 years) and would not generate ongoing construction TAC emissions. Given the temporary and short-term construction schedule (approximately 12 months), the Project would not result in a long-term (i.e., lifetime or 30-year) exposure because of Project construction. Furthermore, as shown above, construction-based particulate matter (PM) emissions (including diesel exhaust emissions) do not exceed any local or regional thresholds.

In addition, the construction activities associated with the Project would be similar to other development projects in the City, and would be subject to the regulations and laws relating to toxic air pollutants at the regional, State, and Federal level that would protect sensitive receptors from substantial concentrations of these emissions. The Project would be consistent with applicable AQMP requirements for control strategies intended to reduce emissions from construction equipment and activities. The Project would comply with the CARB Air Toxics Control Measure that limits diesel powered equipment and vehicle idling to no more than five (5) minutes at a location, and the CARB In-Use Off-Road Diesel Vehicle Regulation; compliance with these regulations would minimize emissions of TACs during construction. The Project would also comply with the requirements of SCAQMD Rule 1403 in the event that the demolition activities discover asbestos.

(b) Operation

In an urban setting, vehicle exhaust is the primary source of CO. Consequently, the highest CO concentrations are generally close to congested intersections. Under typical meteorological conditions, CO concentrations tend to decrease as the distance from the emissions source (e.g., congested intersection) increases. Therefore, for purposes of providing a conservative worst-case impact analysis, CO concentrations the analysis typically includes congested intersection locations. If the analysis finds that impacts are less than significant close to congested intersections, impacts also would be less than significant at more distant sensitive-receptor and other locations. The Transportation Project-Level Carbon Monoxide Protocol (CO Protocol) provides an initial screening procedure to determine whether a project poses the potential to generate a CO hotspot.[35] The key criterion is whether the Project would worsen traffic congestion at signalized intersections operating at level of service (LOS) E or F. If a project poses a potential

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[34] *AQMD, website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2, accessed September 2021.*

[35] *UC Davis, Institute of Transportation Studies, 1997.*

for a CO hotspot, a quantitative screening is required. Per the TIA prepared for the Project, implementation of the Project would not worsen traffic at any of the analyzed signalized intersections operating at LOS E or F.[36] Therefore, the impact would be less than significant.

6) Odors

Odors are typically associated with the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes. According to the SCAQMD *CEQA Air Quality Handbook*, land uses and industrial operations that are associated with odor complaints include agricultural uses, wastewater treatment plants, food-processing plants, chemical plants, composting, refineries, landfills, dairies and fiberglass molding. The Project involves the construction and operation of single-family dwelling units, which are not typically associated with odor complaints.

Potential sources that may emit odors during construction activities include the application of materials such as asphalt pavement. Objectionable odors produced during the construction process are short-term in nature and would cease upon the drying or hardening of the odor producing materials. Due to the short-term nature and limited amounts of odor producing materials, no significant impact related to odors would occur during construction of the Project. The Project would result in the emission of diesel exhaust and VOCs during construction, which would be objectionable to some; however, emissions would disperse rapidly from the Project Site and therefore should not reach an objectionable level at the nearest sensitive receptors. As the Project involves no operational elements related to industrial projects, there would be no long-term operational objectionable odors. Therefore, potential impacts associated with objectionable odors would be less than significant.

7) AQMP Consistency

The City, including the Project Site, is within the South Coast Air Basin (Basin), and the SCAQMD is directly responsible for reducing emissions from stationary (area and point), mobile and indirect sources to meet federal and State ambient air quality standards. The SCAQMD has responded to this requirement by preparing a series of AQMPs. The 2016 AQMP identifies the implementation of control measures over a 20-year horizon to reduce major sources of pollutants. Control measures established in previous AQMPs have substantially decreased exposure to unhealthful levels of pollutants, even while substantial population growth has occurred within the Basin.

The 2016 AQMP continues to evaluate current integrated strategies and control measures to meet the National Ambient Air Quality Standards (NAAQS), as well as explore new and innovative methods to reach its goals. Some of these approaches include utilizing incentive programs, recognizing existing co-benefit programs from other sectors, and developing a strategy with fair-share reductions at the federal, state, and local levels.[37]

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[36] *Refer to **Appendix B,** Revised Traffic Impact Analysis for the Pepperwood Place Project, Anaheim, CA, prepared by Linscott Law & Greenspan, June 2021.*

[37] *South Coast Air Quality Management District. Final 2016 Air Quality Management Plan (AQMP), March 2017.*

Criteria for determining consistency with the AQMP are in Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD's CEQA Air Quality Handbook (1993). These indicators are below:

Consistency Criterion No. 1: The Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.

(a) Construction Impacts

The violations that Consistency Criterion No. 1 refers to are the California Ambient Air Quality Standards (CAAQS) and NAAQS. CAAQS and NAAQS violations would occur if the Project exceeds localized significance thresholds (LSTs) or regional significance thresholds. The Project would not exceed the applicable LSTs or regional significance thresholds for construction activity. Therefore, the Project would not conflict with the AQMP according to this criterion.

(b) Operational Impacts

The Project would not exceed the applicable LST or regional significance thresholds for operational activity. Therefore, the Project would not conflict with the AQMP according to this criterion.

Based on the preceding discussion, the Project is consistent with the first criterion.

Consistency Criterion No. 2: The Project would not exceed the assumptions in the AQMP based on the years of Project build-out phase.

(c) Overview

The 2016 AQMP demonstrates that the applicable ambient air quality standards can be achieved within the timeframes required under federal law. Growth projections from local general plans adopted by cities in the district are provided to the SCAG, which develops regional growth forecasts, which are then used to develop future air quality forecasts for the AQMP. Development consistent with the growth projections in City General Plan is considered to be consistent with the AQMP.

(d) Construction Impacts

Peak day emissions generated by construction activities are largely independent of land use assignments, but rather are a function of development scope and maximum area of disturbance. Irrespective of the Site's land use designation, development of the site to its maximum potential would likely occur, with disturbance of the entire site occurring during construction activities.

(e) Operational Impacts

As stated previously, the General Plan designates the Project Site for Corridor Residential land use and the RM-1 Zone is the typical implementing zone for this land use designation. The density range for the Corridor Residential designation is 0 to 13.0 units per acre. The applicant is proposing to reclassify the Project Site to the "RS-4" Single-Family Residential Zone and develop the Project in accordance with the development standards of said zone. Approval of the Project would allow the construction of a new 12-unit, small lot single-family residential subdivision

including one private street on a 1.39-acre Project Site, which would result in a density of 8.7 units/acre. The proposed density of development is within density range established for the Corridor Residential land use designation. Therefore, the development proposed by the Project would be consistent with regional growth projections and consistent with the AQMP.

As further discussed above, the Project would not exceed regional or local thresholds and would have a less than significant impact.

Based on the preceding discussion, the Project is determined to be consistent with the second criterion.

(f) AQMP Consistency Conclusion

The Project would not result in or cause NAAQS or CAAQS violations. The Project would not result in any construction-source or operational-source emissions exceedances. The Project is therefore consistent with the AQMP. Thus, the Project would not conflict with or obstruct implementation of the AQMP, and this impact would be less than significant.

8) Air Quality Impact Summary

As explained in detail in above subsections, the Project would not result in any significant effects relating to air quality.

d) Project-Specific Greenhouse Gas Impacts

Greenhouse gases (GHG) are those gaseous constituents of the atmosphere, both natural and human generated, that absorbs and emits radiation at specific wavelengths within the spectrum of terrestrial radiation emitted by the earth's surface, the atmosphere itself, and by clouds. GHGs, as defined under California's Assembly Bill (AB) 32, include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). General discussions on climate change often include water vapor, atmospheric ozone, and aerosols in the GHG category. Water vapor and atmospheric ozone are not gases that are formed directly in the construction or operation of development Projects, nor can they be controlled in these Projects. Aerosols are not gases. While these elements have a role in climate change, regulatory bodies, such as CARB, or climate change groups, such as the California Climate Action Registry, do not consider these elements as gases that CEQA documents need to report or analyze for control. Therefore, this document does not provide any further discussion of water vapor, atmospheric ozone, or aerosols.

1) Regulatory Background

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order (EO) S-3-05, which calls for a reduction in GHG emissions to the year 2000 level by 2010, to year 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.

The principal overall State plan and policy adopted for the purpose of reducing GHG emissions is Assembly Bill (AB) 32 (California Global Warming Solutions Act of 2006). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG

emissions and establishes a cap on statewide GHG emissions. AB 32 recognizes that California is the source of substantial amounts of GHG emissions. The statute states the following:

> *"Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems."*

In order to avert these consequences, AB 32 establishes a State goal of reducing GHG emissions to 1990 levels by the year 2020, codifying the goal of EO S-3-05.

CARB approved a *Climate Change Scoping Plan* as required by AB 32 in 2008; CARB updates this plan every five years as required by State law. The *Climate Change Scoping Plan* proposes a "comprehensive set of actions designed to reduce overall carbon GHG emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health".[38] The *Climate Change Scoping Plan* has a range of GHG-reduction actions, which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market based mechanisms such as a cap-and-trade system, and an AB 32 implementation regulation to fund the program. On February 10, 2014, CARB released the Draft Proposed First Update to the *Climate Change Scoping Plan*.[39] The board approved the final *First Update to the Climate Change Scoping Plan* on May 22, 2014. The first update describes California's progress towards AB 32 goals, stating that "California is on track to meet the near-term 2020 greenhouse gas limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32".[28] The latest update occurred in January 2017 and incorporates the 40 percent reduction to 1990 emissions levels by 2030.

The Sustainable Communities and Climate Protection Act of 2008, Senate Bill (SB) 375, established a process to coordinate land use planning, regional transportation plans, and funding priorities in order to help California meet the GHG reduction goals established in AB 32. SB 375 required SCAG to incorporate a SCS into its RTPs that would achieve GHG emission reduction targets though several measures, including land use decisions. SCAG's SCS is included in the SCAG 2020–2045 RTP/SCS. The goals and policies of the RTP/SCS that reduce VMT focus on transportation and land use planning that include building infill projects; locating residents closer to where they work and play; and designing communities so there is access to high quality transit service.

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[38] *Climate Change Scoping Plan—Pursuant to AB 32. Sacramento, CA: CARB, December 2008, website: https://ww3.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf, accessed September 2021.*

[39] *Proposed First Update to the Climate Change Scoping Plan: Building on the Framework. Sacramento, CA: CARB, February 2014, website: http://www.arb.ca.gov/cc/scopingplan/2013_update/draft_proposed_first_update.pdf, accessed September 2021.*

On April 29, 2015, Governor Brown signed EO B-30-15, which ordered an interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050. Five key goals for reducing GHG emissions through 2030 include (1) increasing renewable electricity to 50 percent; (2) doubling the energy efficiency savings achieved in existing buildings and making heating fuels cleaner; (3) reducing petroleum use in cars and trucks by up to 50 percent; (4) reducing emissions of short-lived climate pollutants; and (5) managing farms, rangelands, forests and wetlands to increasingly store carbon. EO B-30-15 also directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent.

On September 8, 2016, the Governor signed Senate Bill 32 (SB 32) to codify the GHG reduction goals of EO B-30-15, requiring the State to reduce GHG emissions by 40 percent below 1990 levels by 2030 (Health and Safety Code Section 38566). As stated above, the State expects this goal to keep the State on track to meeting the goal set by EO S-3-05 of reducing GHG emissions by 80 percent below 1990 levels by 2050.

In addition, the Governor of California signed AB 197 to ensure that the State meets the SB 32 goals by requiring CARB to provide annual reports of GHGs, criteria pollutants, and TACs by facility, City and sub-county level, and sector for stationary sources and at the County level for mobile sources. It also requires the CARB to prioritize specified emission reduction rules and regulations and to identify specified information for emission reduction measures (e.g., alternative compliance mechanism, market-based compliance mechanism, and potential monetary and nonmonetary incentive) when updating the Scoping Plan.

SB 350, signed October 7, 2015, is the Clean Energy and Pollution Reduction Act of 2015. SB 350 is the implementation of some of the goals of EO B-30-15. The objectives of SB 350 are as follows:

1. To increase from 33 percent to 50 percent, the procurement of our electricity from renewable sources

2. To double the energy efficiency savings in electricity and natural gas final end uses of retail customers through energy efficiency and conservation

The text of SB 350 sets a December 31, 2030, target for the State to generate 50 percent of its electricity from renewable sources. SB 350 also requires the State to double statewide energy efficiency savings in electricity and natural gas end uses by 2030. Additionally, SB 350 sets requirements for large utilities to develop and submit integrated resources plans (IRPs), which detail how utilities would meet their customers' resource needs, reduce GHG emissions, and integrate clean energy resources.[40]

[40] *California Energy Commission Clean Energy and Pollution Reduction Act—SB 350. Sacramento, CA: CEC, website: https://www.energy.ca.gov/rules-andregulations/ energy-suppliers-reporting/clean-energy-and-pollution-reduction-act-sb-350, accessed September 2021.*

On September 10, 2018, Governor Brown signed SB 100, the 100 Percent Clean Energy Act of 2018. SB 100 requires renewable energy and zero-carbon resources to supply 100 percent of electric retail sales to end-use customers and 100 percent of electricity procured to serve state agencies by December 31, 2045. This policy requires the transition to zero-carbon electric systems that do not cause contributions to increase of GHG emissions elsewhere in the western electricity grid.[41] SB 100 also creates new standards for the Renewable Portfolio Standard (RPS) goals established by SB 350 in 2015. Specifically, the bill increases required energy from renewable sources for both investor-owned utilities and publicly owned utilities from 50 percent to 60 percent by 2030.

Further, on September 10, 2018, Governor Brown also signed California EO B-55-18, which sets a new statewide goal of carbon neutrality as soon as possible, and no later than 2045 and achieve net negative emissions thereafter. EO B-55-18 was added to the existing Statewide targets of reducing GHG emissions, including the targets previously established by Governor Brown of reducing emissions to 40 percent below 1990 levels by 2030 (EO B-30-15 and SB 32), and by Governor Schwarzenegger of reducing emissions to 80 percent below 1990 levels by 2040 (EO S-3-05).

2) SCAQMD Significance Criteria

On December 5, 2008, the SCAQMD Governing Board presented the staff proposal for a tiered threshold approach wherein Tier 1 determines if a project qualifies for an applicable CEQA exemption, Tier 2 determines consistency with GHG reduction plans, and Tier 3 proposes a numerical screening value as a threshold. At their September 28, 2010, meeting, the Working Group suggested a Tier 3 threshold of 3,000 metric tons of carbon dioxide equivalent (MTCO2e) per year for all land use types.[42] Tier 4 determines if the project meets performance standards. Tier 4 has three options: 1) Option 1: percent emission reduction target; 2) Option 2: early implementation of applicable measures; and 3) Option 3: sector-based standard. Tier 5 determines mitigation for CEQA offsets.

In the absence of adopted thresholds, this analysis uses the Tier 3 standard.[43] The development of project-level thresholds in accordance with CEQA is an ongoing effort at the State, Regional, and County levels, and significance thresholds may differ for future projects based on new or additional data and information that may be available at that time for consideration. The City of Anaheim has not officially adopted any GHG CEQA significance threshold. The City defers to assessment methods and significance thresholds developed by the SCAQMD. This impact analysis evaluates consistency with regulatory programs designed to reduce GHG emissions and that contribute to the achievement of the goals of AB 32 and SB 32 as the primary significance criterion. In addition,

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[41] *California Energy Commission SB 100 Joint Agency Report. Sacramento, CA: CEC website: https://www.energy.ca.gov/sb100, accessed September 2021.*

[42] *South Coast Air Quality Management District, Minutes for the GHG Significance Threshold Stakeholder Working Group #15. Diamond Bar, CA: SCAQMD, September 28, 2010.*

[43] *South Coast Air Quality Management District, PROPOSAL: Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans. Diamond Bar, CA: SCAQMD, December 5, 2008, website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significancethresholds/ghgboardsynopsis.pdf?sfvrsn=2, accessed September 2021.*

this impact analysis also evaluates the Project's estimated emissions compared to the Tier 3 threshold (as discussed above) for impacts related to GHG emissions proposed by staff of the SCAQMD, but not adopted by the SCAQMD Board.

The Tier 3 threshold is an industry standard for the assessment of potential GHG impacts within the South Coast Air Basin and represents the best available guidance in the assessment of potential GHG impacts.

3) GHG Emissions Thresholds

Neither the SCAQMD, the City of Anaheim, nor the County of Orange has adopted a significance threshold for GHG emissions from non-industrial development projects. Consequently, pursuant to the discretion afforded by Sections 15064.4(a) and 15064.4(b) of the State CEQA Guidelines, the impact of the Project's GHG emissions is assessed based on the methodologies proposed by SCAQMD's GHG CEQA Significance Threshold Working Group, as described above.

4) Impact Analysis

The Project would generate GHG emissions from area sources, energy usage, mobile sources, waste, water/wastewater, and construction equipment. The following provides the methodology used to calculate the Project-related GHG emissions and the Project impacts.

The analysis used CalEEMod Version 2020.4.0 to calculate the GHG emissions from the Project. The CalEEMod Annual Output for year 2024 for the Project is available in **Appendix H** of this document. Each source of GHG emissions is described below.

(a) Area Sources

Area sources include emissions from consumer products, landscape equipment and architectural coatings. The analysis did not make any changes to the default area source emissions.

(b) Energy Use

Energy usage includes emissions from the generation of electricity and natural gas used on-site. The analysis did not make any changes to the default energy usage parameters.

(c) Mobile Sources

Mobile sources include emissions from the additional vehicle miles generated from the Project. Per the *Final Vehicle Miles Traveled (VMT) Assessment for the Proposed Pepperwood Place Project*,[44] this analysis screens since the Project "is located in a low VMT-generating area (<15% below the Orange County Average)." Therefore, this analysis uses the trip generation rates from the TIA to analyze the GHG emissions from the vehicle trips associated with the Project.

The basis for the emissions of GHGs associated with mobile sources from operation of the Project are the average daily trip generation rate, trip distance, the GHG emission factors for the mobile

[44] *Refer to **Appendix B**, Revised Traffic Impact Assessment for the Pepperwood Place Project, Anaheim, CA, prepared by Linscott Law & Greenspan, June 2021.*

sources, and the GWP values for the GHGs emitted. The types of vehicles that would visit the Project Site include all vehicle types including automobiles, light-duty trucks, delivery trucks, and waste haul trucks. The modeling for the Project used the vehicle fleet mix for the Orange County portion of the South Coast Air Basin as provided in EMFAC2017 and CalEEMod.

According to the TIA, the Project would generate 9.44 daily trips/DU. CalEEMod defaults were used for the Saturday and Sunday trip generation rates.

(d) Waste

Waste includes the GHG emissions generated from the processing of waste from the Project as well as the GHG emissions from the waste once interred into a landfill. AB 341 requires the diversion of 75 percent of waste from landfills by 2020. To be conservative, the analysis did not make any reductions for compliance with AB 341. The analysis did not make any other changes were made to the default waste parameters.

(e) Waste/Wastewater

Water includes the water used for the interior of the building as well as for landscaping and is based on the GHG emissions associated with the energy associated with supplying and treating water and wastewater. California Green Building Standards require a 20 percent reduction in indoor water usage. To be conservative, the analysis did not take any reductions or make any changes to the default water usage parameters.

(f) Construction

The construction-related GHG emissions were also included in the analysis and based on a 30-year amortization rate as recommended in the SCAQMD GHG Working Group meeting on November 19, 2009. CalEEMod calculated the construction-related GHG emissions using the parameters described above. A summary of the results is below in **Table II-11, Project-Related GHG Emissions,** and the CalEEMod Model runs for the Project are provided in **Appendix H** of this document. **Table II-11, Project-Related GHG Emissions,** shows that the Project's GHG emissions would be 177.67 MTCO2e per year.

Table II-11
Project-Related GHG Emissions

Emissions Source	Estimated Project Generated CO_2e Emissions (Metric Tons per Year)
Area Sources	2.82
Energy Usage (Electricity & Natural Gas)	32.12
Mobile Sources (Motor Vehicles)	124.03
Solid Waste Generation	7.01
Water/Wastewater	3.86
Construction Emissions	7.85
Total GHG Emissions	**177.67**
SCAQMD-Recommended Threshold (Tier 3)	3,000
Exceeds Threshold?	No

Table II-11
Project-Related GHG Emissions

Emissions Source	Estimated Project Generated CO_2e Emissions (Metric Tons per Year)
*Calculation sheets are provided in **Appendix H** of this document.* *Source: CalEEMod Version 2020.4.0 for Opening Year 2024.*	

As it is noted, there are no established applicable quantitative federal, State, regional, or local CEQA significance criteria for GHG emissions for non-industrial projects in the SoCAB. The SCAQMD has proposed, but not adopted, a threshold of 3,000 MTCO2e per year for non-industrial land use projects. As shown, the estimated GHG emissions from the Project would be less than this suggested threshold. The impact would be less than significant.

(g) Consistency with Scoping Plan (AB 32)

The City does not have an adopted Climate Action Plan (CAP) or Citywide GHG Reduction Plan applicable to land use development projects. As such, this consistency analysis focuses on the 2017 Scoping Plan, SCAG's Connect SoCal RTP/SCS, SB 32, and Title 24. The Project would be subject to compliance with all building codes in effect at the time of construction, which would include energy conservation measures mandated by Title 24 of the California Building Standards Code – Energy Efficiency Standards. Because Title 24 standards require energy conservation features in new construction (e.g., high- efficiency lighting, high-efficiency heating, ventilating, and air conditioning (HVAC) systems, thermal insulation, double-glazed windows, water conserving plumbing fixtures), they indirectly regulate and reduce GHG emissions. California's Building Energy Efficiency Standards are updated on an approximately three-year cycle. The most recent 2019 standards went into effect January 1, 2020.

Further, the Project would be subject to compliance with the South Coast AQMD's proposed GHG threshold and would not interfere with the State's goals of reducing GHG emission. The Project would comply with the City's General Plan policies and State Building Code provisions designed to reduce GHG emissions. Approximately 90 percent of the Project's emissions would be from energy and mobile sources, which would be further reduced by 2017 Scoping Plan implementation. In addition, the City has no control over vehicle emissions (approximately 64 percent of the project's total emissions). However, these emissions would decline in the future due to statewide measures including the reduction in the carbon content of fuels, CARB's advanced clean car program, CARB's mobile source strategy, fuel efficiency standards, cleaner technology, and fleet turnover. Additionally, SCAG expects implementation of its RTP/SCS to help California reach its GHG reduction goals, with reductions in per capita transportation emissions of 19 percent 2035.[45] The Project is an infill development project near large employment centers, local-serving commercial uses, and several OCTA transit stops along Ball Road, thereby potentially reducing

[45] *Southern California Association of Governments, Connect SoCal 2020–2045 RTP/SCS, September 3, 2020, p. 9*

the need to travel long distances.[46] Accordingly, the Project would not interfere with the State's efforts to reduce GHG emissions in 2030.

The 2017 Scoping Plan builds on the 2008 Scoping Plan in order to achieve the 40 percent reduction from 1990 levels by 2030. Major elements of the 2017 Scoping Plan framework that would achieve the GHG reductions include:

- Implementing and/or increasing the standards of the Mobile Source Strategy, which include increasing Zero Emission Vehicle (ZEV) buses and trucks. When adopted, this measure would apply to all trucks accessing the Project Site; this may include existing trucks or new trucks purchased by the project proponent, which could be eligible for incentives that expedite the Project's implementation of ZEVs.

- Low Carbon Fuel Standard (LCFS), with an increased stringency (18 percent by 2030). When adopted, this measure would apply to all fuel purchased and used by the Project in the state.

- Implementing SB 350, which expands RPS to 50 percent and doubles energy efficiency savings by 2030. When adopted, this measure would apply when electricity is provided to the Project by a utility company.

- California Sustainable Freight Action Plan, which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of ZEV trucks. When adopted, this measure would apply to all trucks accessing the Project site, this may include existing trucks or new trucks that are part of the statewide goods movement sector.

- Implementing the proposed Short-Lived Climate Pollutant Strategy (SLPS), which focuses on reducing methane and hydrofluorocarbon emissions by 40 percent and anthropogenic black carbon emissions by 50 percent by year 2030. When adopted, the Project would be required to comply with this measure and reduce SLPS accordingly.

- Continued implementation of SB 375. The Project is not within the purview of SB 375 and would therefore not conflict with this measure.

- Post-2020 Cap-and-Trade Program that includes declining caps. When adopted, the Project would be required to comply with the Cap-and-Trade Program if it generates emissions from sectors covered by Cap-and-Trade.

- 20 percent reduction in GHG emissions from refineries by 2030. When adopted, the Project would be required to comply with this measure if it were to utilize any fuel from refineries.

[46] *The California Air Pollution Control Officers Association, Quantifying Greenhouse Gas Mitigation Measures (August 2010) identifies that infill developments, such as the proposed project reduce vehicle miles traveled which reduces fuel consumption. Infill projects such as the proposed project would have an improved location efficiency.*

- Development of a Natural and Working Lands Action Plan to secure California's land base as a net carbon sink. This is a statewide measure that would not apply to the Project.

As shown above, the Project would not conflict with any of the 2017 Scoping Plan elements as any regulations adopted would apply directly or indirectly to the Project. Furthermore, recent studies show that the State's existing and proposed regulatory framework would allow the State to reduce its GHG emissions level to 40 percent below 1990 levels by 2030.[47]

Concerning Executive Order S-3-05 goals for 2050, it is not currently possible to quantify all emissions savings from future regulatory measures because government agencies have not yet developed the measures. Just as the project's GHG emissions would decrease over time from the known regulations that the State would phase in over time, it can be anticipated that project operations would benefit from all applicable measures enacted by State lawmakers to reach the goal of an 80 percent reduction below 1990 levels by 2050. This percentage reduction in the level of GHG emissions that the State's GHG regulators believe the State needs to achieve in order to stabilize GHG-induced temperature increases and limit GHG impacts in California's environment. The basis for the analysis included in this Categorical Exemption is generally the Consultant's knowledge about current GHG emissions regulations and its prediction of GHG impacts, to the extent possible, based on scientific and factual data. Further analysis would be speculative; therefore, in compliance with CEQA, this Categorical Exemption provides no further analysis or conclusions concerning the project's long-term GHG impacts. In addition, the project would be subject to compliance with applicable building codes and South Coast AQMD rules and regulations during the construction and operational phases, therefore, would not interfere with the State's goals of reducing GHG emissions.

Therefore, the Project would not conflict with an applicable plan, policy, or regulation (e.g., Title 24, AB 32, and SB 32) adopted to reduce GHG emissions. Impacts would be less than significant.

5) Summary

As explained in detail in above subsections, the Project would not result in any significant effects relating to greenhouse gases.

e) Project-Specific Water Quality Impacts

1) Groundwater

The Project does not involve the extraction of groundwater and it would not result in a reduction in aquifer volume or lower the local groundwater table. Groundwater was recorded at depths ranging from approximately 10.5 to 14.0 feet below the existing ground. Similar groundwater depths ranging from 13 to 15 feet below ground surface were measured during the drilling of hollow stem auger borings on-site. The Department of Conservation's seismic hazard zone report

[47] *California Legislative Information, Senate Bill No. 32.*

puts historic high groundwater for the site at a depth of less than 10 feet.[48] Fluctuations in the level of groundwater may occur due to variations in rainfall, temperature, and other factors. However, due to the depth of the groundwater anticipated on the Project Site, the operation of the Project would not interfere with any groundwater recharge activities within the area. The Project Site's existing condition is a vacant lot that was previously developed with a single-family home and accessory garage and the degree to which any surface water infiltration and groundwater recharge occurs on-site is negligible. Moreover, the Project would redevelop the entire site. Therefore, impacts to groundwater would be less than significant. Therefore, as the Project Site would not result in any significant effects related to groundwater water quality, the Project meets this condition for water quality.

2) Surface Water

The following surface water impact analysis summarizes and incorporates by reference the information provided in the *Water Quality Management Plan for the TR 17944, 910 S. Western Ave., Anaheim, CA 92804,* prepared by Mayers & Associates Civil Engineering, Inc., August 2021 (WQMP). The WQMP is available as **Appendix I** to this document.

A project would normally have a significant impact on surface water quality if discharges associated with a project would create pollution, contamination, or nuisance as defined in Section 13050 of the *California Water Code* (CWC) or that cause regulatory standards to be violated, as defined in the applicable National Pollution Discharge Elimination System (NPDES) stormwater permit or Water Quality Control Plan for the receiving water body. For the purpose of this issue, a significant impact may occur if a project would discharge water which does not meet the quality standards of agencies which regulate surface water quality and water discharge into stormwater drainage systems. Significant impacts would also occur if a project does not comply with all applicable regulations with regard to surface water quality as governed by the State Water Resources Control Board (SWRCB). These regulations include compliance with the Standard Urban Storm Water Mitigation Plan (SUSMP) requirements to reduce potential water quality impacts.

(a) Construction

During construction, the Project Site would contain a variety of construction materials such as adhesives, cleaning agents, landscaping, plumbing, painting, heat/cooling, masonry materials, floor and wall coverings, and demolition debris. Spills of construction materials can be a source of stormwater pollution and/or soil contamination. All hazardous materials are to be stored, labeled and used in accordance with the U.S. Occupational Safety and Health Administration regulations. These regulations for routine handling and storing of hazardous materials effectively control the potential stormwater pollution caused by these materials.

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[48] *Refer to* ***Appendix K,*** *Updated Geotechnical Investigation for Proposed Twelve Single-Family Homes Tentative Tract 17944, 910 South Western Avenue, City of Anaheim, California, prepared by PETRA GeoSciences, June 2021.*

Earth moving activities would involve preparation of the Project Site for Project construction. Soil erosion is the process by which soil particles are removed from the land surface, by wind, water and/or gravity. Soil particles removed by stormwater runoff can have negative impacts on downstream conditions through increased sedimentation as well as spread of contaminants found in the exposed soil of the Project Site. Grading activities can greatly increase erosion processes. Two general strategies are typically required to prevent construction silt from entering drainage courses. First, the amount of exposed soil is typically limited and erosion control procedures are implemented for those areas that must be exposed. Common methods for controlling fugitive dust emissions, such as covering truck loads and street sweeping, are also effective in controlling stormwater quality. Second, the construction area would be secured to control off-site migration of pollutants. Erosion control devices, including temporary diversion dikes/berms, drainage swales, and siltation basins, are typically required around construction areas to ensure that sediment is trapped and properly removed.

The Project's proposed construction activities would be required to comply with the State's General Construction National Pollutant Discharge Elimination System (NPDES) Permit and the development of a construction Storm Water Pollution Prevention Plan (SWPPP) because the Project Site is greater than one acre in size. The Project SWPPP would identify potential pollutant sources that may affect the quality of discharge associated with construction activity, identify non-storm water discharges, and provide design features to effectively prohibit the entry of pollutants into the public storm drain system during construction. The Applicant has prepared a *Water Quality Management Plan* (WQMP) for the Project Site to comply with the requirements of the County of Orange NPDES Stormwater Program. The WQMP specifies best management practices (BMPs) that the Applicant would use during construction, which include but are not be limited to, erosion control, sediment control, non-stormwater management, and materials management.

When properly designed and implemented, BMPs would ensure that construction of the Project would not result in degradation of surface water quality through increased sedimentation or spread of soil contaminants. Accordingly, required compliance with the City of Anaheim grading permit regulations and implementation of BMPs would ensure that Project construction would not create a significant impact by degrading surface water quality, or by causing a violation of applicable water quality standards. Therefore, as the Project Site would not result in any significant effects related to construction surface water quality, the Project meets this condition for water quality.

(b) Operation

Operation of the Project would introduce sources of potential water pollution that are typical of residential developments. Anticipated and potential pollutants generated by the Project are sediment, nutrients, pesticides for landscaping, metals, pathogens, oil and grease and cleaning solvents. The Project's proposed residential land uses do not represent the type of use that would otherwise degrade water quality (e.g., an industrial land use that could adversely affect water quality).

Furthermore, operation of the Project would not result in discharges that would cause regulatory standards to be violated. The Project Site currently has approximately 14 percent impervious surfaces. Project development would increase the impervious surfaces to 67 percent. Project site BMPs have been designed to prevent storm water pollution that includes two drainage

management areas (DMAs). The stomwater treatment facility that is proposed for each DMA is infiltration, via permeable pavement. The design capture volume (DCV) would be treated by passing through the stone layer of the permeable pavers and allowing the runoff to infiltrate while reducing the peak runoff velocity and volume. The permeable pavers contain stone for physically and chemically capturing pollutants from DCV. The DCV would be treated through the porosity of the stones in the reservoir portion of the pavers and ultimately infiltrate into the ground. The treated stormwater would infiltrate into the ground and only in heavy stormwater conditions, would the stormwater overflow from the sump condition onto Western Avenue.

Specifically, DMA A is .70 acres, which is located in the north side of the Project Site and would drain to the northern portion of the permeable pavers. These permeable pavers would treat the run-off from roofs, pads and a portion of the street and ultimately infiltrate to the ground. DMA B is .69 acres, which is located in the south side of the Project Site and would drain to the southern portion of the permeable pavers. These permeable pavers would treat the run-off from roofs, pads and a portion of the street and ultimately infiltrate to the ground.

In conclusion, during a low flow event, stormwater would travel to the permeable pavers where water would infiltrate into the ground. During a high flow event water would travel to permeable pavers like during the low flow event. The reservoir portion of the permeable pavers have enough volume to hold the net 100-year flow from the existing site to the proposed site. The permeable paver would hold 3,300 cubic feet of volume within the 4 inch depth of bedding course and subbase. Once the permeable pavers are to capacity in the sump condition, water would overflow the grading ridgeline and spill over onto Western Avenue matching existing site conditions.

Per the WQMP for infiltration BMP feasibility, it has been concluded that infiltration is feasible due to having an infiltration rate of 0.98 inches/hr which is higher than the minimum threshold of 0.6 inches/hr.

Overall, the Project would comply with all applicable State, regional, and local regulations, policies, and requirements with regard to surface water quality and implement BMPs for the control and retention of stormwater and eroded sediments. Based on the above, the Project would result in less than significant impacts to surface water quality during operation. Therefore, as the Project Site would not result in any significant effects related to operation surface water quality; therefore, the Project meets this condition for water quality.

3) Summary

As the approval of the Project would not result in any significant effects relating to traffic, noise, air quality, greenhouse gases, or water quality, the Project meets this condition.

Condition (e): The site can be adequately served by all required utilities and public services.

The following provides a Project-specific analysis of the impacts to utilities and public services that would serve the Project.

f) Utilities

1) Water Treatment Facilities and Existing Infrastructure

Anaheim Public Utilities Department (APUD) currently supplies water to the Project Site. APUD is responsible for ensuring that the City meets its water demand and that it can achieve State and federal water quality standards. The APUD ensures the reliability and quality of its water supply through an extensive distribution system that includes more than 752 miles of pipes, 4 active wells, and 13 treated water reservoirs.[49] The APUD divides the City's water distribution system into two main geographic areas; the "Flatland Area" and the "Hill and Canyon Area." The Project Site is located within the "Flatland Area." The "Flatland Area" is approximately 22,500 acres, situated generally north and west of the Santa Ana River, and served primarily by groundwater (with Metropolitan Water District (MWD) imported water supplemented, as necessary).[50]

Implementation of the Project would not measurably reduce groundwater levels, and as such, no new or expanded water treatment facilities would be required. Further, the Project would be within the growth projections of the APUD and it is, therefore, APUD anticipates that it would be able to meet the Project's water treatment demand.[51] Therefore, APUD can adequately serve the site with respect to Lenain Water Treatment Plant (LWTP).

In addition to supplying water for domestic uses, APUD also supplies water for fire protection services, in accordance with the Fire Code. The Anaheim Fire and Rescue Department (AFR) requires a water flow of 1,500 gallons per minute (gpm). If water main or infrastructure upgrades are required to serve the Project, the Code requires the Project Applicant to pay for such upgrades, which the Project Applicant or APUD would construct. To the extent such upgrades result in a temporary disruption in service, proper notification to APUD customers would take place, as is standard practice. In the event that water main and other infrastructure upgrades are required, it would not be expected to create a significant impact to the physical environment because: (1) any disruption of service would be of a short-term nature; (2) replacement of the water mains would be within public rights-of-way; and (3) any foreseeable infrastructure improvements would be limited to the immediate Project vicinity. Therefore, APUD can adequately serve the Project Site with respect to fire flow requirements.

Furthermore, the Project would comply with the City's mandatory water conservation measures that, relative to the City's increase in population, have reduced the rate of water demand in recent years. APUD bases its growth projections on conservation measures and adequate treatment capacity that is, or would be, available to treat APUD's projected water supply, as well as the APUD's expected water sources. Compliance with water conservation measures, including Title 20 and 24 of the California Administrative Code would serve to reduce the projected water demand. Chapter 10.18 of Code comprises the City's Water Conservation and Water Contingency Rules and Regulations. The Water Conservation Water Contingency Rules and Regulations stipulate conservation measures pertaining to water closets, showers, landscaping, maintenance activities, and other uses. At the State level, Title 24 of the California Administrative Code contains the California Building Standards, including the California Plumbing Code (Part 5), which promotes water conservation. Title 20 of the California Administrative Code addresses

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[49] *2015 UWMP, June 2016.*

[50] *City of Anaheim-Public Utilities-Water Services-About Water Services website: http://www.anaheim.net/1694/About-Water-Services, accessed: June 2021.*

[51] *2015 UWMP, June 2016.*

Public Utilities and Energy and includes appliance efficiency standards that promote conservation. Various sections of the Health and Safety Code also regulate water use.

On April 7, 2017, following unprecedented water conservation averaging approximately 25 percent across the State and plentiful winter rain and snow, the governor ended the drought state of emergency in most of California (including Orange County) through Executive Order B40-17. Executive Order B-40-17 builds on actions taken in Executive Order B-37-16, which remains in effect, to continue making water conservation a way of life in California.[52] Executive Order B-37-16 (Making Water Conservation a California Way of Life) directs the California Department of Water Resources to work with the State Water Resources Control Board (SWRCB) to make some of the requirements of the emergency conservation regulation permanent so as to build upon and exceed the existing State law requirements to achieve a 20 percent reduction in urban water usage by 2020. The basis for these water use targets are strengthened standards that were developed in response to the State's conservation mandate regarding indoor residential per capita water use; outdoor irrigation, in a manner that incorporates landscape area, local climate, and new satellite imagery data; commercial, industrial, and institutional water use; and water lost through leaks. Overall, the Project's water demand would comprise a small percentage of APUD's existing water supplies. Moreover, as discussed below, the Project's anticipated water demand is consistent with demand projected under the Anaheim *2015 Urban Water Management Plan* (UWMP). Therefore, APUD can adequately serve the site with respect to water conservation.

2) Wastewater Treatment Facilities and Existing Infrastructure

The City's Sewer and Storm Drain Maintenance Division provides sewer service to the Project area. The Project Site has existing sewer connections to the City's sewer system via a sewer lateral that conveys wastewater into an 8-inch vitrified clay pipe (VCP) located along Western Avenue. Sewage from the Project Site is proposed to be discharged into a new 8-inch private VCP sewer connection located along the proposed private street running through the center of the Project Site.[53] The 8-inch private VCP sewer connection would connect to an existing 10-inch sewer main along the centerline of Western Avenue that is currently identified as hydraulically deficient. The 10-inch main upsizes to a 12-inch sewer main at Ball Road. The sewer main continues south to the southern city limits and outfalls to the City of Stanton sewer collection system.[54]

To determine the effects of altering land uses within the Project area as proposed by the Project, two model scenarios were analyzed, which focus on the pipes downstream of the Project's proposed sewer connection point. The two scenarios are West Anaheim Master Plan of Sanitary Sewer (WAMPSS) Existing Condition plus the Development and the WAMPSS Build-Out Condition plus the Development.

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[52] *State Water Resources Control Board, Press Room, Announcements, State Releases Plan to Make Water Conservation a Way of Life, April 7, 2017.*

[53] *Refer to **Appendix J**, Tentative Tract Map No. 17944.*

[54] *Refer to **Appendix E**, 910 S. Western Avenue Development Sewer Analysis, prepared by GHD, January 2021.*

WAMPSS Existing Condition plus the Development

The flow for the existing single-family home was removed from the scenario and replaced with the flows for the Project. The steady state loading from the Project in this scenario is 3,600 gpd. Analysis of this scenario revealed no deficiencies in the pipelines downstream of the Project.[55]

WAMPSS Build-Out Condition plus the Development

The WAMPSS Build-Out model scenario includes loadings from the Project. The steady state loading from the Project in this scenario remains at 3,600 gpd, which represents a decrease of 1,500 gpd over the WAMPSS Build-Out loading since the number of dwelling units proposed for this Project is lower than the number of units estimated for the WAMPSS Build-Out model scenario. Analysis of this scenario also revealed no deficiencies in the pipelines downstream of the proposed development.[56]

The Orange County Sanitation District (OCSD) treats the wastewater collected within City. Sewage from the Project Site is ultimately conveyed via existing sewer infrastructure to either Reclamation Plant No. 1, located in the City of Fountain Valley, which has the capacity to treat approximately 182 million gallons per day (mgd) of wastewater to full secondary treatment level and currently treats 121 mgd; or, Reclamation Plant No. 2, located in the City of Huntington Beach, which has the capacity to treat approximately 150 mgd of wastewater to full secondary treatment level and currently treats 90 mgd. The remaining capacity at Reclamation Plant No. 1 is approximately 61 million gpd or approximately 34 percent of its total capacity, and the remaining capacity at Reclamation Plant No. 2 is approximately 60 million gpd or approximately 40 percent of its total capacity.[57] Although these treatment capacities would expand in the future, these existing design capacities would be sufficient to serve the Project. Therefore, OCSD can adequately serve the site with respect to wastewater treatment.

Given the infill location of the Project Site, surrounded by residential uses served by existing utility infrastructure, it is reasonable to anticipate that the existing sewer line located in Western Avenue has sufficient capacity to accommodate the additional flow. Nonetheless, prior to issuance of building permits, the City would require detailed gauging and evaluation of the Project's wastewater connection point at the time of connection to the system. If the City identifies deficiencies at that time, the Project Applicant would be required, at its own cost, to build secondary sewer lines to a connection point in the sewer system with sufficient capacity, in accordance with standard City procedures. The installation of any such secondary lines, if needed, would require minimal trenching and pipeline installation in accordance with all City permitting requirements, which would be a temporary action and would not result in any adverse environmental impacts. Therefore, the site can be adequately served by OCSD with respect to sewer line infrastructure.

3) Existing and Projected Water Supply

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[55] *Refer to **Appendix E**, 910 S. Western Avenue Development Sewer Analysis, prepared by GHD, January 2021.*
[56] *Ibid.*
[57] *Orange County Sanitation District, Budget Update, Fiscal Year 2019-2020.*

The City's water supply primarily comes from a mixture of groundwater and imported. Historically, approximately 70 percent groundwater pumped came from local wells and approximately 30 percent from the MWD, obtained from the Colorado River Aqueduct.[58] However, the 70/30 split no longer applies since most of the City's wells have been taken offline as of March 2020. As of April 2021, there are only 4 active wells, while the remainder of wells have been taken offline due to either PFAS (a group of chemicals referred to as per- and polyfluoroalkyl substances) or mechanical issues. Currently, the majority of the City's water supply comes from imported water. Over the next several years, the City would be working on constructing groundwater treatment facilities to treat PFAS. Nevertheless, the City's UWMP anticipates the same water supply mix to be available to the City through 2040. Further, MWD uses a land use-based planning tool that allocates projected demographic data from SCAG into water service areas for each of MWD's member agencies. These sources, along with recycled water, would supply the City's water needs in the years to come. The 2015 UWMP water demand projection for 2040 is approximately 67,143 acre-feet for a normal year and 71,172 acre-feet for a single-dry and multiple-dry years. The 2015 UWMP states that the available demand would be due to diversified supply and conservation measures.[59]

The City is also making efforts to increase the availability of water supplies, including increasing recycled water use and identification of alternative water supplies, such as water transfer and stormwater runoff reuse, as well as implementing management agreements for long-term groundwater use strategies to prevent overdraft. Consideration of existing sources of supply, coupled with the combined effect of these City efforts to increase available water supplies, would assure adequate water supplies for the Orange County Water District (OCWD) service area through at least 2040. Therefore, the amount of new annual demand from the Project would be insignificant relative to available supplies through 2040, projected growth in Anaheim, and planned water resource development by OCWD.

OCWD's Water System Budget Report for the Fiscal Years 2020-2021 details OCWD's process of capital upgrades to the water infrastructure system of the City and increasing its water resources, enhance the quality of water it distributes, and improve the security of the water supply. These goals are accomplished by replacing and/or adding to the water system infrastructure, complying with and/or exceeding all state and federal water regulations, looking for new sources of water supply as well as conserving those already in existence, and adopting new and improved security measures to ensure the safety of the City's water. Through this program, OCWD can provide reliable sources of water to the residents of the City.[60] Thus, sufficient water supplies would be available to serve the Project from existing entitlements and resources, and new or expanded entitlements would not be necessary. Moreover, the Project's housing and population increases are consistent with the RTP/SCS and UWMP (making the addition of 12 single-family residential units resulting from the Project consistent with regional growth). Thus, the Project's estimated water usage is within applicable projections and does not exceed the amount anticipated by the City's long-range land use and planning efforts.

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[58] *2015 UWMP, June 2016.*
[59] *Ibid.*
[60] *Orange County Waster District, Budget Report for Fiscal Years 2020-2021.*

Thus, the Project would not create any water system capacity issues, and sufficient reliable water supplies would be available to meet Project demands. Therefore, the site can be adequately served by OCWD with respect to water supply.

4) Solid Waste Disposal

Solid waste generated within the City is disposed of at privately-owned landfill facilities throughout Orange County. The Sanitation Services Division, in coordination with Republic Services, a private waste, recycling and disposal company, provides waste collection services for developments within the City. As is typical for most solid waste haulers in the Anaheim area, Republic Services separates and recycles all reusable material collected from the Project Site at a local materials recovery facility. The remaining solid waste would be disposed of at a variety of landfills. Most commonly, the Olinda Alpha Landfill serves the City. This Class III landfill accepts non-hazardous solid waste including construction and demolition waste.[61] Additionally, the Frank R. Bowerman Landfill near the City of Irvine and the Prima Deshecha Landfill near the City of San Juan Capistrano receives refuse, generated from the City.

(a) Construction

Implementation of the Project would generate construction and demolition waste. Construction and demolition debris includes concrete, asphalt, wood, drywall, metals, concrete rubble, and other miscellaneous and composite materials. The construction of the Project would generate approximately 77 tons of solid waste.[62] As required by the City of Anaheim Construction and Demolition Waste Diversion Application, permitted haulers would haul Project construction waste to City-certified construction and demolition processing facilities, monitored for compliance with recycling regulations. The inert solid waste and soil would require disposal at the County's operating inert landfills (Olinda Alpha, Frank R. Bowerman, and Prima Deshecha) or at any of a number of state-permitted Inert Debris Engineered Fill Operations in the County. This does not include any asbestos-containing materials (ACMs), lead-based paints (LBPs), polychlorinated biphenyl (PCB), contaminated soil, or other contaminated waste, which would be disposed of at facilities licensed to accept such waste. In compliance with the requirements of SB 1374, the Applicant would implement a construction waste management plan to recycle and/or salvage a minimum of 65 percent of non-hazardous demolition and construction debris. This forecasted solid waste generation is a conservative estimate as it assumes no reductions in solid waste generation would occur due to recycling. Moreover, there is current capacity available in the County for the disposal of waste. Olinda Alpha Landfill has an 18 percent remaining capacity, Frank R. Bowman Landfill has a 67 percent remaining capacity, and Prima Deshecha Landfill has a 99 percent remaining capacity.[63] Therefore, the Project-generated construction waste of 77 tons (i.e., asphalt and construction debris) would represent a small percentage of the inert waste disposal

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[61] *County of Orange Waste & Recycling-Landfills website: https://oclandfills.com/landfills/active-landfills/olinda-landfill, accessed: June 2021.*

[62] *A construction waste generation rate of 4.38 pounds per square foot was used. 35,040 square feet of construction multiplied by 4.38 pounds is 153,475 pounds (76.7 tons). Source: U.S. EPA, Characterization of Building-Related Construction and Demolition Debris in the United States, Table A-1, June 1998.*

[63] *Orange County Landfills: Trash Talk, Grand Jury 2017-2018.*

capacity in the region. Thus, the Project would not generate construction-generated inert waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise affect the attainment of solid waste reduction goals. Therefore, the site can be adequately served by landfills with respect to construction solid waste disposal.

(b) Operation

AB 374 mandates a 75 percent landfill diversion rate by 2020.[64] The City's Public Works Department develops and implements source reduction, recycling, and re-use programs in the City. The Sanitation Services Section provides technical assistance to public and private recyclers, manages the collection and disposal programs for Household Hazardous Waste, and helps create markets for recycled materials. With the State-mandated minimum diversion rate of 75 percent, there would be adequate landfill capacity for the Project's operational impact. Therefore, the site can be adequately served by landfills with respect to operational solid waste disposal.

5) Natural Gas Existing Infrastructure

Southern California Gas Company (SCG) provides natural gas service to the City, including the Project Site. The *2020 California Gas Report* presents a comprehensive outlook for natural gas requirements and supplies for California through 2035. SCG expects its active meter growth to increase by an annual average of 0.58 percent from the period 2019 through 2035; however, SCG expects natural gas demand in its service area would decline at an annual rate of 1.0 percent during this same period. Specifically, the SCG expects residential load in Southern California to decline by 1.7 percent annually from 238 billion cubic feet in 2019 to 198 billion cubic feet in 2035. The decrease in gas demand results from a combination of continued decline in residential use per meter, increases in marginal gas rates, the impact of savings from SCG's Advanced Metering Infrastructure (AMI) project deployment, which began in 2013, and CPUC authorized energy efficiency program savings in this market. SCG forecasts that these energy efficiency savings would lead to very large reductions in residential gas use equaling a total of 18.8 billion cubic feet in year 2035.[65]

The Project's natural gas consumption would represent an extremely small percentage of SCG's total usage supplied to residential buildings. Also, as the Project would be infill redevelopment, there is already a natural gas connection point; expansion for distribution infrastructure would not be required and capacity-enhancing alterations to existing facilities would be highly unlikely. SCG is satisfactorily meeting its obligations to its current customers and projects to meet obligations of its future customers. As such, SCG's existing infrastructure and storage supplies are well-prepared for the long-term forecasts. However, in the event SCG cannot provide service from the existing infrastructure, a system analysis would be conducted by SCG to determine the best method to provide service and appropriate actions such as pressure betterments may be initiated to resolve the issue. Thus, any corrective action, albeit unlikely, would be minimal and temporary, and would

[64] *California Department of Resources and Recycling, California's 75 Percent Initiative.*
[65] *California Gas and Electric Utilities, 2020 California Gas Report, page 99.*

not result in any adverse environmental impacts. Therefore, SCG can adequately serve the Project Site with respect to natural gas.

6) Electrical Power Existing Infrastructure

APUD provides electrical service to the City, including the Project Site. On February 28, 2017, APUD adopted the 2018 Integrated Resource Plan (IRP), which provides a 20-year roadmap to guide APUD in meeting future energy needs by forecasting demand for energy and determine how APUD would meet that demand by executing new projects and replacement projects and programs.[66] The IRP lays out alternative strategies for meeting APUD's regulatory requirements and environmental policy goals for increasing renewable energy and reducing GHG emissions, while maintaining power reliability. The IRP provides detailed analysis and results of resource cases, which investigate the economic and environmental impact of increased Renewable Portfolio Standard (RPS), local solar, energy storage, and various levels of transportation electrification within a 20-year horizon. APUD generates power from a variety of different sources that include renewable energy, hydroelectric, natural gas, and other fuels. APUD utilizes renewable energy sources and is committed to meeting the requirement of the RPS Enforcement Program to use at least 33 percent of the State's energy from renewables by 2020.[67] Current installed generation capacity is over 5,086 megawatts of power per day.[68]

The APUD serves the Project Site for electrical power. APUD routinely plans capacity additions and changes at existing and new facilities as needed to supply area load. The Project's electrical consumption would be part of the total load growth forecast for the City and accounted for in the planned growth of the City's power system. Furthermore, as the Project would be infill redevelopment, there is already an electrical power connection point, and expansion for distribution infrastructure would not be required, nor would capacity-enhancing alterations to existing facilities be required from Project implementation. Therefore, APUD can adequately serve the Project Site with respect to electrical power.

g) Public Services

1) Fire Protection

Anaheim Fire & Rescue (AFR) provides fire protection services in the City and operates 11 fire stations, comprised of 11 engine companies, and employs approximately 270 firefighters along with various other support staff.[69]

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[66] *Anaheim Public Utilities, 2018 Integrated Resource Plan, February 2017.*
[67] *California Environmental Protection Agency, Air Resources Board, Renewable Portfolio Standard.*
[68] *Anaheim Public Utilities-About Electric Services, website: https://www.anaheim.net/2104/About-Electric-Services, accessed: June 2021.*
[69] *City of Anaheim Fire and Rescue Department-Administration, website: https://www.anaheim.net/665/Administration, accessed: June 2021.*

The Project is closest to Fire Station No. 11, located at 3078 W. Orange Avenue, approximately 0.7-roadway-miles to the northeast from the Project Site.[70] Fire Station No. 11 includes an engine company, an ambulance, and an OES. Furthermore, Fire Station No. 4, located at 2736 W. Orange Avenue, approximately 1.6-roadway-mile to the northeast from the Project Site, would also aid as needed. Fire Station No. 4 includes an engine company.

The AFR bases the adequacy of its fire protection upon the required fire flow, equipment access, and AFR's safety requirements regarding needs and service for the area. The required fire flow necessary for fire protection varies with the type of development, life hazard, occupancy, and the degree of fire hazard. Pursuant to Code Title 16, City-established fire flow requirements vary from 1,500 gpm in low-density residential areas to 8,000 gpm in high-density commercial or industrial areas. In any instance, a minimum residual water pressure of 20 pounds per square inch (PSI) is to remain in the water system while the required gpm is flowing. Code Title 16 identifies a fire flow requirement of 1,500 gpm for one-family residential projects such as the Project. AFR would confirm the adequacy of existing water pressure and availability in the Project area with respect to required fire flow prior to issuance of building permits. As part of the normal building permit process, the Project would be required to upgrade water service laterals, meters, and related devices, as applicable, in order to provide required fire flow; however, the AFD does not anticipate the need for new water facilities to serve the Project. Moreover, if needed, the Project would implement such improvements either on-site or off-site within the right-of-way, and as such, the construction activities would be temporary and not result in disruption of service to neighboring properties.

Code Title 16 (Fire) addresses land use-based requirements for fire hydrant spacing and type, which states that no structure shall be more than 300 feet travel distance from a fire hydrant. The nearest fire hydrant is located just south of the Project Site, on the east side of Western Avenue. The Project would implement City Building and Fire Code requirements regarding Project components including, but not limited to, structural design, building materials, site access, clearance, hydrants, and fire flow. The Applicant would demonstrate compliance with these requirements prior to issuance of a building permit in accordance with City regulations as part of AFR's plan review. AFR would confirm implementation through its safety inspection for new construction projects. Construction activities to install any new pipes or pumping infrastructure would be temporary and of short duration and would not result in any disruption of service to neighboring properties.

AFR would continue to provide emergency vehicle access to the Project Site from local roadways. All improvements proposed would comply with the Fire Code, including any additional access requirements of AFR. Additionally, the Applicant would maintain emergency access to the Project Site at all times during both Project construction and operation pursuant to the Worksite Traffic Control Plan that would be prepared for the Project and approved by the City.

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[70] *City of Anaheim Fire and Rescue Department-Facilities, website: https://www.anaheim.net/Facilities?clear=False, accessed: June 2021.*

Therefore, the AFR can adequately serve the Project Site by fire facilities including adequate proximity to a fire station, fire flow, fire hydrants, and emergency access.

2) Police Protection

The City of Anaheim Police Department's (APD) East Station would serve the Project Site. The West Station is located at 320 South Beach Boulevard, approximately 1.2-roadway-mile to the northeast of the Project Site.[71]

(a) Construction

Construction sites, if not properly managed, have the potential to attract criminal activity (such as trespassing, theft, and vandalism) and can become a distraction for local law enforcement from more pressing matters that require their attention. However, as required by the City as a regulatory compliance measure, the Project would employ construction safety features including erecting temporary fencing along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to deter trespassing, vandalism, short-cut attractions, potential criminal activity, and other nuisances. Therefore, the APD can adequately serve the site with respect to police protection and services during construction.

(b) Operation

Responses to thefts, vehicle burglaries, vehicle damage, traffic-related incidents, and crimes against persons may increase because of the Project due to increased on-site activity and increased traffic on adjacent streets and arterials. The Project would include adequate and strategically positioned lighting to enhance public safety. Visually obstructed and infrequently accessed "dead zones" would be limited, and, where possible, security controlled to limit public access. Additionally, the continuous visible and non-visible presence of residents at all times of the day would provide a sense of security during evening and early morning hours. As such, the Project's residents would be able to monitor suspicious activity in the neighborhood. These preventative and proactive security measures would decrease the amount of service calls that APD would otherwise receive. Therefore, the APD can adequately serve the site with respect to police protection and services during operation.

3) Schools

The Project is in an area that is currently served by the Savanna School District (SSD) for elementary schools and the Anaheim Union High School District (AUHSD) for the junior high schools and high schools. The Project would construct a 12-unit, small lot single-family residential subdivision, which would increase the student population.

It should be noted that State-mandated open enrollment policy enables students anywhere in SSD and AUHSD to apply to any regular, grade-appropriate SSD and AUHSD school with designated "open enrollment" seats. The number of open enrollment seats is determined annually. Each

[71] *City of Anaheim Police Department, Locations-website: https://www.anaheim.net/363/Locations, accessed: June 2021.*

individual school is assessed based on the principal's knowledge of new housing and other demographic trends in the attendance area. Open enrollment seats are granted through an application process that is completed before the school year begins. Students living in a particular school's attendance area are not displaced by a student requesting an open enrollment transfer to that school.

To reduce any potential population growth impacts on public schools, the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district for the purpose of funding the construction or reconstruction of facilities (pursuant to California Education Code Section 17620(a)(1)). The Developer Fee Justification Studies for SSD and AUHSD were both prepared to support the school district's levy of the fees authorized by Section 17620 of the California Education Code. The Project would be required to pay the appropriate fees, based on the square footage, to both SSD and AUHSD.

The Leroy F. Greene School Facilities Act of 1998 (SB 50) sets a maximum level of fees a developer may be required to pay to address a project's impacts on school facilities. The maximum fees authorized under SB 50 apply to zone changes, general plan amendments, zoning permits, and subdivisions. SB 50 is deemed to fully address school facilities impacts, notwithstanding any contrary provisions in CEQA or other State or local law. Therefore, the site can be adequately served by SSD and AUHSD with respect to schools and education.

4) Parks and Recreation

The City of Anaheim Parks Division of the Community Services Department is responsible for the maintenance and upkeep of nearly 800 acres that make up the 57 parks in the City.[72] The following parks and recreational facilities are available to serve the Project Site:[73]

- Twila Reid Park, located at 3100 W. Orange Avenue
- Hansen Park, located at 3347 W. Thornton Avenue
- John Beat Park, located at 6660 Mt. Shasta Circle
- Schweitzer Park, located at 238 S. Belair Street

The Project would construct a 12-unit, small lot single-family residential subdivision. To help alleviate the burden on existing park and recreational facilities, the Project would provide open space for Project residents at each single-family home. Even so, the Project would result in an increase in the use of parks and recreational facilities that may not have the capacity to serve residents. Therefore, the City requires the payment of the park fees for residential projects. The City would collect these park fees based on their current rate and fee schedule. The City requires park fees to reduce the park- and open space-related impacts of new residential development

[72] *City of Anaheim Community Services Department-Parks & Facilities-website: https://www.anaheim.net/916/Parks-Facilities, accessed: June 2021.*
[73] *Ibid.*

projects and requires payment of these fees prior to issuance of Certificate of Occupancy. Therefore, the site can be adequately served by Anaheim Parks Division of the Community Services Department with respect to parks and recreation.

5) Libraries

Anaheim Public Library (APL) provides library services to the City. The APL system includes a network of seven library branches serving the City of Anaheim and surrounding communities, a Mobile Library (Bookmobile), a book vending machine at the Anaheim Regional Transportation Intermodal Center (ARTIC) transportation center and the Anaheim Heritage Center with the historical Founders Park.[74]

Essentially, the provision of library services is the responsibility of local government, typically financed through the City general funds. The APL also receives additional funding through donations to the Library Foundation. Regardless, the City would continue to maintain the library's existing service levels with the Project without an additional library or alterations to the existing libraries. Therefore, APL can serve this the site with respect to libraries.

6) Summary

As demonstrated above, the Project would be adequately served by all required utilities and public services, the Project meets this condition.

4. CONCLUSION OF CLASS 32 CATEGORICAL EXEMPTION CONDITIONS CONSISTENCY

The Project meets all five conditions enumerated for a Class 32 Categorical Exemption under CEQA.

a) Exceptions to a Categorical Exemption

[State CEQA Guidelines Section] 15300.2. Exceptions

> *(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

[74] *City of Anaheim Community Services Department-Libraries-About-website: http://www.anaheim.net/1222/About, accessed: June 2021.*

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

(g)

b) Project Analysis

Exception (a): Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

This exception does not apply to the Project as the Project is seeking Class 32 Categorical Exemption. Nonetheless, the Project would not affect an environmental resource of hazardous or critical concern (see also the discussion for Exception [e]), below). As discussed under Condition (C), above, the Project Site does not contain any habitat capable of sustaining any species identified as endangered, rare, or threatened. Therefore, the exception is not applicable to the Project.

Exception (b): Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Cumulative impacts are two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (State CEQA Guidelines Section 15355). Cumulative impacts may be analyzed by considering a list of past, present, and probable future projects producing related or cumulative impacts (State CEQA Guidelines Section 15130[b][1][A]). An overview of each impact discussion is provided below, and as shown, the Project would not result in any Project-specific significant impacts and would not have any impacts that are individually limited but cumulatively considerable.

1) Local Land Use Plans and Zoning

Development of related projects would occur in accordance with adopted plans and regulations. Most of related projects would be compatible with the zoning and land use designations of each related project site and its existing surrounding uses. In addition, it is reasonable to assume that related projects under consideration in the surrounding area would implement and support local and regional planning goals and policies. Therefore, cumulative land use impacts would be less than significant.

2) Endangered, Rare, or Threatened Species

The Project Site is located in an urbanized area and does not consist of any endangered, rare, or threatened species. However, it is unknown whether or not any of the properties on which related projects may be located contain biological resources, such as sensitive species listed at the federal or State level as endangered, rare, or threatened. Nonetheless, as the Project would not result in a potentially significant impact to listed species or habitat, there is no potential for the Project to contribute to a cumulative impact.

3) Transportation

With respect to construction traffic, it is unknown whether any related projects would have overlapping construction schedules with the Project. However, similar to the Project, and pursuant to existing City regulations and policies, related projects would be required to submit formal construction staging and traffic control plans for review and approval by the City prior to the issuance of construction permits. These plans, identified as a Work Area Traffic Control Plan herein, would identify all traffic control measures, signs, delineators, and work instructions through the duration of construction activities. Related projects would comply with this requirement, similar to the Project, and as such, cumulative construction traffic impacts would be less than significant.

With respect to cumulative operational traffic impacts, analyses should consider both short-term and long-term project effects on VMT. This document analyzed short-term effects in the project-level VMT analysis summarized above. Long-term, or cumulative, effects are determined through a consistency check with the 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS is the regional plan that demonstrates compliance with air quality conformity requirements and greenhouse gas (GHG) reduction targets. As such, projects that are consistent with this plan, such as the Project, in terms of development, location, density, and intensity, are part of the regional solution for meeting air pollution and GHG goals. Projects deemed consistent would have a less than significant cumulative impact on VMT. Furthermore, the Project would not result in significant VMT impacts to the surrounding transportation system. Therefore, as no VMT analysis was required for the Project, the Project would not make a cumulatively considerable contribution to operational traffic impacts. As such, cumulative operational transportation impacts would be less than significant.

4) Noise

Development of the Project in combination with related projects in ¼ mile of the Project Site could result in an increase in construction noise in an already urbanized area of the City. With respect to construction impacts, it is unknown whether any potential nearby projects would have overlapping construction schedules with the Project. However, as with the Project, any nearby project built simultaneously with the Project would be required to meet the same Code requirements regarding construction noise levels. Specifically, construction of all projects would be subject to Code Section 6.72, which limits the hours of allowable construction activities. In addition, each project would be subject to Code Section 6.70, which prohibits any powered equipment or powered hand tool from producing noise levels that exceed 60 dBA for extended periods of time. To comply with this standard, nearby development projects, much like the Project, would implement best practices and/or project design features to reduce construction noise levels. Accordingly, while concurrent construction of nearby projects in ¼ mile of the Project Site could potentially contribute to cumulative increases in ambient noise levels, the Project would not result in any significant construction noise increases, and, thus, it would not result in a cumulatively considerable contribution to any such increase. Therefore, potential construction-related noise impacts would not be significant.

Cumulative noise impacts would occur primarily because of increased traffic on local roadways due to the Project and related projects within the study area. The trip generation potential of the Project is approximately 113 daily trips, with 9 trips (2 inbound, 7 outbound) produced in the AM peak hour and 12 trips (8 inbound, 4 outbound) produced in the PM peak hour on a "typical" weekday. As a result, based on the nominal AM peak hour trip generation and nominal PM peak hour trip generation increase with the Project (i.e. < 50 peak hour trips), the Project is not anticipated to make a cumulatively considerable contribution to a cumulative noise impact associated traffic noise sources.

In addition to cumulative mobile source noise levels, operation of the Project in combination with other projects that could develop nearby could result in an increase in operational noise in this urbanized area of the City. However, as described above, long-term noise impacts from Project operations would be negligible, as building operations and human activities inside and outside the Project would generate minimal noise impacts. Moreover, as with the Project, other developments in ¼ mile of the Project would be required to comply with the City's extensive regulatory requirements that limit operational noise sources to minimal levels. Accordingly, as the Project would not produce any significant operational noise impacts, it would not result in a cumulatively considerable contribution to any significant operational noise impacts. As such, cumulative on-site operational noise impacts would be less than significant.

5) Air Quality

SCAQMD recommends that any construction-related emissions and operational emissions from individual development projects that exceed the project-specific mass daily emissions thresholds identified above also be cumulatively considerable. Individual projects that generate emissions not in excess of SCAQMD's significance thresholds would not contribute considerably to any potential cumulative impact. SCAQMD neither recommends quantified analyses of the emissions generated by a set of cumulative development projects nor provides thresholds of significance to assess the impacts associated with these emissions. As described above, the Project does not generate any regional or localized emissions that exceed SCAQMD's thresholds; therefore, the Project would not contribute a cumulatively considerable increase in emissions for the pollutants, which the Basin is in nonattainment, and cumulative air quality impacts would be less than significant.

6) Greenhouse Gases

Although the Project would emit GHGs, the emission of GHGs by a single project into the atmosphere is not necessarily an adverse environmental effect. As discussed in CEQA case law,[75] the global scope of climate change and the fact that carbon dioxide and other GHGs, once released into the atmosphere, are not contained in the local area of their emission means that the impacts to be evaluated are also global rather than local. For many air pollutants, the significance of their environmental impact may depend greatly on where they are emitted; for GHGs, it does not.

[75] *Supreme Court of California, Center for Biological Diversity et al. v. California Department of Fish and Wildlife (2015), S217763, 11-13.*

For individual developments, like the Project, this fact gives rise to an argument that a certain amount of GHG emissions is as inevitable as population growth. Under this view, a significance criterion framed in terms of efficiency is superior to a simple numerical threshold because CEQA is not a population control measure. Meeting statewide reduction goals does not preclude all new development. Rather, the Scoping Plan, the State's roadmap for meeting AB 32's target, assumes continued growth and depends on increased efficiency and conservation in land use and transportation from all Californians. To the extent, a project incorporates efficiency and conservation measures sufficient to contribute its portion of the overall GHG reductions necessary; one can reasonably argue that the Project's impact is not cumulatively considerable, because it is helping to solve the cumulative problem of GHG emissions as envisioned by California law.

As discussed above, the Project would reduce GHGs in a manner consistent with applicable regulatory plans and policies to reduce GHG emissions, including AB 32 Scoping Plan, and SCAG's 2020-2045 RTP/SCS.

Similar to the Project, all future projects in the State are subject to review for consistency with applicable State, regional and local plans, policies, or regulations for the reduction of GHGs. Therefore, based on the discussion above, and consistent with *State CEQA Guidelines* Section 15064(h)(3), the Project's generation of GHG emissions would not be cumulatively considerable because the Project would not conflict with an applicable plan, policy, or regulation for the purposes of reducing the emissions of GHGs. Therefore, the Project's contribution to cumulative impacts to GHGs would not be cumulative considerable, and cumulative impacts would be less than significant.

7) Water Quality

With respect to construction impacts, it is unknown whether any related projects would have overlapping construction schedules with the Project. However, similar to the Project, related projects would be required to comply with the City Building Code, NPDES requirements, etc. Assuming compliance with these regulatory requirements, similar to the Project, the cumulative water quality impact during construction would be less than significant.

With respect to operational impacts, development of the Project in combination with related projects would result in the further infilling in an already developed area. The existing City storm drain system would continue to serve the Project Site and the surrounding area. Runoff from the Project Site and the adjacent land uses is directed into the adjacent streets, where it flows to the drainage system. It is likely that most, if not all, related projects would also drain to the surrounding street system or otherwise retain stormwater on-site as all projects would comply with existing stormwater/LID requirements, which would ensure impacts are less than significant.

The capture of runoff associated with related projects would occur in either non-erosive drainage devices to landscaped areas or an existing storm drain system and would not encounter exposed soils. Related projects would include a drainage system with pipes that would adequately convey surface water runoff into the existing storm drain or the on-site cisterns. Additionally, related projects would be required to implement BMPs and to conform to the existing NPDES water quality program. Therefore, cumulative hydrology and water quality impacts during operation would be less than significant.

8) Utilities

(a) Water

Implementation of the Project in combination with related projects within the service area of OCWD would generate demand for additional water supplies. In terms of the City's overall water supply condition, the adopted 2015 UWMP accounts for water demand for any project that is consistent with the City's General Plan and long-range SCAG growth projections. The 2015 UWMP anticipates that the future water supplies would be sufficient to meeting existing and planned growth in the City to the year 2040 (the planning horizon required of 2015 UWMPs) under wet and dry year scenarios. The Project is consistent with the site's General Plan land use designation, as well as SCAG growth projections, and, therefore, has been accounted for in the 2015 UWMP and its water demand would not be cumulatively considerable. Related projects, as well as other development in the OCWD service area, would be required to comply with current Green Building Code requirements to conserve water, and, in addition, larger projects with over 500 residential units would have to prepare a Water Supply Assessment (pursuant to SB 610) to be reviewed and certified by OCWD to demonstrate adequate water supply. Therefore, because the 2015 UWMP forecasts adequate water supplies to meet all projected water demands in the City through the year 2040, this analysis does not anticipate cumulative impacts with respect to water supply from the development of the Project and related projects.

Development of the Project and future new development in ¼ mile of the Project Site would cumulatively increase demands on the existing water infrastructure system. Similar to the Project, related projects would be subject to APUD review to assure the existing public infrastructure would be adequate to meet the domestic and fire water demands of each project and individual projects would be subject to APUD and City requirements regarding infrastructure improvements needed to meet respective water demands, flow and pressure requirements. Furthermore, APUD through the five year updates of the 2015 UWMP and the AFD project specific checks would conduct on-going evaluations of its infrastructure. Therefore, the cumulative impact would be less than significant.

(b) Wastewater

Implementation of the Project in combination with related projects within the service area of the Reclamation Plant No. 1 and Reclamation Plant No. 2 would generate the demand for treatment of additional wastewater. Currently, the remaining capacity at Reclamation Plant No. 1 is approximately 61 million gpd or approximately 34 percent of its total capacity, and the remaining capacity at Reclamation Plant No. 2 is approximately 60 million gpd or approximately 40 percent of its total capacity.[76] Therefore, both treatment plants would have adequate capacity to serve the additional wastewater demanded by the Project and, as such, the Project's demand would not be cumulatively considerable.

With respect to wastewater infrastructure, the City's Public Works Department assesses the anticipated wastewater flows from development projects at the time of connection and makes the

[76] *Orange County Sanitation District, Budget Update, Fiscal Year 2019-2020.*

appropriate decisions on how best to connect to the local sewer lines at the time of construction. The applicants of related projects would be required to submit a Sewer Capacity Availability Request to verify the anticipated sewer flows and points of connection and to assess the condition and capacity of the sewer lines receiving additional sewer flows from the Project and other cumulative development projects. If it is determined that the sewer system in the local area has insufficient capacity to serve a particular development, the developer of that project would be required to replace or build new sewer lines to a point in the sewer system with sufficient capacity to accommodate that project's increased flows. Each project would be evaluated on a case-by-case basis and comply with all applicable City and State water conservation programs and sewer allocation ordinances. Therefore, the cumulative impact would be less than significant.

(c) Solid Waste

Implementation of the Project in combination with related projects within the Southern California region, serviced by area landfills, would increase regional demands on landfill capacities. Construction of the Project and related projects generate construction and demolition waste, resulting in a cumulative increase in the demand for inert (unclassified) landfill capacity. The Project and all other future cumulative development would be required to implement a construction waste management plan to achieve a minimum 75 percent diversion from landfills. Furthermore, as described above, the Olinda Alpha, Frank R. Bowerman, and Prima Deshecha Landfills all have sufficient capacity to accommodate the Project, and, as such, the Project's demand would not be cumulatively considerable. Therefore, cumulative impacts from demolition and construction waste would be less than significant.

Operation of the Project in conjunction with related projects would generate municipal solid waste and result in a cumulative increase in the demand for waste disposal capacity at Class III landfills. The County Integrated Waste Management Plan Annual Report evaluates countywide demand for landfill capacity. Each Annual Report assesses future landfill disposal needs over a 10-year planning horizon. As such, the 2019 Annual Report projects waste generation and available landfill capacity through 2029. Based on the 2019 Annual Report, Orange County has the projected disposal capacity through 2029.[77] The Project's increase in operational solid waste generation, in conjunction with related projects, would represent an insignificant portion of the estimated approximately 2.44 million tons that is anticipated to be generated in 2024 (Project build-out year).[78] The County would continually address landfill capacity through the preparation of Annual Reports. The preparation of each Annual Report provides sufficient lead time (10 years) to address potential future shortfalls in landfill capacity. Moreover, a State-mandated 75 percent landfill diversion rate is required by 2020, which would reduce the amount of solid waste landfilled for related projects. Therefore, cumulative impacts from operational solid waste would be less than significant.

[77] *Orange County Waste & Recycling, 2019 Annual Report*.
[78] *Ibid*.

(d) Natural Gas

Implementation of the Project, in conjunction with related projects, would increase demands for natural gas. The State Building Energy Efficiency Standards, embodied in Title 24 of the California Code of Regulations, regulates energy consumption by new buildings in California. The efficiency standards apply to new construction of both residential and non-residential buildings and regulate insulation, glazing, lighting, shading, and water- and space-heating systems. Local jurisdictions enforce these building efficiency standards through the local building permit process. Similar to the Project, related projects and future development must also abide by the same statues, regulations, and programs that mandate or encourage energy conservation. SCG is also required to plan for necessary upgrades and expansion to its systems to ensure that it would provide adequate service for other projects. Specifically, SCG regularly updates its infrastructure reports as required by law. Development projects within the SCG service area would incorporate site-specific infrastructure improvements, as appropriate. Therefore, cumulative impacts are less than significant.

(e) Electrical Power

Implementation of the Project, in conjunction with related projects, would increase demands for electrical power. As discussed above, APU utilizes renewable energy sources and is committed to meeting the requirement of the RPS Enforcement Program to use at least 33 percent of the State's energy from renewables by 2020. State law requires all new development in California to be designed and constructed in conformance with State Building Energy Efficiency Standards outlined in Title 24. It is possible that implementation of related projects could require the removal of older structures that were not designed and constructed to conform to the more recent and stringent energy efficiency standards. Thus, it is possible that with implementation of related projects that the resulting demands for electricity supply could be the same or less than the existing condition. Nonetheless, the IRP considers a 20-year planning horizon to guide APUD as it executes major new and replacement projects and programs. The estimated power requirement for related projects would be part of the total load growth forecast for the City and accounted for in the planned growth of power system. APUD undertakes expansion or modification of electrical service infrastructure and distribution systems to serve future growth in the City as required in the normal process of providing electrical service. The APUD addresses any potential cumulative impacts related to electric power service through this process. Electrical service to related projects would also be in accordance with the APUD rules and regulations. Therefore, cumulative impacts related to electricity supply and infrastructure would be less than significant.

9) Public Services

(a) Fire Protection

Development of the Project in combination with related projects would cumulatively increase the demand for fire protection services. Over time, AFR would continue to monitor population growth and land development throughout the City and identify additional resource needs including staffing, equipment, trucks and engines, ambulances, other special apparatuses, and possibly station expansions or new station construction that may become necessary to achieve the desired level of service. The City's regular budgeting efforts identify AFR's resource needs and allocate

funding according to the priorities at the time. Any new or expanded fire station would be funded via existing mechanisms (e.g., property and sales taxes, government funding, and developer fees) to which the Project and cumulative growth would contribute.

Moreover, AFR would review all of the cumulative development in order to ensure adequate fire flow capabilities and adequate emergency access. Compliance with AFR, City Building Code, and Fire Code requirements related to fire safety, access, and fire flow would ensure that cumulative impacts to fire protection would be less than significant.

(b) Police Protection

The Project in combination with related projects would increase the demand for police protection services. This cumulative increase would increase demand for additional APD staffing, equipment, and facilities over time. Similar to the Project, other projects served by APD would implement safety and security features according to APD recommendations. APD would continue to monitor population growth and land development throughout the City and identify additional resource needs including staffing, equipment, vehicles, and possibly station expansions or new station construction that may become necessary to achieve the desired level of service. The City's regular budgeting efforts would identify APD's resource needs and allocate funding according to the priorities at the time. Any new or expanded police station would be funded via existing mechanisms (e.g., property and sales taxes, government funding, and developer fees) to which the Project and cumulative growth would contribute. Therefore, the cumulative impact on police protection services would be less than significant.

(c) Schools

As discussed above, payment of developer impact fees in accordance with SB 50 and pursuant to Section 65995 of the California Government Code would ensure that the impacts of the Project on school facilities would be less than significant. Similar to the Project, related projects would be required to pay school fees to the appropriate school district wherein their site is located. The payment of school fees would fully address any potential impacts to school facilities. Therefore, cumulative impacts would be less than significant.

(d) Parks and Recreation

As discussed above, the Project would result in a less than significant impact on parks and recreational facilities. Projects that meet the established criteria would be required to pay Parks and Recreation Fees to the City for the construction of residential dwelling units. The payment of fees would address potential impacts to park and recreational facilities. Therefore, the cumulative impact would be less than significant.

(e) Libraries

Related projects within the City and with a residential component could generate additional residents who could increase the demand upon library services. Population growth affects online resources because the basis for licensing fees for these databases, eBooks, and other digital resources are generally the population of the library's service area. With additional residents to serve, the Project would reduce the overall availability per capita of books, media, computers, and library public service space. Therefore, in order to maintain current per capita levels and licensing

agreements, the City would need to provide additional physical and virtual resources to the Anaheim library system.

The threshold for determining impacts pursuant to CEQA is based upon whether the project would 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. The impacts to the overall availability per capita of books, media, computers, and library public service space would not create significant physical or environmental impacts. Therefore, the cumulative impact would be less than significant.

10) Historical Resources

See the analysis under Exception (f), below, for Project-specific impacts to historic resources.

The Project would not result in a significant impact to historical resources. It is unknown whether any of the properties on which related projects may be located contain historical resources. Any related project sites that contain historical resources would be required to comply with existing regulations and/or safeguard measures as appropriate for that project, including required compliance with CEQA's provisions regarding historical resources. As the Project would not result in a significant impact to historical resources, there is no potential for the Project to contribute to a cumulative impact, and thus, the cumulative impact would be less than significant.

11) Summary

As no cumulatively significant impacts would result from the Project, the exception is not applicable to the Project.

Exception (c): Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There are no unusual circumstances with the Project Site or the Project that would create a reasonable possibility of significant effects to the environment. The Project Site is located within an urbanized, residential setting. The Project would replace a single-family use with a 12 unit single-family subdivision. Moreover, the Lead Agency has not determined an unusual circumstance is applicable to the Project. The Project is consistent with the underlying zoning. Moreover, as analyzed in Exception (b), above, the Project would not result in any Project-specific or cumulative traffic, noise, air quality, greenhouse gas, or water quality impacts. The proposed land use is consistent and compatible with the Project Site's urban, residential setting and is typical for an infill development. Therefore, as there are no unusual circumstances regarding the Project or Project Site, the exception is not applicable to the Project.

Exception (d): Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic

highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

There are no State-designated scenic highways or highways eligible for scenic designation in the Project Site vicinity.[79] There are also no locally-designated scenic highways in the Project Site vicinity.[80]

There are several ornamental trees growing within the Project Site boundaries. The existing on-site trees, none of which are protected species by the City's tree protection ordinance, would be removed during construction. While grading for Project would require removal of all on-site trees, the Project proposes to plant approximately 38 trees, of which six would be street trees. See **Figure I-14** for the Project's landscape plan.

Therefore, as the Project Site is not located along a State- or City-designated scenic highway and would not damage scenic resources, the exception is not applicable to the Project.

Exception (e): Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

California Government Code Section 65962.5 requires various State agencies to compile lists of hazardous waste disposal facilities, unauthorized releases from underground storage tanks, contaminated drinking water wells, and solid waste facilities where there is known migration of hazardous waste, and submit such information to the Secretary for Environmental Protection on at least an annual basis. A significant impact may occur if a project site is included on any of the above lists and poses an environmental hazard to surrounding sensitive uses.

There are no known hazardous sites associated with the Project Site as according to California Department of Toxic Substances Control's (DTSC) EnviroStor database.[81] The Project would not pose an environmental hazard to surrounding sensitive uses or the environment in regards to siting the Project on a known hazardous waste site or any other type of site appearing on a list compiled pursuant to Section 65962.5 of the Government Code, and a less than significant impact would occur. Therefore, as the Project Site is not located on a hazardous waste site and no hazardous materials occur at the Project Site, no potentially significant hazardous impacts would result. This exception is not applicable to the Project.

Furthermore, the Project Site is not located in an area where petroleum exploration and production has occurred in the past. The closest oil and/or gas exploration well was located approximately one mile to the west of the Site. This well is now listed as idle. The Project Site is not known to be located within a designated oil field and not in an area where hazards associated with surface

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[79] *CalTrans website, Scenic Highways, https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa, accessed July 2021.*

[80] *City of Anaheim General Plan, Circulation Element, Figure C-3, July 2020.*

[81] *California Department of Toxic Substances Control, EnviroStor, website: https://www.envirostor.dtsc.ca.gov/public/map/?global_id=30880005, accessed: September 2021.*

seepage of methane gas from natural or artificial sources have been identified.[82] Therefore, as the Project Site is not included on any list compiled pursuant to Section 65962.5 of the Government Code, the exception is not applicable to the Project.

Exception (f): Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Section 15064.5 of the *State CEQA Guidelines* defines a historical resource as:

> *(1) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources;*
>
> *(2) A resource listed in a local register of historical resources or identified as significant in an historical resource survey meeting certain state guidelines; or*
>
> *(3) An object, building, structure, site, area, place, record or manuscript which a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record.*

A significant adverse effect would occur if a project were to adversely affect an historical resource meeting one of the above definitions. A substantial adverse change in the significance of a historic resource means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

The Project Site was recently occupied by a single-family residence, detached garage, swimming pool, asphalt driveway, and other ancillary construction. The residence has recently been demolished and only the swimming pool, portions of the asphalt driveway, and remnant portions of the building foundations remain. The Project Site is bounded on the west by Western Avenue, on the north and east by single-family residences, and to the south by multi-family developments.[83]

A records search with the South-Central Coast Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) located at California State University (CSU), Fullerton in Fullerton, California was requested in order to assess potential presence of cultural resources within the Project area and a 0.25-mile radius around the Project area. The purpose of the record search was to identify if any prehistoric and/or historic-period cultural resources and studies had been previously documented in the project area and/or the surrounding 0.25-mile radius in order to better understand the archaeological sensitivity of the area. Additionally, a Sacred Lands File (SLF) search with the Native American Heritage Commission (NAHC) was requested to verify that Native American gravesites, tribal resources and other cultural and spiritual sites of

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[82] *Refer to **Appendix K,** Updated Geotechnical Investigation for Proposed Twelve Single-Family Homes Tentative Tract 17944, 910 South Western Avenue, City of Anaheim, California, prepared by PETRA GeoSciences, June 2021.*

[83] *Refer to **Appendix K,** Updated Geotechnical Investigation for Proposed Twelve Single-Family Homes Tentative Tract 17944, 910 South Western Avenue, City of Anaheim, California, prepared by PETRA GeoSciences, June 2021.*

interests and importance to tribes that are traditionally and culturally affiliated with the Project's geographic area.[84]

The SCCIC records search efforts concluded with negative results for previously recorded cultural resources and previously conducted cultural resources studies within the Project area and the 0.25-mile radius. The negative results from the SCCIC indicate the Project area have never been surveyed and therefore it is unknown if archaeological resources are present within the Project area. Additionally, the SLF search resulted positive and the NAHC recommends contacting the Gabrieleno/Tongva San Gabriel Band of Mission Indians. The NAHC also recommended to contact other Native American tribes from the provided contact list who may also have knowledge of cultural resources in the Project area.[85]

Therefore, the Project Applicant shall obtain the services of a qualified archaeologist to be on-call in the event of any subsurface archaeological materials and provide workers with a one-day training for awareness and procedures to follow in the event of inadvertent findings. The City shall also follow up with the Gabrieleno/Tongva San Gabriel Band of Mission Indians and other Native American tribes to determine if there are any known tribal cultural resources within the Project area and coordinate with the Tribe(s) to develop appropriate conditions, if warranted.[86]

Based on the proposed activity, which would be the development of the Project upon previously disturbed soils, the area has a low-likelihood for buried cultural resources. However, in the unlikely case the Applicant discovers human remains during ground disturbing activities, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Orange County Coroner has made the necessary findings as to origin. Further pursuant to California Public Health & Safety Code, Section 5097-98(b) remains shall be left in place and free of disturbance until a final decision as the treatment and disposition has been made. If the Orange County Coroner determines the remains to be Native American, the Project Applicant must contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendants(s)" for purposes of receiving notification of discovery. The most likely descendant(s) shall then make recommendations within 48 hours and engage in consultation concerning the treatment of the remains as provided in California Public Resources Code, Section 5097.98.

Therefore, implementation of the Project would not result in a substantial adverse change to a historic resource. This exception is not applicable to the Project.

5. CONCLUSION

None of the six exceptions to a Categorical Exemption is applicable to this Project. As the Project meets all five conditions enumerated for a Class 32 Categorical Exemption under CEQA and no

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[84] *Refer to **Appendix L**. Cultural Resources Constraints Desktop Review for the Pepperwood Place Project, City of Anaheim, Orange County, California, prepared by Kleinfelder, September 13, 2021.*

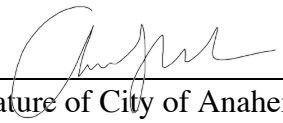
[85] *Ibid.*

[86] *Ibid.*

exceptions are applicable, the Project therefore qualifies for a Categorical Exemption under CEQA. No further analysis is required.

DETERMINATION:

I find that the answers given above are adequately supported by the information sources cited following each question and that the effects of the Project are typical of those generated within that class of projects (*i.e.*, Class 32 – Infill Development Projects) characterized as in-fill development meeting the conditions of Section 15332 of Title 14 of the California Code of Regulations. The Project will not cause a significant effect on the environment and is, therefore, categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act.



Signature of City of Anaheim Representative

November 17, 2021
Date

Andy Uk, Associate Planner
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