



CITY OF ANAHEIM

ENVIRONMENTAL CHECKLIST FORM

SUBJECT 39 Commons Phase 2 (Retail Component)
CASE NO. DEV2019-00186
ADDRESS 200, 208, 216, and 224 N. Beach Boulevard
APN 258-011-17; 258-011-21; 258-011-25; 258-011-27;
 258-011-29; 258-011-31
LOCATION The Project Site is located at the northeast corner of the intersection of Beach Boulevard and Lincoln Avenue


ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

DETERMINATION: (To be completed by the City)

On the basis of this initial evaluation:

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



 Signature of Anaheim Representative
 Andy Uk, Associate Planner

 Printed Name, Title

April 27, 2022

 Date
 (714) 765-5238

 Phone Number

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

Project Setting/Background

The 39 Commons Phase 2 (Retail Component) Project (the “Project”) is located on a site that has been vacant and undeveloped since 2009. The Project Site is located within the area of the City of Anaheim (the “City”) that is subject to the Beach Boulevard Specific Plan (BBSP) No. 2017-1 (SP 2017-1). Figure 1 – Site Map, shows the location of the Project Site, which is located on 4.86 acres designated for Regional Commercial land use by the General Plan. The Project Site is within the Regional Commercial (R-C) Development Area of the BBSP. The BBSP intends for the R-C Development Area to serve a larger market area than Neighborhood Commercial Development Areas. Given the regional nature of the Beach Boulevard corridor and the tourism market to the north in Buena Park, this development area allows for large-scale commercial uses, specialty stores and restaurants, a theater, home goods stores, entertainment, commercial recreation, and hospitality uses that serve a broad area. Project design should encourage pedestrian use by providing good connectivity within and to the site, with buildings clustered and close to the street. The BBSP permits a maximum floor area ratio (FAR) of 0.35 within the R-C Development Area. The underlying Anaheim Municipal Code base zone is the “C-R” Regional Commercial. If the standards in the BBSP are silent on a particular topic, the C-R Zone shall apply.

On September 29, 2020, the City Council approved an Amended and Restated Disposition and Development Agreement (DDA) and Ground Lease pertaining to an approximate 30-acre vacant property located on the northeast corner of Beach Boulevard and Lincoln Avenue, which includes the Project Site. The DDA called for the development of four separate components referred to as the Residential Component (Phase 1), the Retail Component (Phase 2), the Grocery Component (Phase 3), and the Mixed Use Commercial Component (Phase 4). The proposed Project is the Retail Component (Phase 2). The Council’s approval of the DDA included a determination that there would be no new environmental impacts associated with the DDA beyond those identified in the previously approved Final Environmental Impact Report for the BBSP (EIR No. 350).

As shown on Figure 1 – Site Map, a mix of land uses surrounds the Project Site. Directly adjacent to the north of the Project Site are additional vacant parcels associated with the former landfill that are also a part of the DDA and designated as the Grocery Component. Further north is commercial development in the City of Buena Park. Directly adjacent to the east of the Project Site is property that is currently under development for 65 single-family attached residences, designated as the Residential Component and known as the Nolin community. Further east are existing multi-family residential apartment complexes. To the south of the Site, across Lincoln Avenue, are a gas station/car wash, stand-alone car wash, and vacant land. The City recently approved the development of a mixed-use project consisting of 134 three-story townhomes, a five-story 100-unit apartment building, and a 5,000-square-foot retail use on this site. To the west, across Beach Boulevard, is a large commercial center with a Walmart Neighborhood Market, Rally’s fast-food restaurant, and the 102-unit Anacapa attached residential development. A commercial center is located southwest of the intersection of Beach Boulevard and Lincoln Avenue. All surrounding properties, with the exception of the single-family homes within the City of Buena Park, are within the area guided and regulated by the BBSP.

Project Description

The Project Site is currently vacant and undeveloped. As shown in Figure 2 – Conceptual Site Plan, the Project would implement the BBSP on the Project Site through construction of a commercial center with five buildings totaling 21,654 square feet. The Project would include three “pad buildings” (Pads A, B, and C) and two “shop buildings” (Shops 1 and 2).

Pad A would consist of a 3,879 square-foot drive-thru restaurant with canopy and patio space. Pad B would consist of a 2,575 square-foot building with a drive-thru restaurant, and canopy and patio space. Pad C would consist of a 2,000 square-foot drive-thru restaurant and patio space. Shop 1 would be an 8,400 square-foot building with patio space and five suites for commercial tenants: Suite 1A (2,040 square feet); Suite 1B (1,560 square feet); Suite 1C (1,560 square feet); Suite 1D (1,458 square feet); and Suite 1E (1,557 square feet). Shop 2 would be a 4,800 square-foot building with three suites for commercial tenants: (Suite

3A (1,847 square feet); Suite 3D (1,365 square feet); and Suite 3E (1,427 square feet). Figure 3 through Figure 7 provide floor plans for the individual Pads and Shops.

The main vehicular access would be located on Beach Boulevard at the existing signalized intersection. A secondary vehicular access would be located on Lincoln Avenue. The Project would include a landscaped paseo providing pedestrian access from Beach Boulevard that would include a water feature, concrete seat walls with café tables, and bicycle racks. The Project would include parking for 230 vehicles including 14 electric vehicle (EV) parking stalls, 18 clean air vehicle parking spaces, and ten ADA stalls.

Areas of the Project Site proposed for vehicular access, internal circulation, and parking would overlie portions of pit areas associated with a former landfill. Specifically, the area proposed for main vehicular access from Beach Boulevard would overlie the Davis Mud Pit, which accepted unrestricted waste, including significant amounts of drilling mud from nearby oil wells, and ceased operations in the 1950s. An internal roadway providing access into the commercial portion of the Project and a parking lot proposed for the northeastern portion of the Site would overlie the Anderson Pit, which accepted demolition debris, and the Spark Pit, which accepted domestic waste; both ceasing operations in the early 1960s. Boundaries of the former landfill pits can be seen on Figure 8 – Limits of Former Landfill Pits.

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

1. **DEVELOPMENT PROJECT NO. 2019-00186**: The applicant requests approval of the following entitlements: i) Final Plan No. 2021-00001 to permit a development project within the Beach Boulevard Specific Plan; and ii) Conditional Use Permit No. 2021-06114 to permit a drive-through restaurant (Pad A).
2. **DEVELOPMENT PROJECT NO. 2022-00026**: The applicant requests approval of a conditional use permit to permit a drive-through restaurant (Pad B).
3. **DEVELOPMENT PROJECT NO. 2022-00027**: The applicant requests approval of a conditional use permit to permit a drive-through restaurant (Pad C).
4. **DEVELOPMENT PROJECT NO. 2022-00028**: The applicant requests approval of a conditional use permit to permit a coordinated sign program.
5. **DEVELOPMENT PROJECT NO. 2022-00029**: The applicant requests approval of Tentative Tract Map to permit the subdivision of the property into four lots for the purpose of commercial development.

Beach Boulevard Specific Plan (BBSP)

As shown in Figure 9 – BBSP Development Area, the BBSP guides the future development of approximately 283 acres along a 1.5-mile portion of the Beach Boulevard (State Route 39 [SR-39]) in the City of Anaheim, Orange County. Beach Boulevard is an eight-lane divided highway that connects the cities of Huntington Beach, Westminster, Garden Grove, Stanton, Anaheim, Buena Park, Fullerton, La Mirada, and La Habra. The BBSP is a community-driven vision for Beach Boulevard and the properties adjacent to this transportation corridor. The BBSP supports this vision through the implementation of development standards, permitted and prohibited uses, design guidelines, sustainable practices, economic development incentives, and capital improvements that improve the quality of life for all future users of the corridor.

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

Table 1 Beach Boulevard Specific Plan Buildout Statistical Summary

Development Area	Acreage	Units/Acre	Units	Population	FAR	Non-Res SF	Employment
Flood Control Channels	4.2	-	-	-	-	-	-
Low-Medium Residential	44.8	18	806	2,621	-	-	-
Medium Residential	49.4	36	1,778	5,781	-	-	-
Mixed-Use High ¹	32.3	60	1,938	6,300	0.35	492,446	1,231
Mixed-Use Medium ²	16.8	36	605	1,966	0.35	210,575	526
Neighborhood Commercial	22.6	-	-	-	0.35	344,560	861
Office	2.2	-	-	-	0.50	47,916	168
Public-Recreational	27.9	-	-	-	0.10	121,532	304
Regional Commercial ³	27.4	-	-	-	0.35	380,000	950
Right of Way	41.6	-	-	-	-	-	-
Semi-Public ⁴	13.6	-	-	-	1.00	592,416	1,481
Total ⁵	282.8	-	5,128	16,669 ⁶	-	2,189,445	5,522 ⁷
Existing	-	-	1,477	-	-	1,282,124	-
Net New	-	-	3,651	-	-	907,321	-

Source: PlaceWorks, Beach Boulevard Specific Plan, Draft Environmental Impact Report No. 350, August 2018, page 1-6.

- 1 Mixed-Use High buildout includes 54,000 SF of hotel/motel (108 rooms) and the following assumptions for other non-residential uses: 20% service, 20% office, 20% restaurant, and 40% retail.
- 2 Mixed-Use Medium buildout includes 140,000 SF of hotel/motel (280 rooms) and following assumptions for other non-residential uses: 25% service, 10% office, 25% restaurant, and 40% retail.
- 3 Regional Commercial buildout includes 35,000 SF of hotel/motel (70 rooms).
The West Anaheim Medical Center provides 219 hospital beds.
- 5 Hotels were included in the buildout assumptions for Commercial, Mixed-Use Medium, and Mixed-Use High uses. Hotels were estimated at approximately 500 gross SF per room (including walls, elevators, stairways, corridors, storage, mechanical areas, etc.). (De Roos 2011)
- 6 Population estimates are based on a citywide 3.44 persons per household factor published in the City of Anaheim 2014-2021 Housing Element.
- 7 Employment estimates are City of Anaheim General Plan Employment Generation Rates of 400 SF per employee for Commercial uses, 285 SF per employee for Office uses, and 400 SF per employee for Mixed-Use uses.

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

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

As previously noted, the 4.86-acre Project Site is within the Regional Commercial Development Area, which allows commercial development at a maximum FAR of 0.35. Accordingly, the BBSP would allow development of the Site with up to 74,118 square feet of commercial development; the Project Applicant is proposing to construct 21,654 square feet of commercial development at the Project Site.

Previously-Certified Environmental Impact Report No. 2017-00350

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

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

Once a Program EIR has been prepared, the City, as the Lead Agency, must evaluate subsequent activities within the program to determine whether an additional CEQA document is necessary. However, if the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities may be within the Program EIR's scope, and additional environmental documents may not be required (Guidelines § 15168[c]). When a lead agency relies on a Program EIR for a subsequent activity, it must incorporate feasible mitigation measures and alternatives from the Program EIR into the subsequent activities (Guidelines § 15168[c][3]). If a subsequent activity would have effects outside the scope of the Program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, Mitigated Negative Declaration, or an EIR. Even in this case, the Program EIR still serves a valuable purpose as the first-tier environmental analysis. The CEQA Guidelines encourage the use of Program EIRs, citing five advantages:

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

In addition, this checklist confirms that none of the following events described in Guidelines § 15162 have occurred:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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



Source: City of Anaheim, Eagle Aerial, 2021

 Project Site

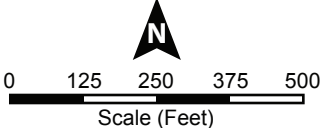


Figure 1
Site Map



Source: MCG Architecture, 2022

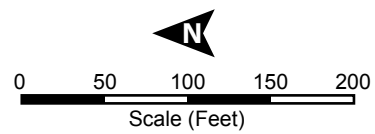
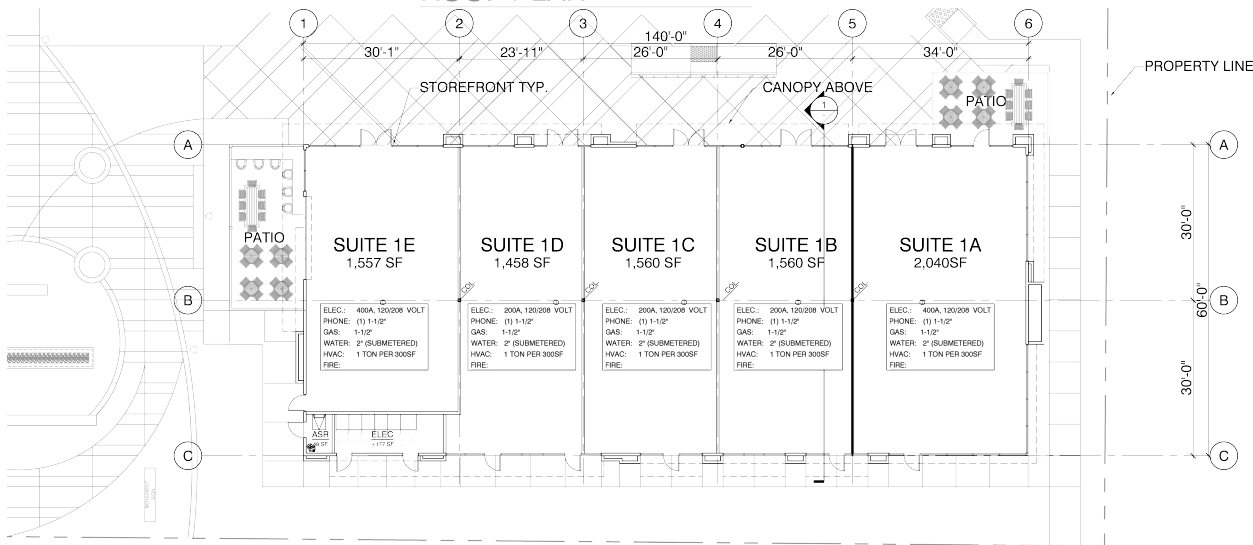
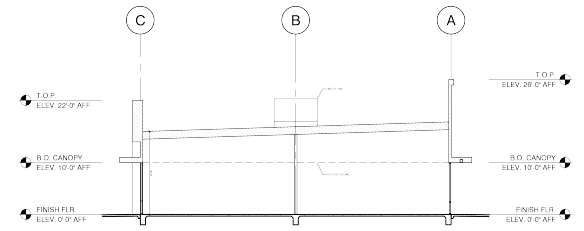
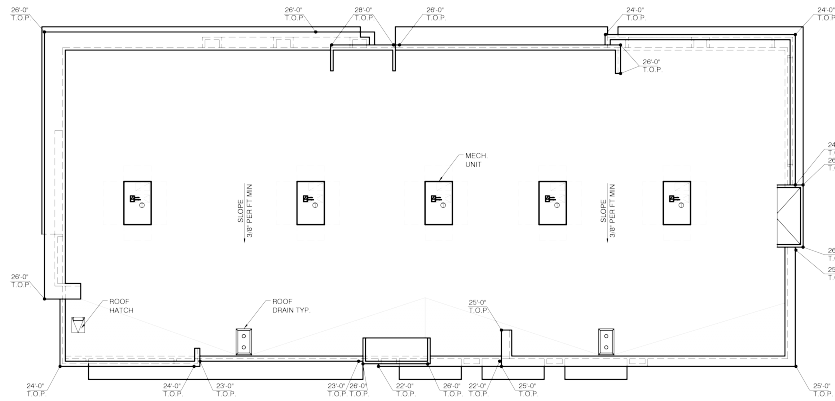


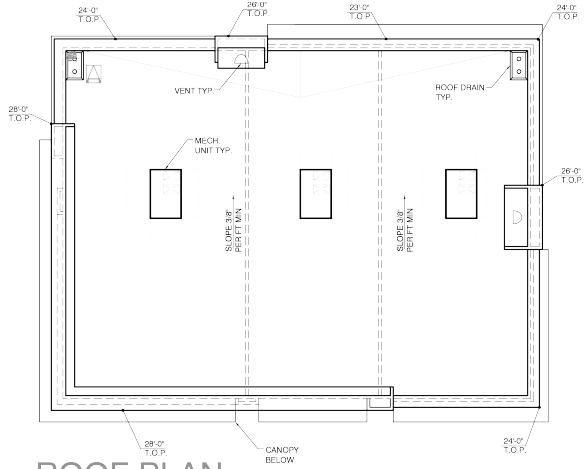
Figure 2
Conceptual Site Plan



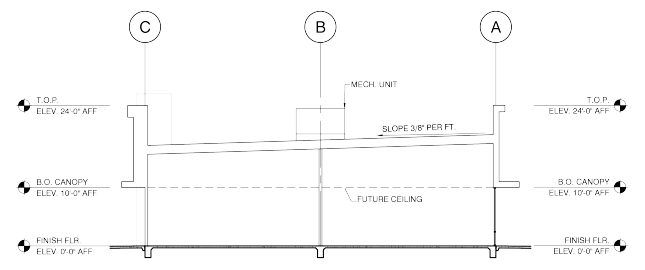
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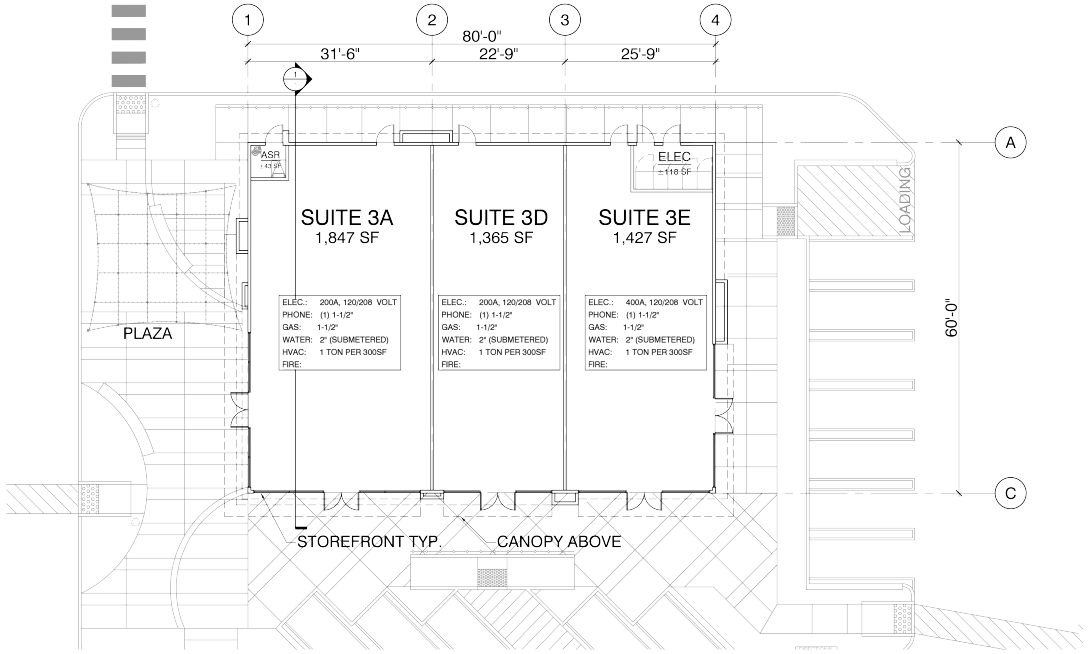
Figure 3
Shops 1 Floor Plan (8,400 SF)



ROOF PLAN



SECTION 1

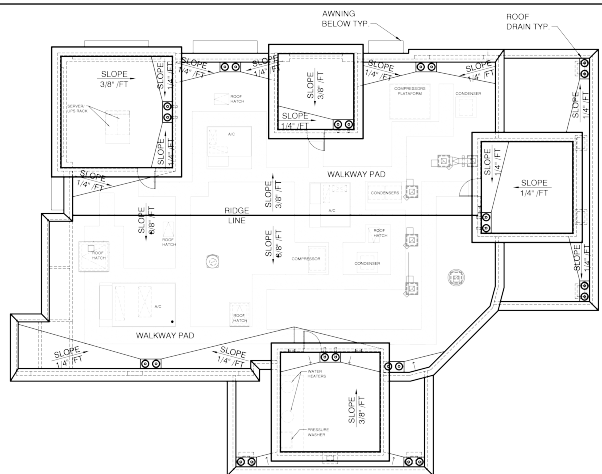


FLOOR PLAN

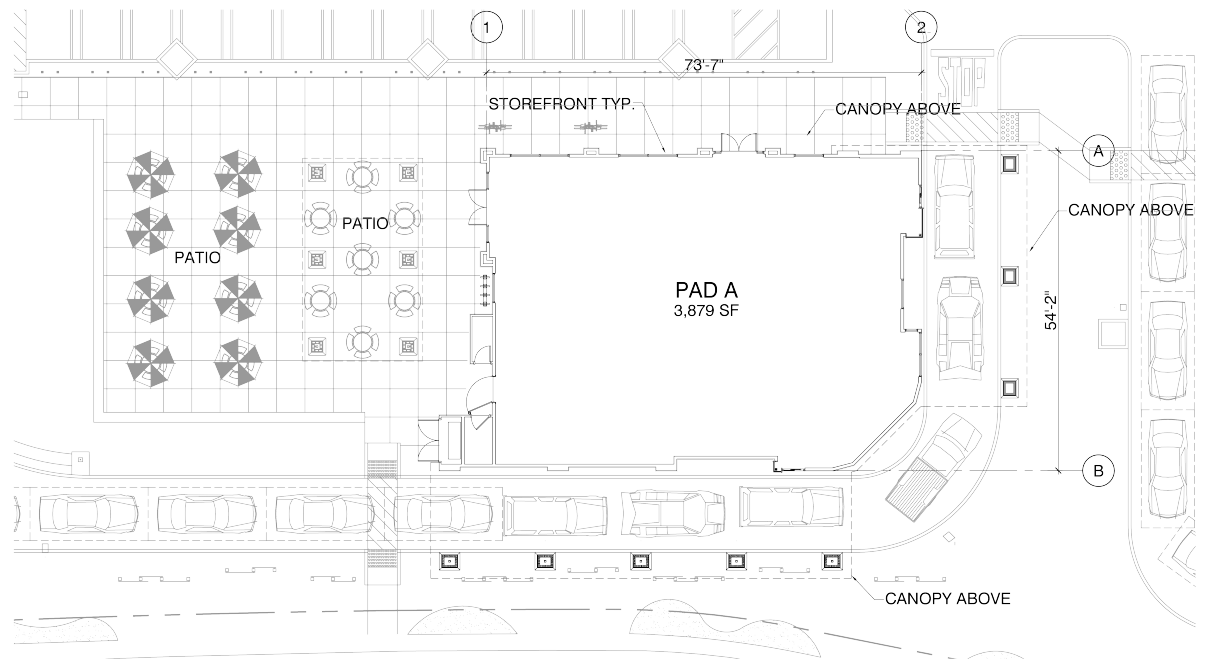
Source: MCG Architecture, 2021



Figure 4
Shops 2 Floor Plan (4,800 SF)



ROOF PLAN

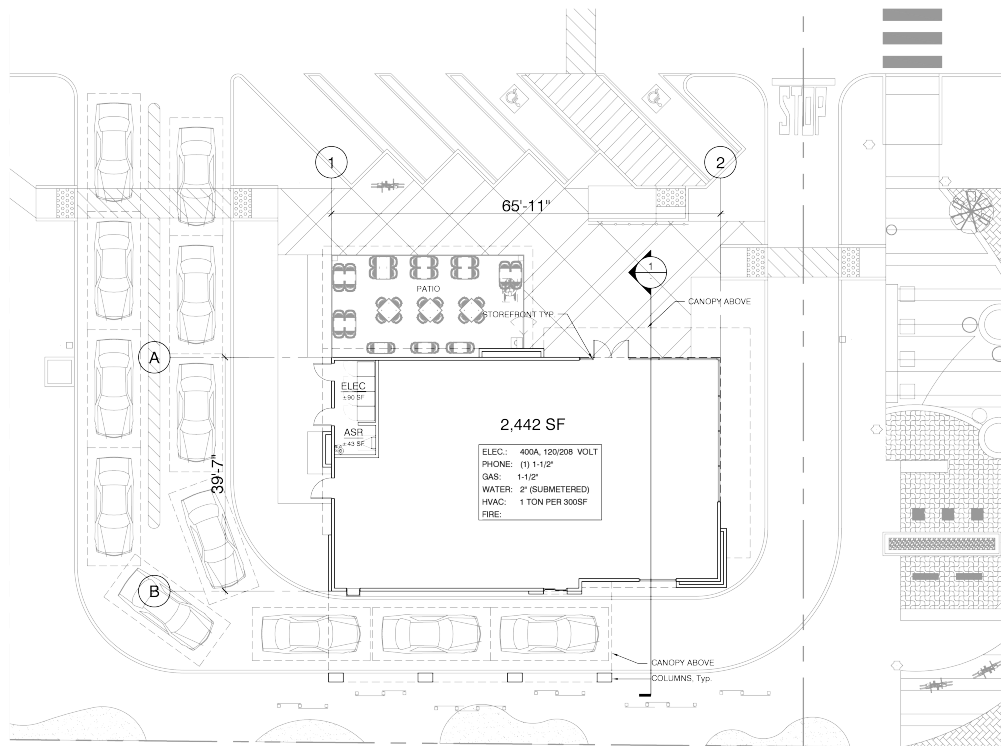


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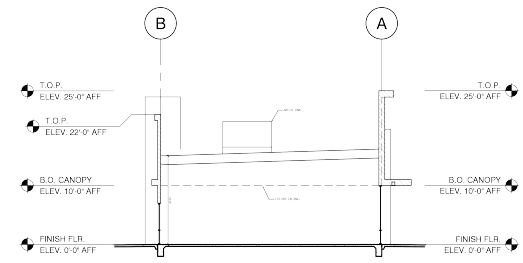
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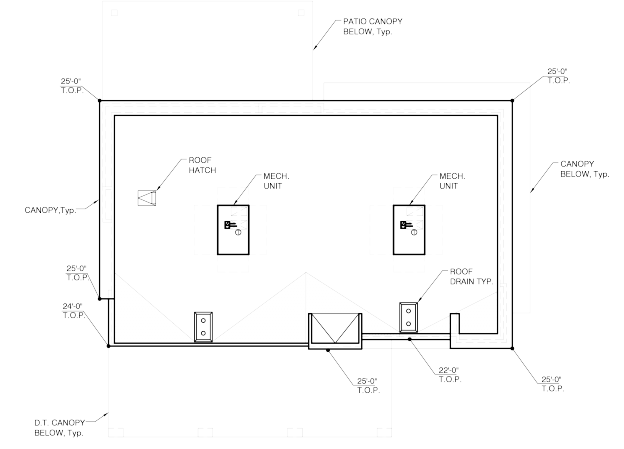
Figure 5
Pad A Floor Plan (3,879 SF)



FLOOR PLAN



SECTION 1

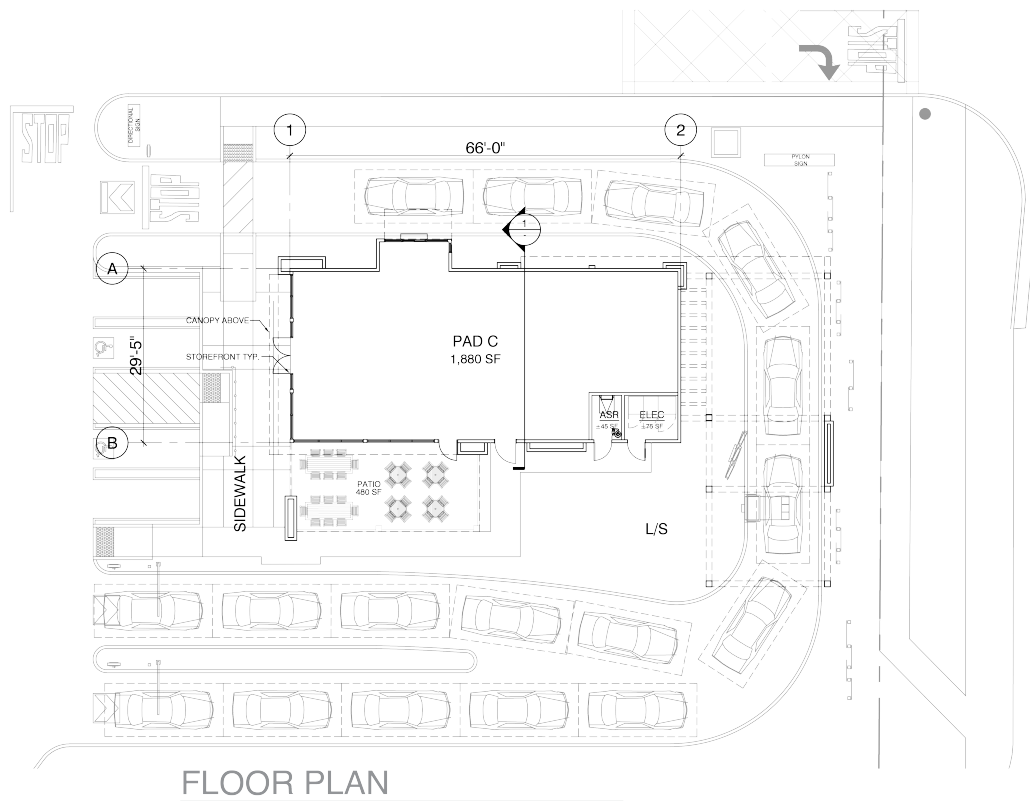


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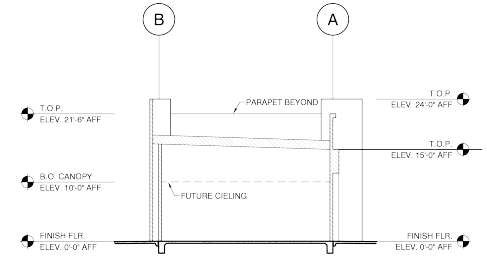
Source: MCG Architecture, 2021



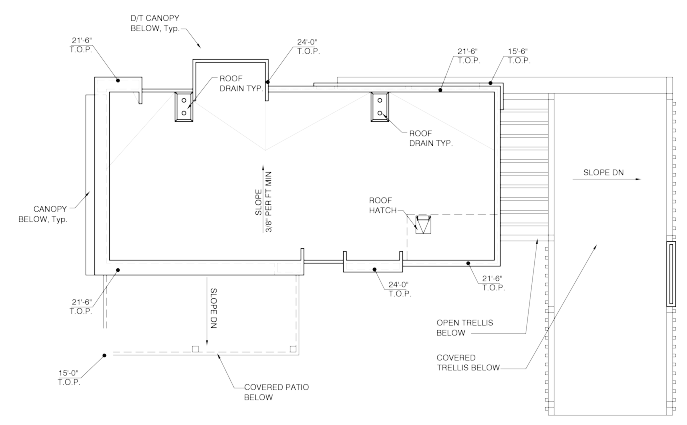
Figure 6
Pad B Floor Plan (2,575 SF)



FLOOR PLAN



SECTION 1

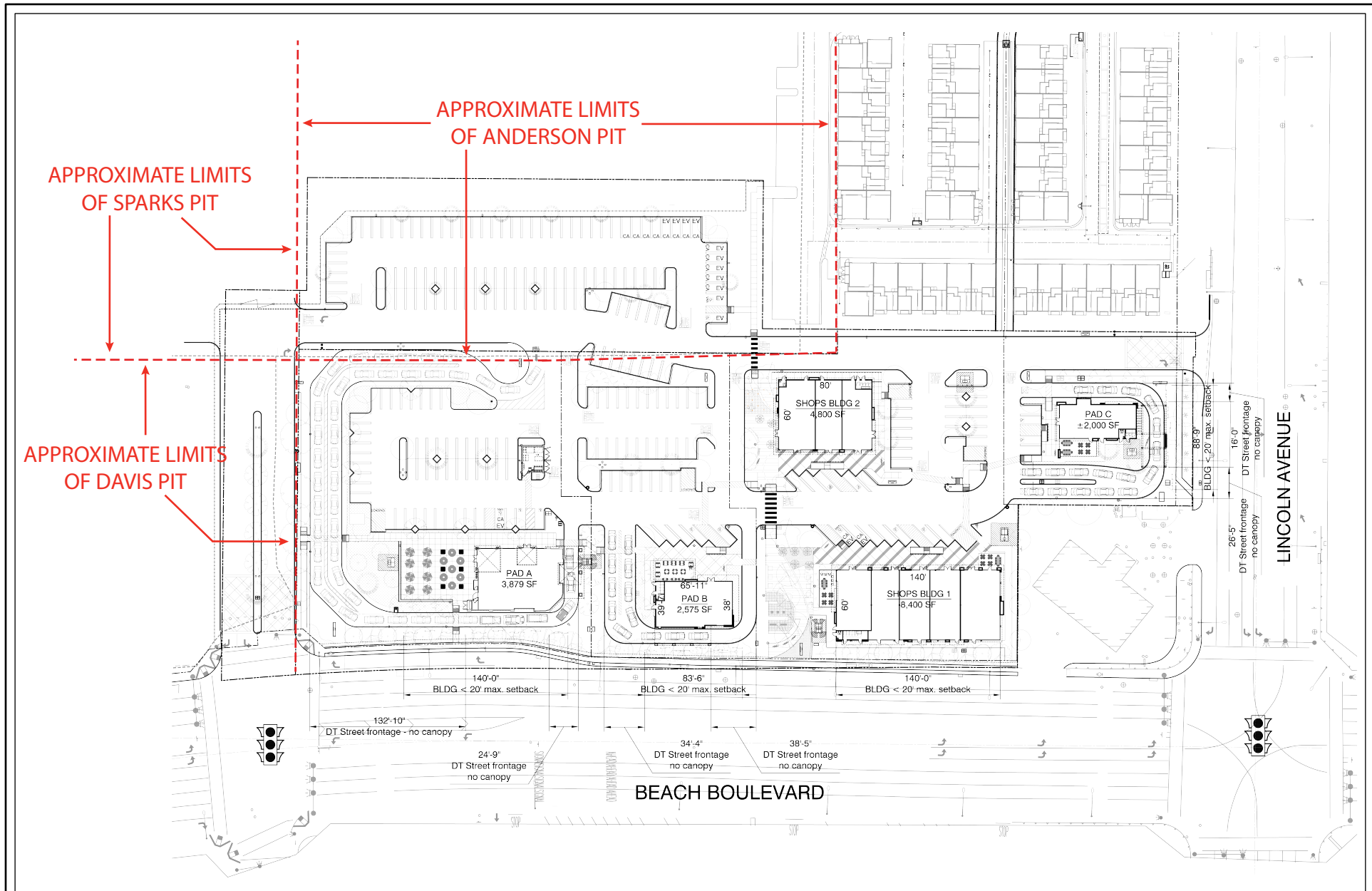


ROOF PLAN

Source: MCG Architecture, 2021



Figure 7
Pad C Floor Plan (2,000 SF)



Source: MCG Architecture, 2021 and Geotechnical Professionals, Inc., 2021

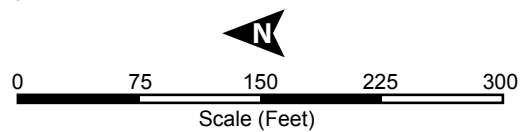
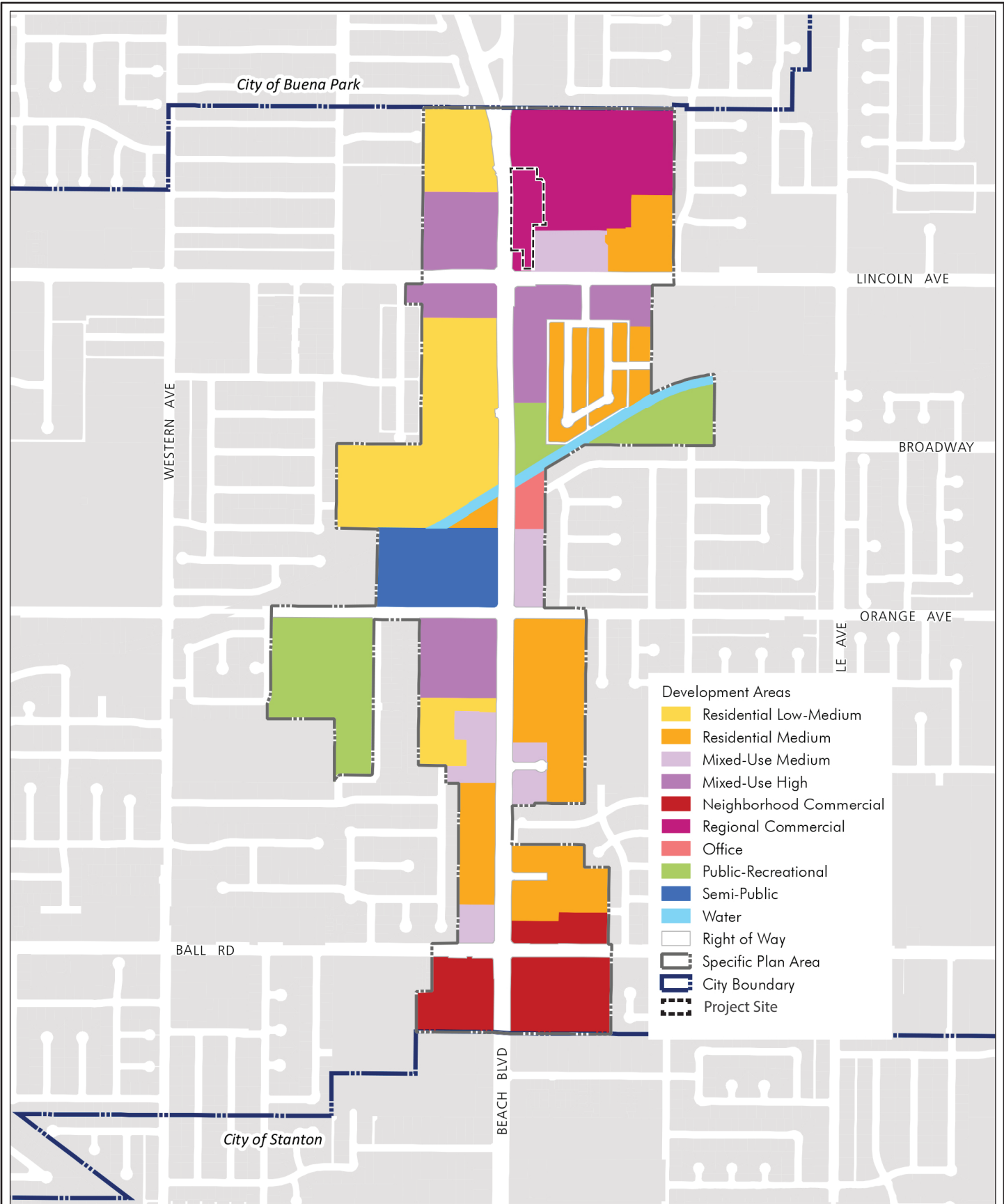


Figure 8
Limits of Former Landfill Pits



Source: PlaceWorks and City of Anaheim, 2017

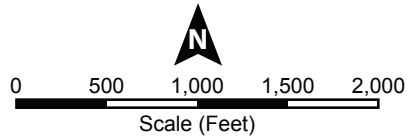


Figure 9
BBSP Development Areas

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the Project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, limitation trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Impacts Analyzed in EIR No. 350/No New Impacts. EIR No. 350 analyzed the aesthetic impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.1.

The City’s major scenic features include the Hill and Canyon Area, Santa Ana Mountains, Santa Ana River, and golf courses. However, according to EIR No. 350, the area regulated by the BBSP is located approximately 1.2 miles from Dad Miller Golf Course, over 6 miles from Santa Ana River, and over 8 miles from the Hill and Canyon Area and these features are not visible from the BBSP Area. In addition, distant views of the Puente Hills and San Gabriel Mountains to the north are not panoramic and are generally obscured by trees, surrounding urban development, and weather (i.e., clouds and smog). The proposed Project would be a 21,654-square-foot commercial development, implementing Phase 2 (Retail Component) of the 39 Commons DDA. The Project Site is flat in topography and does not contain a scenic vista. Because the Project Site is located within the BBSP, it would also not be located proximate to scenic features nor would the Project block views of such features as views are obscured in the vicinity of the Project Site. Accordingly, no impact is anticipated and no mitigation measures would be required.

As discussed in EIR No. 350, Beach Boulevard (SR-39), is not a state-designated scenic highway. Moreover, the Project Site is currently vacant and undeveloped. As such, no trees, rock outcroppings, or historic buildings within a state scenic highway would be damaged due to construction of the proposed Project. Therefore, consistent with EIR No. 350, impacts associated with state scenic highways would be less than significant and no mitigation measures would be required.

The Project Site is located in an urbanized area of the City. As detailed further under **Section XI, Land Use and Planning**, of this Initial Study, the Project would not conflict with the zoning for the Project Site under the BBSP. The BBSP includes a robust set of development standards and design guidelines for the Regional Commercial Development Area, including the Project Site, in order to ensure high-quality and visually interesting public spaces with street trees, landscaping, and urban design that ties into the larger corridor that the Project would be subject to. According to EIR No. 350, implementation of the BBSP would alter the visual character of the area to provide a more consistent and cohesive design character. The Project Site is currently a vacant lot. The proposed Project would implement Phase 2 (Retail Component) of the 39 Commons DDA and would provide an attractive and unique activity node in an area of West Anaheim that needs a distinctive visual focal point. As such, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

According to EIR No. 350, new sources of light and glare associated with development within the BBSP area could increase levels of light and glare above existing conditions. However, EIR No. 350 concluded that redevelopment and infrastructure improvements present opportunities to reduce excessive light and glare in the BBSP area and projects would be required to comply with outdoor lighting provisions of the California Building Energy Efficiency Standards (Title 24, Part 6 of the California Code of Regulations), which require a number of methods to limit overspill of light and glare, including motion sensors and luminaire cutoff requirements. The proposed Project includes the use of advanced light applications, including bi-level adaptive light-emitting diode (LED) street lighting for parking lots, parking structures, signage, walls, and pathways. This type of fixture uses motion sensing to adjust light to reflect an area’s occupancy (or lack of) and reduces overspill of light into adjacent land uses. In addition, the Project Site is in an urbanized area of the City, and glare sources currently exist from sunlight reflecting off vehicles parked and traveling on nearby roads, and from glass and light-colored building materials. The proposed Project’s architectural treatment and building materials would not be highly reflective and would not increase glare beyond what is typical for an urban area. As such, the Project would not adversely affect day or nighttime views as a result of increase sources of light and glare. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, aesthetics impacts would be less than significant, and therefore no aesthetics mitigation measures would be necessary or included in MMRP No. 342. Because the proposed Project would develop commercial uses pursuant to the BBSP and would be subject to the same regulatory requirements, standard conditions of approval, and the development standards and design guidelines established by the BBSP, it would not result in any aesthetics impacts beyond those identified in the previously certified EIR No. 350. Since no aesthetics mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

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

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12222(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Narrative Summary: Impacts Analyzed in EIR No. 350/No New Impacts. The Initial Study for EIR No. 350 addressed the potential impacts to agriculture and forest resources associated with implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Appendix A.

According to EIR No. 350, the BBSP area is designated as urban and built-up land by the Farmland Mapping and Monitoring Program of the California Resources Agency; no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance exists on or near the Project Site. In addition, none of the parcels within the BBSP are under a Williamson Act contract, nor are any zoned for nor do they contain forest land, timberland, or timberland zoned for timberland production. The Project Site is designated Regional Commercial under the BBSP and would be located entirely within the BBSP area. As such, the Project would not convert Farmland to non-agricultural use or forest land to non-forest use; and would not conflict with zoning for agricultural use, forest land, or timberland, or with a Williamson Act contract. Therefore, consistent with EIR No. 350, no impacts would occur and no mitigation measures would be required.

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Impacts Analyzed in EIR No. 350/No New Impacts. EIR No. 350 analyzed the air quality impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.2.

The area regulated by the BBSP is in the South Coast Air Basin (SoCAB) and is subject to the air quality management plan (AQMP) prepared by the South Coast Air Quality Management District (SCAQMD). Construction activities of future development, revitalization, and/or redevelopment activities pursuant to the BBSP would generate exhaust from construction equipment and vehicle trips, fugitive dust from demolition and ground-disturbing activities, and off-gas emissions from architectural coatings and paving. Implementation of the BBSP allows development of a mix of uses, resulting in an increase in development intensity and associated increase in criteria air pollutants that would exceed the emissions forecasts for the Project area in the AQMP. In addition, EIR No. 350 found that construction activities associated with implementation of the BBSP could occur close to sensitive receptors, exposing them to pollutant emissions. Accordingly, EIR No. 350 concluded that implementation of the BBSP would conflict with implementation of the applicable air quality plan, would cumulatively contribute to the nonattainment designations of the SoCAB, and would expose sensitive receptors to substantial pollutant concentrations. Mitigation measures AQ-1 through AQ-8 were included to reduce air quality impacts associated with implementation of the BBSP, however, impacts would be significant and

unavoidable. The Anaheim City Council adopted a Statement of Overriding Considerations with regard to these potential impacts.

Construction and operation activities associated with the proposed Project have the potential to generate fugitive dust, stationary-source emissions, and mobile-source emissions. Air pollutant emissions associated with the proposed Project would occur over the short term for site preparation and construction activities of the proposed Project. In addition, emissions would result from the long-term operation. The air quality analysis conducted for the BBSP determined that the short- and/or long-term emissions would exceed SCAQMD's regional significance thresholds. As previously noted, the 4.86-acre Project Site is within the Regional Commercial Development Area of the BBSP. This designation allows commercial development at a maximum FAR of 0.35, for a maximum allowed commercial development of 74,118 square feet. The Project Applicant is proposing to construct 21,654 square feet of commercial space, implementing Phase 2 of the 39 Commons DDA. Therefore, the emissions from the Project would fall within the emissions calculated under the air quality analysis for the BBSP and would not result in conflicts with the AQMP, cumulatively contribute to the nonattainment designations of the SoCAB, or expose sensitive receptors to pollutant concentrations beyond what has been previously identified for development of the Project Site in EIR No. 350. As such, the Project would fall under the Statement of Overriding Considerations adopted by the Anaheim City Council with regard to these potential impacts and mitigation measures AQ-1 through AQ-5, AQ-7, and AQ-8.

Emissions from construction equipment used during the construction of the proposed Project, such as diesel exhaust and VOCs from architectural coatings, may generate odors. However, these odors would be low in concentration, temporary, and are not expected to affect a substantial number of people. Therefore, consistent with EIR No. 350, the proposed Project would result in less than significant odor impacts, and no mitigation measures would be required.

EIR No. 350 determined that air quality impacts would be significant and unavoidable and the Anaheim City Council adopted a Statement of Overriding Considerations. The Project proposes to develop commercial uses pursuant to the BBSP and would develop 21,654 square feet of commercial uses out of an allowable 74,118 square feet. Therefore, the proposed Project would not result in any air quality impacts beyond those identified in the previously certified EIR No. 350 and would fall under the Statement of Overriding Considerations. The following air quality mitigation measures set forth in MMRP No. 342 would address any air quality impacts of the proposed Project and would be conditions of approval for the Project (changes have been made to the measures to make them applicable to the Project; deletions are shown in ~~strike through~~ and additions are shown in **bold**):

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

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

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

AQ-4: Prior to issuance of a building permit for ~~Projects that are subject to the California Environmental Quality Act (i.e., non-exempt Projects)~~, the property owner/developer shall require the construction contractor and provide a note on construction plans indicating that:

- a) All coatings and solvents will have a volatile organic compound (VOC) content lower than required under Rule 1113 (i.e., super compliant paints)
- b) All architectural coatings shall be applied either by (1) using a high-volume, low-pressure spray method operated at an air pressure between 0.1 and 10 pounds per square inch gauge to achieve a 65 percent application efficiency; or (2) manual application using a paintbrush, hand-roller, trowel, spatula, dauber, rag, or sponge, to achieve a 100 percent applicant efficiency
- c) The construction contractor shall also use pre-coated/natural colored building materials, where feasible. The City shall verify compliance during normal construction site inspections.

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

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

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

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

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

IV. BIOLOGICAL RESOURCES – Would the Project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Impacts Analyzed in EIR No. 350/No New Impacts. The Initial Study for EIR No. 350 addressed the potential impacts to biological resources associated with implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Appendix A.

As identified in EIR No. 350 for the BBSP, which includes the Project Site, although the BBSP area includes areas designated as Parks and Water Uses by the General Plan, those areas are already developed with existing parks and the Carbon Creek Channel and do not provide natural habitat for candidate, sensitive, or special status species, nor do they contain any riparian habitat or other sensitive natural communities. In addition, the BBSP area is in an urbanized portion of the City and does not contain wetlands, wildlife corridors, or wildlife nurseries. EIR No. 350 determined that the BBSP area is not located within an area subject to the Central and Coastal Natural Community Conservation Plan/Habitat Conservation Plan (CNCP/HCP). Furthermore, development that would occur under implementation of the BBSP would be subject to the requirements of the federal Migratory Bird Treaty Act (MBTA) and Chapter 13.12 of the Anaheim Municipal Code, which would ensure that impacts to nesting birds and from tree removal activities, respectively, would be less than significant.

The Project Site is located entirely within the BBSP area and, accordingly, does not provide habitat for candidate, sensitive, or special status species; does not contain wetlands, wildlife corridors, or wildlife nurseries; and is not subject to the

CNCP/HCP. As with all activities implemented under the BBSP, the proposed Project would be subject to the requirements of the MBTA. The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. It prohibits the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities, except under a valid permit or as permitted in the implementing regulations. Although there are no trees located on or adjacent to the Project Site, the Site does contain small amounts of vegetation that would require removal as part of site clearing/preparation. If removal of the vegetation occurs during nesting season (typically between February 1 and July 1), the owner/developer would be required to conduct nesting bird surveys in accordance with the California Department of Fish and Wildlife requirements. Compliance with the MBTA would ensure that no significant impacts to migratory birds occur and no mitigation measures are required. Because the proposed Project would not require and does not propose tree removal, consistent with EIR No. 350, impacts related to tree protection policies or ordinances would occur and no special protection, maintenance, removal, replacement conditions, or mitigation measures would be required.

EIR No. 350 concluded that compliance with existing regulations related to biological resources would reduce any impacts to less than significant. The proposed Project Site is located entirely within the BBSP area and would be subject to the same regulations related to biological resources and, therefore, would not result in any impacts beyond those identified in the previously certified EIR No. 350. MMRP No. 342 does not include any mitigation measures related to biological resources and none would be applicable to the proposed Project.

V. CULTURAL RESOURCES – Would the Project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

According to EIR No. 350, the BBSP area does not contain any historic structures identified on the Anaheim List of Historic Structures, the California Register of Historical Resources, nor the Mills Act properties list. EIR No. 350 determined that it is possible that future development under the BBSP could significantly impact previously unlisted historical resources, which would require mitigation measure. However, the proposed Project Site is currently vacant and the proposed Project would not involve any demolition of buildings, including historically preserved structures. Therefore, no impact would occur and mitigation measure would not be required.

EIR No. 350 determined that it was not possible to evaluate potential impacts to archaeological resources in the absence of specific identified project sites within the BBSP and included mitigation for identification of the presence of archaeological resources within future project sites and performance standards to be implemented should archaeological resources be discovered. The Project Site is a vacant lot. It is possible that previously unidentified archaeological artifacts could be present within the area, however, the proposed Project is within the area regulated by the BBSP, and the owner/developer would be required to comply with the archaeological resources mitigation measure outlined in EIR. No. 350. Following

implementation of the archaeological resources mitigation measures, consistent with EIR No. 350, the Project would not cause a substantial adverse change in the significance of an archaeological resource.

California Health and Safety Code, Section 7050.5, requires that in the event that human remains are discovered within a Project area, disturbance of the site shall halt and remain halted until the coroner has investigated the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains are those of a Native American, he or she shall contact the Native American Heritage Commission by telephone within 24 hours. The proposed Project would be required to comply with existing law. Therefore, consistent with EIR No. 350, potential impacts to human remains would be less than significant and no mitigation measures would be required.

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

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

- Prior to any ground disturbance, the Qualified Archaeologist, or their designee, shall provide a worker environmental awareness protection (WEAP) training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should unanticipated cultural resources be made during construction. Workers will be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The WEAP training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the Project.
- In the event that unanticipated cultural material is encountered during any phase of Project construction, all construction work within 50 feet (15 meters) of the find shall cease and the Qualified Archaeologist shall assess the find for importance. Construction activities may continue in other areas. If, in consultation with the appropriate City, the discovery is determined not to be important, work will be permitted to continue in the area.
- If a resource is determined by the Qualified Archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or has a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the ~~applicant~~ **owner/developer** and the City to develop a formal treatment plan that would serve to reduce impacts to the resources, and construction allowed to proceed. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment.
- If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis.
- Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, such as the South Central Coastal Information Center at California State University, Fullerton. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes, as determined as appropriate by the City of Anaheim.

VI. ENERGY – Would the Project:

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

Narrative Summary: Less-than-Significant Impact. EIR No. 350 did not analyze Initial Study Checklist Topic Energy as the City Council certified the document before the 2019 updated CEQA checklist became the new standard. However, the estimated electricity and natural gas demands of the BBSP were presented and discussed with regard for the potential need to upgrade existing supply facilities in EIR No. 350 Section 5.15, Utilities and Services Systems.

REGULATORY FRAMEWORK

California State Regulations

California Building Code: Building Energy Efficiency Standards. Energy conservation standards for new residential and non-residential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the CEC) in June 1977 (Title 24, Part 6, of the California Code of Regulations [CCR]). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. On May 9, 2018, the CEC adopted the 2019 Building Energy Efficiency Standards, which went into effect on January 1, 2020. The 2019 Standards continues to improve upon the previous 2016 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. Under the 2019 Standards, nonresidential buildings are 30 percent more energy efficient compared to the 2016 standards while single-family homes are 7 percent more energy efficient. When accounting for the electricity generated by the solar photovoltaic system, single-family homes use 53 percent less energy compared to homes built to the 2016 standards. 24 Standards represent “challenging but achievable design and construction practices” that represent “a major step towards meeting the Zero Net Energy (ZNE) goal.” The 2019 standards move towards cutting energy use in new homes by more than 50 percent and require installation of solar photovoltaic systems for single-family homes and multi-family buildings of 3 stories and less. Four key areas the 2019 standards focus on include 1) smart residential photovoltaic systems; 2) updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa); 3) residential and nonresidential ventilation requirements; 4) and nonresidential lighting requirements. On August 11, 2021, the CEC adopted the 2022 Building Energy Efficiency Standards, which were subsequently approved by the California Building Standards Commission for inclusion into the California Building Standards Code in December 2021. The 2022 Building Energy Efficiency Standards encourage efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards. The 2022 Building Energy Efficiency Standards will apply to buildings whose permit applications are applied for on or after January 1, 2023.

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

California's Renewable Portfolio Standard. First established in 2002 under Senate Bill (SB) 1078 and amended by SB 350 and SB 100 (discussed further below), California's Renewable Portfolio Standard (RPS) Program requires retail sellers of electric services to increase procurement from eligible renewable energy resources to 60 percent of total retail sales by 2030. The California Public Utilities Commission (CPUC) and the California Energy Commission (CEC) jointly implement the RPS program. The CPUC's responsibilities include: (1) determining annual procurement targets and enforcing compliance; (2) reviewing and approving each investor-owned utility's renewable energy procurement plan; (3) reviewing contracts for RPS-eligible energy; and (4) establishing the standard terms and conditions used in contracts for eligible renewable energy.

Senate Bill 350. 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 Executive Order B-30-15, issued in April 2015, which established a new statewide policy goal to reduce greenhouse gas (GHG) emissions 40 percent below their 1990 levels by 2030. The objectives of SB 350 are: (1) to increase the procurement of electricity from renewable sources from 33 percent to 50 percent; and (2) to double the energy efficiency savings in electricity and natural gas final end uses of retail customers through energy efficiency and conservation. SB 350 accelerated the RPS program, mandating a 50 percent RPS procurement by 2030. SB 350 includes interim annual RPS targets with three-year compliance periods and requires 65 percent of RPS procurement to be delivered from long-term contracts of 10 or more years.

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

Local City of Anaheim Regulations

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

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

CONSTRUCTION

Electricity is provided in the Project area by Anaheim Public Utilities (APU), while natural gas is provided by Southern California Gas Company (SoCalGas). Construction of the proposed Project, would result in energy consumed in the form of electricity associated with the conveyance of water used for dust control, powering lights, electronic equipment, or other construction activities that require electrical power. The electricity demand at any given time would vary throughout the construction period based on the construction activities being performed, and would cease upon completion of construction. When not in use, electric equipment would be powered off so as to avoid unnecessary energy consumption. In addition, although Title 24 requirements typically apply to energy usage for buildings, long-term construction lighting (longer than 120 days) providing illumination for the site and staging areas would also comply with applicable Title 24 requirements which includes limits on the wattage allowed per specific area, which would result in the conservation of energy. Construction activities typically do not involve the consumption of natural gas. However, construction activities would also

consume energy in the form of petroleum-based fuels associated with the use of off-road construction vehicles and equipment, round-trip construction worker travel to the Project Site, and delivery and haul truck trips. Construction activities would comply with CARB’s “In-Use Off- Road Diesel Fueled Fleets Regulation,” which limits engine idling times to reduce harmful emissions and reduce wasteful consumption of petroleum-based fuel. In addition, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to federal and state fuel efficiency requirements. Compliance with local, state, and federal regulations would reduce short-term energy demand during the proposed Project’s construction to the extent feasible, and proposed Project construction would not result in a wasteful or inefficient use of energy or conflict with or obstruct plans for energy efficiency. Therefore, construction impacts would be less than significant and no mitigation measures would be required.

OPERATION

During operation of the Project, energy would be consumed for multiple purposes, including, but not limited to, HVAC; refrigeration; lighting; and the use of electronics, equipment, and machinery. Energy would also be consumed during Project operations related to water usage, solid waste disposal, and vehicle trips, including visitor, employee, supply delivery, and maintenance/repair trips. Because the Project Site is currently vacant, operation of the proposed Project would represent a permanent increase in energy consumption associated with the Site. EIR No. 350 determined that the anticipated increase in electrical and natural gas demand associated with development pursuant to the BBSP would be within the supply capacity and reliability of APU and SoCalGas, respectively. The Project proposes to develop 21,654 square feet of commercial uses out of an allowable 74,118 square feet under the BBSP. Therefore, the proposed Project would not result in any electrical or natural gas demand impacts beyond those identified in the previously certified EIR No. 350. Therefore, consistent with EIR No. 350, the electrical and natural gas demands of the Project would represent a nominal increase in demand compared to the overall service areas for APU and SoCalGas, respectively.

APU is subject to the renewable energy requirements of the RPS set forth in SB 100. Furthermore, the Project design and materials would be subject to compliance with the most current Building Energy Efficiency Standards, which would be enforced by the City during the building permit process. In addition, the Project would also be required to adhere to CALGreen provisions, which establish planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. With regard to fuel, the Project would be an infill development located adjacent to Orange County Transportation Authority (OCTA) Route 29 and Bravo Limited Stop Service 529 bus lines along Beach Boulevard and Local Route 42 along Lincoln Avenue. Furthermore, vehicle trips generated by the proposed Project would be required to adhere to existing rules and regulations concerning vehicle fuel consumption efficiencies. Compliance with local, state, and federal regulations would reduce energy demand during the proposed Project’s operation to the extent feasible, and proposed Project operation would not result in a wasteful or inefficient use of energy or conflict with or obstruct plans for energy efficiency. Therefore, operational impacts would be less than significant and no mitigation measures would be required.

VII. GEOLOGY AND SOILS – Would the Project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?					
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse caused in whole or in part by the project's exacerbation of the existing environmental conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as identified in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This section utilizes the following technical studies in its analysis:

- Geotechnical Professionals Inc., *Revised Report of Geotechnical Investigation, Proposed 39 Commons Retail, NEC Beach Boulevard and W. Lincoln Avenue, Anaheim California*, prepared on January 18, 2021, approved by Anaheim Department of Public Works, Development Services on March 15, 2021 (Geotechnical Investigation [Appendix A])

Narrative Summary: Impacts Analyzed in EIR No. 350/No New Impacts. EIR No. 350 analyzed the geotechnical and soils impacts and paleontological resources impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.4 for geotechnical and soils impacts and Section 5.3 for paleontological resources impacts.

According to EIR No. 350, there are no Alquist-Priolo Fault Zones located within the City, including the BBSP area. The proposed Project would be located entirely within the BBSP area in the City. The Geotechnical Investigation prepared for the proposed Project confirmed that no known faults cross or project through the Project Site. Therefore, consistent with EIR No. 350, no impacts related to fault rupture would occur and no mitigation measures would be required.

EIR No. 350 established that the BBSP area's proximity to major regional off-site faults and its location within southern California indicates a potential to experience strong seismic ground shaking in the future. However, the seismic design of buildings is governed by the requirements of the most recent version of the California Building Code (CBC), which require appropriate design and siting of structures according to site- and project-specific seismic parameters that would be established in a geotechnical evaluation reviewed and approved by the City. Adherence to the site- and project-specific seismic parameters would minimize the effects of ground shaking to the greatest degree feasible. The Geotechnical Investigation prepared for the proposed Project confirmed that the Project Site is likely to be subject to strong ground shaking due to earthquakes on nearby faults and, accordingly, established a seismic site class (Site Class D) for the Project Site. The seismic site class is used to determine applicable response spectra for structures and inform appropriate seismic design of the Project, which would be confirmed and approved by the City as a standard part of the building permit process.

Compliance with the requirements to establish site-specific response spectra and adherence to the associated seismic design requirements of the CBC would ensure that the Project would not cause substantial adverse effects related to seismic ground shaking. Accordingly, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

Based on a review of the Seismic Hazard Zones map for the Anaheim Quadrangle, the entire area regulated by the BBSP, including the Project Site, is within a liquefaction zone. The Geotechnical Investigation analyzed the liquefaction potential at the Project Site specifically, accounting for subsurface materials, site-specific ground acceleration and earthquake magnitude, current and historic groundwater levels, and a potential rise in groundwater elevation. Based on the liquefaction modeling for the Site, the Geotechnical Investigation concluded that in the unlikely event that groundwater rises approximately 14 to 25 feet to historically high levels, silty sand and sand layers between depths of 10 to 40 feet would have the potential to liquefy, resulting in an induced settlement of approximately 1.5 to 2 inches, with differential settlement across 40 feet of 0.75 to 1 inch. However, the proposed Project would be required to comply with all relevant federal, state, and local building safety regulations. Such regulations include appropriate parameters for excavation and fill, as well as design of foundations and buildings to withstand the site-specific subsurface pressure and settlement in compliance with the CBC. Such parameters and design specifics would be confirmed and approved by the City as a standard part of the building permit process. Compliance with the requirements to establish and implement the appropriate site preparation and design requirements of the CBC would ensure that the Project would not cause substantial adverse effects related to seismic ground failure. Accordingly, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

According to EIR No. 350, the BBSP area is not located within a landslide hazard zone. The Geotechnical Investigation prepared for the proposed Project confirmed that the Project Site is relatively flat with a very gentle slope towards Beach Boulevard and Lincoln Avenue. As such, the Project would not cause substantial adverse effects related to landslides. Accordingly, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 determined that implementation of erosion control measures established in Stormwater Pollution Prevention Plans that would be required for all development within the BBSP area that would disturb one or more acres would reduce potential erosion impacts to less-than-significant levels. As detailed further in **Section X, Hydrology and Water Quality**, of this Initial Study, the proposed Project Site is 4.86 acres and would, therefore, be required to prepare a SWPPP and would be subject to the erosion control measures contained therein. As such, the Project would not result in substantial erosion or loss of top soil. Accordingly, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

According to EIR No. 350, the potential for site-specific geologic units or soil to be/become unstable exists and should be evaluated on a case-by-case basis; however, it was determined that preparation of required site-specific geotechnical investigations, compliance with existing CBC regulations, mass grading and compaction that would occur as part of development within the BBSP area would ensure that impacts related to unstable soil conditions would not be significant. The Geotechnical Investigation prepared for the proposed Project evaluated the soil and geologic unit conditions at the Project Site and included site-specific recommendations for appropriate excavation, fill compaction, and design of building structures to address the potential for soil instability. The Project would be required to implement the appropriate recommendation included in the Geotechnical Investigation pursuant to the CBC. Compliance with the appropriate soil conditioning parameters and building design would be confirmed and approved by the City as a standard part of the building permit process, which would ensure that the Project would not exacerbate unstable geologic unit or soil conditions. Accordingly, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 identified a potential for expansive soils within the confines of the area regulated by the BBSP; however, Application of the existing regulations in the Municipal Code, CBC, and grading regulations would minimize the risk associated with any development proposed in areas with expansive soils. Pursuant to the requirements of the CBC, the Project would adhere to the recommendations contained within the Geotechnical Investigation with regard to appropriate site preparation of the subsurface materials, including excavation and fill compaction. In addition, as detailed further in **Section X, Hydrology and Water Quality**, of this Initial Study, the Project Site would be almost entirely covered in

impermeable surfaces (buildings, pavement, asphalt) and, due to the presence of former landfill pits in the vicinity, would be designed to prevent infiltration of water into the subsurface at the Project Site. Accordingly, the Project would not create risks to life or property related to expansive soil. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 determined that no impacts related to septic tanks would occur as a result of development under the BBSP as the area is currently served by existing wastewater infrastructure. The proposed Project would be served by existing off-site and proposed new on-site wastewater collection, conveyance, and treatment infrastructure and would not require nor is it proposing to utilize septic systems. Accordingly, consistent with EIR No. 350, no impacts related to septic tanks would occur and no mitigation measures would be required.

EIR No. 350 determined that it was not possible to evaluate potential impacts to paleontological resources in the absence of specific identified project sites within the BBSP and included mitigation for identification of the presence of paleontological resources within future project sites that would involve excavation into older Quaternary Alluvium and terrace deposits and performance standards to be implemented should paleontological resources be discovered. The Project Site is a vacant lot. It is possible that previously unidentified paleontological artifacts could be present within the area, however, the proposed Project is within the area regulated by the BBSP, and the owner/developer would be required to comply with the paleontological resources mitigation measure outlined in EIR No. 350. Following implementation of the paleontological resources mitigation measures, consistent with EIR No. 350, the Project would not cause a substantial adverse change in the significance of an paleontological resource.

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, geotechnical and soils impacts would be less than significant, and therefore no mitigation measures are necessary or included in MMRP No. 342. The proposed Project would construct a commercial development that would be consistent with the standards of the BBSP and would not result in any geotechnical and soils impacts beyond those identified in the previously certified EIR No. 350. Since no mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project. With regard to paleontological resources, the proposed Project would address any impacts by implementing the mitigation measures set forth in MMRP No. 342. The following paleontological resources mitigation measures would be applied to the proposed Project and impacts would be less than significant (changes have been made to the measures to make them applicable to the Project; deletions are shown in ~~strike through~~ and additions are shown in **bold**):

PAL-1: Prior to the beginning of ground disturbances, the ~~project applicant~~ **owner**/developer shall provide a study to document the presence/absence of paleontological resources. On properties where resources are identified, the City shall require the ~~project applicant~~ **owner**/developer to retain a qualified paleontologist to monitor ground-disturbing activities that occur in deposits that could potentially contain paleontological resources (e.g., older Quaternary Alluvium and terrace deposits and other older sedimentary deposits). Before ground-disturbing activities begin, a qualified paleontologist shall prepare a monitoring plan specifying the frequency, duration, and methods of monitoring. Sediment samples shall be collected in the deposits and processed to determine the small-fossil potential in the project site, and any fossils recovered during mitigation should be deposited in an accredited and permanent scientific institution.

VIII. GREENHOUSE GAS EMISSIONS – Would the Project:

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

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

EIR No. 350 concluded that, although implementation of the BBSP would result in lower GHG emissions per capita compared to existing conditions and new buildings would be more energy efficient, there would be an overall increase in energy usage and GHG emissions thresholds for the 2035 forecast year would be exceeded. Air quality and transportation mitigation measures **AQ-1** through **AQ-8** (see **Section III, Air Quality**, of this Initial Study) and **T-1** through **T-3** (see **Section XVII, Transportation**, of this Initial Study) would be incorporated into projects implemented within the BBSP area and would reduce associated GHG emissions, however, impacts would remain significant and unavoidable. The Anaheim City Council adopted a Statement of Overriding Considerations with regard to these potential impacts. As previously noted, the 4.86-acre Project Site is within the Regional Commercial Development Area of the BBSP. This designation allows commercial development at a maximum FAR of 0.35, for a maximum allowed commercial development of 74,118 square feet. The owner/developer is proposing to construct 21,654 square feet of commercial space, implementing Phase 2 of the 39 Commons DDA. Therefore, the GHG emissions from the Project would fall within the GHG emissions calculated under the GHG emissions analysis for the BBSP and would not generate GHG emissions beyond what has been previously identified for development of the Project Site in EIR No. 350. As such, the Project would fall under the Statement of Overriding Considerations adopted by the Anaheim City Council with regard to these potential impacts.

According to EIR No. 350, because redevelopment that would occur consistent with the BBSP would be required to meet the CALGreen requirements and Building Energy Efficiency Standards and would be consistent with the Southern California Association of Governments' (SCAG) land use development strategies to reduce vehicle miles travelled (VMT), it would not conflict with plans adopted for the purpose of reducing GHG emissions. The proposed Project would develop 21,654 square feet of commercial uses out of an allowed 74,118 square feet consistent with the zoning allowed under the BBSP. In addition, as detailed in **Section VI, Energy**, of this Initial Study, the Project design and materials would be subject to compliance with the most current Building Energy Efficiency Standards and CALGreen provisions and would be an infill development located adjacent to public transit. As such, the proposed Project would not conflict with plans, policies, or regulations adopted to reduce GHG emissions. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 determined that GHG emissions impacts would be significant and unavoidable and the Anaheim City Council adopted a Statement of Overriding Considerations. The Project proposes to implement Phase 2 of the 39 Commons DDA and would develop 21,654 square feet of commercial uses out of an allowable 74,118 square feet. Therefore, the proposed Project would not result in any GHG emissions impacts beyond those identified in the previously certified EIR No. 350 and would fall under the Statement of Overriding Considerations. MMRP No. 342 included air quality mitigation measures **AQ-1** through **AQ-8** and transportation mitigation measures **T-1** through **T-3** which would also address any GHG emissions impacts of the proposed Project and would be conditions of approval for the Project. Please see **Section III, Air Quality**, and **Section XVII, Transportation**, of this Initial Study for a discussion of these required measures.

IX. HAZARDS AND HAZARDOUS MATERIALS – Would the Project:

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

b. Create significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

EIR No. 350 concluded that compliance with applicable programs and requirements related to the handling, storage, and disposal of hazardous materials would ensure that future development supported by the BBSP would not pose significant risks to the environment. In addition, mitigation measures HAZ-1 and HAZ-2 would require that future development sites are appropriately assessed for the potential to contain hazardous materials, such as asbestos-containing materials, lead-based paint, and contaminated soil and groundwater, that may be encountered during construction. The proposed Project Site is currently vacant and no existing structures, which may contain asbestos-containing materials or lead-based paint would be demolished; therefore, no inspection or assessment of the potential for such materials to exist pursuant to mitigation measure HAZ-1 would be required. Construction of the proposed Project would involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. However, standard construction BMPs pursuant to local, state, and federal regulations (such as the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and California Code of Regulations Title 22) regarding the transport, use, and storage of such materials would be implemented to avoid or reduce the potential for such conditions to occur. Furthermore, the Project would be subject to the requirements of mitigation measure HAZ-2, which requires that potentially contaminated soil and groundwater that may exist at the Project Site are appropriately identified and remediated prior to the issuance of grading permits, which would ensure that construction activities do not release such materials into the environment. The types and amounts of hazardous materials that would be used in connection with operation of the Project would be typical of those used in other commercial and restaurant developments (e.g., cleaning solvents, pesticides for landscaping, painting supplies, petroleum products, and oil/grease). Use of these materials would be subject to compliance with existing regulations, standards, and guidelines established by the federal, state, and local agencies related to storage, use, and disposal of hazardous materials. As such, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through the release of hazardous materials into the environment. Therefore, consistent with EIR No. 350,

following implementation of mitigation and compliance with applicable programs and requirements related to the handling, storage, and disposal of hazardous materials, impacts would be less than significant.

The proposed Project Site is not located within 0.25-mile of any schools. The closest school is Dr. Albert Schweitzer (229 S. Dale Avenue) located 0.3-mile to the southeast. Furthermore, as discussed above, the Project would not create a significant hazard to the public or environment with regard to hazardous materials. As such, the proposed Project would not result in significant impacts related to hazardous emissions or materials in proximity to a school and no mitigation measures would be required.

EIR No. 350 determined that a number of facilities and sites located within the BBSP area are listed on hazardous materials databases. However, EIR No. 350 concluded that, following implementation of mitigation measure HAZ-2 which requires that projects proposed for development on these sites conduct site-specific environmental assessment and, if necessary, remediation in accordance with state and local requirements prior to the issuance of grading permits, impacts would be less than significant. According to the Environmental Database Report included as part of the Phase I Site Assessment prepared for EIR No. 350, the proposed Project Site is listed on the HAZNET and NPDES hazardous materials databases. Such databases are an inventory of sites that have received permits related to the handling or disposal of hazardous materials and do not necessarily indicate that a release or spill has occurred. However, consistent with EIR No. 350, mitigation measure HAZ-2 would apply to the proposed Project to ensure that impacts related to the Site's inclusion on hazardous materials databases would be less than significant.

EIR No. 350 identified that the BBSP area is located within the influence area of the Joint Forces Training Base Los Alamitos (JFTB). However, because future development would be required to comply with the safety, height, and noise restrictions of the JFTB Airport Environs Land Use Plan, implementation of the BBSP would not expose people to a related safety hazard or excessive noise. The proposed Project Site is not located within the boundaries of impact zones or noise contours for JFTB, however, the Site is located within the 450-foot airspace protection contour. The Project proposes a maximum height of 28 feet and would not have the potential to interfere with the navigable airspace of aircraft. As such, the proposed Project would not result in a safety hazard or excessive noise due to the Site's location within an airport land use plan. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 determined that development within the BBSP area would not interfere with an emergency response or evacuation plan as the BBSP area is mostly developed and no significant roadway changes would occur that would adversely affect emergency plans. The proposed Project's conceptual plans confirm that no changes to the public circulation system are proposed under the Project. Neither construction nor operation of the proposed Project would require the complete closure of any public or private streets or roadways nor would they impede use of the road for emergencies or access for emergency response vehicles. In addition, prior to the issuance of building permits, the proposed Project would be required to submit customary emergency access plans for review and approval by Anaheim Fire and Rescue (AF&R). The proposed Project's conceptual plans include a Fire Masterplan which indicates that Project Site access and internal circulation, including driving lane widths, turns, and corners have been designed to provide fire truck clearance. As such, the proposed Project would not interfere with an emergency response or evacuation plan. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

As determined by EIR No. 350 and further discussed in **Section XX, Wildfire**, of this Initial Study, the BBSP area, including the Project Site is not located within a Very High Fire Hazard Severity Zone (VHFHSZ). Furthermore, project design and site access would adhere to Orange County Fire regulations and designs. As such, the proposed Project would not expose people or structures to risks associated with wildfire. Therefore, consistent with EIR No. 350, no impact would occur and no mitigation measure would be required.

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

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

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

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

X. HYDROLOGY AND WATER QUALITY – Would the Project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i. Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This section utilizes the following technical studies in its analysis:

- Geotechnical Professionals Inc., *Revised Report of Geotechnical Investigation, Proposed 39 Commons Retail, NEC Beach Boulevard and W. Lincoln Avenue, Anaheim California*, prepared on January 18, 2021, approved by Anaheim Department of Public Works, Development Services on March 15, 2021 (Geotechnical Investigation [Appendix A])
- DRC Engineering, Inc., *County of Orange/Santa Ana Region Priority Project, Water Quality Management Plan, 39 Commons Phase I*, prepared on February 2021, revised on June 2021, October 2021, December 2021, approved by Anaheim Department of Public Works, Development Services on January 3, 2022 (WQMP [Appendix B])
- DRC Engineering, Inc., *Conceptual Hydrology Study for 39 Commons, NEC Beach Boulevard & W. Lincoln Avenue, Anaheim, CA*, prepared on June 2, 2021, approved by Anaheim Department of Public Works, Development Services on July 3, 2021 (Hydrology Study [Appendix C])

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

According to EIR No. 350, implementation of the BBSP could result in short-term construction-related and long-term operational water quality impacts. However, EIR No. 350 determined that because all projects in the area would be subject to the stormwater runoff and water quality regulations of a National Pollution Discharge Elimination System Permit (NPDES) Storm Water Pollution Protection Plan (SWPPP), impacts during construction would be minimized. In addition, EIR No. 350 concluded that because future development and significant redevelopment under the BBSP would be required to prepare a Water Quality Management Plan (WQMP) and comply with the City’s NPDES ordinance, impacts during operation would be minimized.

During construction of the proposed Project, there is the potential for short-term surface water quality impacts. Such impacts include runoff of loose soils and/or a variety of construction wastes and fuels that could be carried off-site in surface runoff and into local storm drains and streets that drain eventually into water resources. The owner/developer would be required to obtain an NPDES Construction General Permit (CGP) from the State Water Resources Control Board (SWRCB) and prepare a SWPPP. The SWPPP includes BMPs to reduce water quality impacts, including various measures to control on-site erosion, reduce sediment flows into storm water and wind erosion; reduce tracking of soil and debris into adjacent roadways and off-site areas; and manage wastes, materials, wastewater, liquids, hazardous materials, stockpiles, equipment,

and other site conditions to prevent pollutants from entering the storm drain system. Implementation of the provisions of the NPDES permit and compliance with City grading requirements would minimize construction impacts through BMPs that reduce construction-related pollutants. As such, the proposed Project would not degrade water quality during construction. Therefore, consistent with EIR No. 350, impacts would be less than significant during construction and no mitigation measures would be required.

During operation of the proposed Project, stormwater runoff from the Project Site has the potential to introduce small amounts of pollutants into the stormwater system. Pollutants would be associated with runoff from landscaped areas (pesticides and fertilizers) and paved surfaces (oil/grease, cleaners, trash, etc.). However, the owner/developer would be required to comply with the City's NPDES ordinance that prohibits the discharge of certain pollutants into storm water; prohibits illicit connections to the storm drain system; requires implementation of permanent BMPs; and requires local discharge permits for non-storm water discharges into the storm drain system. Furthermore, the owner/developer hired DRC Engineering, Inch to prepare a WQMP to ensure that the Project complies with water quality regulations for stormwater runoff. Currently, there is no existing storm drain system on-site and the majority of the Project Site drains to an earth swale, which drains into an existing storm drain connected to the public storm drain under Lincoln Avenue. The perimeter of the Project Site along Beach Boulevard drains to the street. The public storm drain under Lincoln Avenue eventually daylight at Carbon Creek. During construction of the adjacent 39 Commons residential development, a 48-inch storm drain will be constructed from Lincoln Avenue to the proposed Project area. The proposed Project would have on-site storm drains that would discharge into a new underground detention system that would discharge into the 54-inch storm drain that will run through the adjacent residential area and into the existing public storm drain under Lincoln Avenue. Due to the presence of former landfill pits in the vicinity and because the Project Site is located within an area susceptible to liquefaction, infiltration of runoff water is prohibited at the Project Site. Accordingly, stormwater from the Project Site would be routed through Modular Wetland System (MWS) units as water quality treatment prior to discharge into the proposed underground detention system and outlet pipes. The MWS units would consist of two chambers: (1) a pre-treatment chamber would pre-filter runoff through cartridges to remove sediment and hydrocarbons; and (2) a biofiltration chamber would include planting material and vegetation to remove phosphorous and provide evapotranspiration. Following compliance with the City's NPDES ordinance and installation of the proposed MWS stormwater treatment units, the Project would not degrade water quality during operation. Therefore, consistent with EIR No. 350, impacts would be less than significant during operation and no mitigation measures would be required.

According to EIR No. 350, the BBSP area overlies the Orange County Groundwater Basin (OC Basin), which is managed by Orange County Water District (OCWD); however, there are no groundwater recharge facilities within or adjacent to the BBSP area. It is not anticipated that the proposed Project would require dewatering, either temporarily during construction or permanently during operation. In addition, although development of the proposed Project would increase water demand within the City, which could lead to an increase in groundwater pumping, a replenishment assessment fee is levied on cities in accordance with the Orange County Water District Act for the amount of groundwater extracted, and this fee is used by OCWD for various groundwater replenishment programs to ensure that no overdraft of local groundwater resources occurs. The proposed Project would increase the impervious surface coverage at the Project Site, however, the Project Site is not a groundwater recharge area. Furthermore, OCWD's groundwater is recharged primarily through artificial replenishment, not natural recharge. As such, the proposed Project would not substantially decrease groundwater supplies nor would it interfere with groundwater recharge. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 found that development pursuant to the BBSP would increase impervious surface area within the BBSP area, which could result in an increase in stormwater runoff, higher peak discharges to drainage channels, increase the potential for erosion in drainage swales and streams, and create nuisance flooding in areas without adequate drainage facilities. However, because the county and the City require development projects to complete drainage and hydrology analyses and WQMPs which establish site design requirements and BMPs to minimize runoff and prevent erosion, EIR No. 350 concluded that future development within the BBSP area would not alter drainage patterns in a manner that would result in erosion or flooding. The proposed Project would not alter the course of a stream or river, however, it would cover the currently undeveloped and entirely pervious Project Site almost entirely with impervious surfaces (buildings, asphalt parking areas, concrete walkways, etc.). An increase in the amount of impervious cover on the Project Site would serve to reduce the potential for erosion or siltation to occur, as the existing exposed soil would not be exposed to runoff water. As

discussed above, the Project would install MWS units and an underground detention system. The MWS units would be equipped with internal bypass mechanisms, allowing stormwater that exceeds the design treatment rate to flow through the MWS units directly to the outlet pipes, preventing on-site flooding within the MWS units during storm events. In addition, the underground detention system would reduce peak discharge rates and provide 100-year flood protection for on-site structures. The underground detention system has been designed to ensure that runoff from the Project Site does not result in off-site flooding or exceed the capacity of the existing drainage system under Lincoln Avenue. According to the City of Anaheim Master Plan of Storm Drainage for Carbon Creek Channel Tributary Area, the Project Site is located within Drainage Area 2-1. While the City recommends upgrading a portion of the existing storm drain within the drainage area to accommodate the flood criteria, the Project Site is not tributary to the storm drain segment with recommended improvements. As such, the existing drainage system would be able to accommodate drainage from the Project Site. As discussed above, the Project's MWS would provide two chambers of water quality treatment consistent with the City's NPDES ordinance. In addition, while the Project Site is located within the flood impact zone of Prado Dam (as discussed in greater detail below) and the underground retention system would hold 100-year flood flows, it has been designed to reduce impacts from theoretical flooding and no major structures that would impede or redirect flood flows such as a dam are proposed. Based on the above, the proposed Project would not alter the drainage pattern of the Project Site in a manner that would result in erosion, flooding, provide additional sources of pollutants, or impede flood flows. Implementation of the Project would improve the existing hydrologic conditions of the Project Site by providing on-site water quality treatment and stormwater flow retention where currently none exist. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

According to EIR No. 350, the only portions of the BBSP area that are located within a flood hazard zone are Carbon Creek Channel and a 0.8-acre portion of Twila Reid Park. EIR No. 350 also determined that the BBSP area is not located within a tsunami hazard zone nor does it contain large bodies of water capable of experiencing seiche; however, the entire BBSP area is located within the general limits of the flood impact zone of the Prado Dam. The Project Site is located within Zone X, an area outside of flood hazard zones, and the proposed Project does not propose any activities within Carbon Creek Channel or Twila Reid Park. In addition, because it is located within the BBSP area, the Project Site would not be susceptible to tsunami or seiche, however, it is located within the flood impact zone of the Prado Dam. According to the inundation map for Prado Dam, peak flood flow from a breach of Prado Dam would reach the Project Site area in approximately three hours and would have a maximum depth of 11 feet at four hours, which would allow sufficient time to implement emergency provisions and public safety measures contained in the Anaheim General Plan Safety Element. It should be noted that the time and depth estimates of the inundation map are highly conservative as they were prepared prior to recent improvements to the capacity of the dam, including the addition of Seven Oaks Dam, which is designed to store water upstream of Prado Dam for the duration of a flood threat. In addition, because dams in California are continually monitored by various governmental agencies, including the California Division of Safety of Dams and the Army Corps of Engineers, the probability of dam failure is extremely low. Furthermore, as discussed above, the Project would include installation of an underground detention system, which would provide flood protection for the on-site structures. As such, the Project would not result in a release of pollutants due to inundation. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 did not analyze Initial Study Checklist Question X(e) as the City Council certified the document before the 2019 updated CEQA checklist became the new standard. Water quality control plans applicable to the proposed Project include the Santa Ana Regional Water Quality Control Board's Water Quality Control Plan for the Santa Ana River Basin (Basin Plan). Construction and operation of the proposed Project would involve activities that have the potential to conflict with the water quality goals in the Basin Plan through the spread of contaminants into surface or groundwater supplies. However, as previously detailed, during construction, the proposed Project would prevent the spread of contaminants into surface water through adherence to applicable regulations and BMPs for the handling and storing of hazardous materials, and the requirements of the NPDES Permit, including implementation of an SWPPP for the prevention of erosion and spread of polluted runoff. These regulations and practices effectively control the potential stormwater pollution to surface water during construction. Anticipated and potential pollutants generated by operation of the proposed Project would be addressed through the installation of MWS units, which have been designed to remove pollutants from runoff prior to discharge into the storm drain system pursuant to the recommendations in the WQMP and Hydrology Study. In addition, neither construction nor operation of the proposed Project is expected to encounter groundwater and no infiltration of surface water into the groundwater beneath the Project Site would occur. With regard to groundwater management plans,

as previously discussed, the Project Site overlies the OC Basin, which is designated as a medium priority basin and is managed by OCWD. The OC Basin is not a critically overdrafted basin and OCWD maintains an advanced aquifer recharge system to replace water pumped from the Basin. Furthermore, the City is responsible for replenishment assessment fees for the amount of groundwater extracted, which is used by OCWD for various groundwater replenishment programs to ensure that no overdraft of local groundwater resources occurs. As such, the proposed Project would not conflict with water quality management plans or sustainable groundwater management plans. Therefore, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, hydrology and water quality impacts would be less than significant, and therefore no mitigation measures are necessary or included in MMRP No. 342. The proposed Project would construct a commercial development that would be consistent with the standards of the BBSP and would not result in any hydrology and water quality impacts beyond those identified in the previously certified EIR No. 350. Since no mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

XI. LAND USE AND PLANNING – Would the Project:

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

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

As detailed in EIR No. 350, the BBSP area is developed with residential and commercial uses surrounded by a mixture of uses such as commercial, industrial, recreational, and residential. Land uses allowed under the BBSP would be compatible with various uses in the area and would not physically divide an established community. The proposed Project would develop commercial uses consistent with the BBSP land use and zoning of the Site and would be located entirely on a currently vacant, undeveloped site. As such, the Project would not physically divide an established community. Therefore, consistent with EIR No. 350, impacts would not be significant and no mitigation measures are required.

The BBSP required a General Plan amendment, Municipal Code amendment, and amendment of the zoning map to reclassify approximately 232.8 acres of certain real property, to provide consistency between the BBSP and the General Plan. However, EIR No. 350 concluded that, although implementation of the BBSP would revise the General Plan land use designations, zoning, and associated development densities, application of the BBSP is specifically intended to provide for and ensure the most appropriate use of the BBSP area to create a harmonious relationship among land uses and would not differ drastically from previous designations and zoning. As such, development that would occur consistent with the BBSP would not create significant environmental impacts as a result of land use conflicts. The proposed Project would be a 21,654-square-foot commercial development, implementing Phase 2 of the 39 Commons DDA. The proposed Project would require a conditional use permit to permit drive-through facilities and structures with modified setbacks, which would be considered in conjunction with Project approval. Following approval of the condition use permit, the Project would be consistent with the BBSP land uses and zoning. The proposed Project would be developed subject to the approval of a tentative tract map. Implementation of the BBSP would allow for additional jobs and restaurants supported by necessary infrastructure and sustainable features. As discussed in **Section III, Air Quality, Section IV, Biological Resources, Section VI, Energy, Section VIII, Greenhouse Gas Emissions, Section X, Hydrology and Water Quality, Section XIII, Noise, Section XVII, Transportation**, of this Initial Study, the proposed Project would not conflict with air quality

plans, habitat conservation plans, renewable energy or energy efficiency plans, GHG emissions reduction plans, water quality control or sustainable groundwater management plans, airport land use plans, or circulation system plans, respectively. As such, the proposed Project would not conflict with land use plans adopted to avoid or mitigation an environmental impact. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, impacts would be less than significant, and therefore no mitigation measures are necessary or included in MMRP No. 342. The proposed Project would implement the BBSP and would not result in any impacts beyond those identified in the previously certified EIR No. 350. Since no mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

XII. MINERAL RESOURCES – Would the Project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

As detailed in EIR No. 350, the BBSP area is not located within a Mineral Resource Zone (MRZ). In addition, the BBSP area is not designated as having regionally significant mineral resources nor is it identified as a locally important mineral resource recovery site in the Anaheim General Plan. The proposed Project would be located entirely within the BBSP area. Furthermore, the Project Site is not located in an area with active mining operations and there are no mineral resources or mining operations currently located within the Project Site. As such, the Project would not result in the loss of availability of a mineral resource that would be of value locally, regionally, or statewide. Therefore, consistent with EIR No. 350, no impacts would occur and no mitigation measures would be required.

XIII. NOISE – Would the Project result in:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Narrative Summary: Impacts Analyzed in EIR No. 350/No New Impacts. EIR No. 350 analyzed the noise impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.9.

EIR No. 350 determined that even with the time-of-day constraints from Section 6.70.010 of the municipal code (i.e. 7:00 AM to 7:00 PM), construction of individual development within the BBSP area may be close to noise-sensitive receptors, and would temporarily increase the ambient noise environment in the vicinity, potentially affecting nearby existing and future sensitive uses. Mitigation measures N-1 and N-2 were included to reduce potential noise impacts during construction would be reduced to less-than-significant levels. In addition, EIR No. 350 found that, although development projects within the BBSP area would permanently increase the level of ambient noise through increased traffic and stationary noise sources, such impacts would be less than significant. However, because specific developments and Project Sites were not identified at the time, EIR No. 350 concluded that future residential and mixed-use developments within the BBSP area could be sited at locations with a noise environment that is unacceptable for new residential uses and noise impacts to such future residential developments could be significant and would require mitigation measure N-3 to reduce potential impacts from operational noise to less-than-significant levels. The Project Site is currently surrounded by vacant, undeveloped parcels to the north and east, Lincoln Avenue to the south, and a gas station and Beach Boulevard to the west, and no sensitive receptors that would be affected by construction noise are located adjacent to the Site. However, the vacant parcels to the east are currently under development for 65 single-family residences known as the Nolin community, which could potentially experience temporary increases in ambient noise levels during construction of the Project. However, the Project Site is located within the BBSP area and would be subject to the mitigation measures designed to reduce construction noise levels. Following implementation of mitigation measures N-1 and N-2, consistent with EIR No. 350, the construction noise impacts of the Project would be less than significant. The Project proposes to develop commercial uses pursuant to the BBSP and would develop 21,654 square feet of commercial uses out of an allowable 74,118 square feet. Therefore, the proposed Project would not result in any noise impacts beyond those identified in the previously certified EIR No. 350. The Project would not develop any residential uses and would, therefore, not have the potential to locate residential uses within a noise environment unacceptable for residential uses and would not require mitigation measure N-3 to reduce related impacts.

In addition, operation of the Project would increase ambient noise levels in the vicinity of the Project Site through the addition of traffic, including within the on-site parking lot, and stationary noise levels. However, the Project Site is located within the BBSP area and would be subject to the mitigation measures designed to reduce construction- and operation-related noise levels. Following implementation of mitigation measures N-1 and N-2, consistent with EIR No. 350, the noise impacts of the Project would be less than significant.

EIR No. 350 found that vibration generated by construction equipment has the potential to exceed thresholds for human annoyance and structural damage and would require mitigation measure N-4 to ensure that impacts related to vibration during construction would be less than significant. Existing and proposed structures adjacent to the Project Site are not considered to be vibration-damage-sensitive, however, should the proposed single-family residences known as the Nolin community currently under development at the vacant parcels to the east of the proposed Project Site be occupied during construction of the Project, construction vibration could exceed thresholds for human annoyance. However, the Project Site is located within the BBSP area and would be subject to the mitigation measures designed to reduce vibration levels. Following implementation of mitigation measure N-4, consistent with EIR No. 350, the vibration impacts of the Project would be less than significant.

According to EIR No. 350, there are no public airports within two miles of the BBSP area and the BBSP area does not lie within the 65 CNEL contour of any public airport. The proposed Project Site is located entirely within the BBSP area and, accordingly, the proposed Project would not expose future residents or workers to excessive noise levels from aircraft.

Consistent with EIR No. 350, no aircraft-related noise impacts would occur; therefore, no mitigation measures would be required.

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

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

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

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

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

~~**N-3:** Prior to issuance of a building permit, applicants for new residential or subdivision developments within the Project Area involving the construction of two or more dwelling units, or residential subdivisions resulting in two or more parcels, and located within six hundred feet of any railroad, freeway, expressway, major arterial, primary arterial or secondary arterial, as designated by the Circulation Element of the General Plan, are required to submit a noise level analysis, which must include mitigation measures that comply with applicable City noise standards including:~~

- ~~• Exterior noise within the private rear yard of any single family lot and/or within any common recreation areas, shall be attenuated to a maximum of 65 dB CNEL; interior noise levels shall be attenuated to a maximum of 45 dB CNEL, as identified in the Anaheim Municipal Code Section 18.40.040-050.~~

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

- ~~• The deviation does not exceed 5 dB above the prescribed levels for exterior noise; and~~

- Measures to attenuate noise to the prescribed levels would compromise or conflict with the aesthetic value of the Project. In addition, residential portions of the mixed-use Project shall be designed to limit the interior noise caused by commercial and parking portions of the Project to a maximum of 45 dBA CNEL in any habitable room with windows closed. Commercial uses shall be designed and operated, and hours of operation limited so neighboring residents are not exposed to offensive noise, especially from traffic, trash collection, routine deliveries, and/or late-night activities. No use shall produce continual loading or unloading of heavy trucks at the site between the hours of 8:00 p.m. and 6:00 a.m. (Section 18.32.130, Compatibility Standards). The required exterior noise reduction can be accomplished with sound walls or berms, or by site plan/building layout design. The required interior noise reduction can be accomplished with enhanced construction design or materials such as upgraded dual-glazed windows and/or upgraded exterior wall assemblies. These features shall be shown on all building plans and incorporated into construction of the Project. City inspectors shall verify compliance of the building with the acoustic report's recommendations prior to issuance of a Certificate of Occupancy.

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

XIV. POPULATION AND HOUSING – Would the Project:

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

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

The BBSP allows for build-out that would result in a net increase of approximately 907,321 square feet of nonresidential floor area, resulting in an additional 3,895 jobs. Although implementation of the BBSP would result in direct and indirect growth in the area, EIR No. 350 determined that implementation of the BBSP would be generally consistent with SCAG's growth management policies that aim to better coordinate infrastructure development with Projected population, housing, and employment growth. In addition, EIR No. 350 found that implementation of the BBSP would result in jobs-housing ratios of 1.53 in 2020, 1.56 in 2030, and 1.58 in 2040, which would not increase or decrease the projected jobs-housing ratios for 2020, 2030, or 2040 under "without project" conditions and would also not exceed the American Planning Association (APA)'s recommended target range for jobs-housing ratios of 1.3 to 1.7 at the county level. As previously noted, the 4.86-acre Project Site is within the Regional commercial Development Area of the BBSP. This designation

allows commercial development at a maximum FAR of 0.35. The BBSP would allow development of the Site with up to 74,118 square feet of commercial floor area; the owner/developer is proposing to construct 21,654 square feet of commercial floor area at Project Site, implementing Phase 2 of the 39 Commons DDA. Based on the Anaheim General Plan’s employment generation rate of 1 employee per 400 square feet of commercial space, the proposed Project could generate approximately 54 jobs. This would result in approximately 1.4 percent of the planned employment growth identified in the BBSP and approximately 29 percent of the employment growth that would occur under the maximum commercial buildout allowed at the Project Site under the BBSP land use designation. As such, the proposed Project would not induce substantial unplanned growth. Furthermore, the addition of 54 jobs would not alter EIR No. 350’s projected jobs-housing ratios that would result from implementation of the BBSP of 1.53 in 2020, 1.56 in 2030, and 1.58 in 2040. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

The Project Site is currently vacant and undeveloped. As such, the proposed Project would not displace people or housing and would not necessitate replacement housing elsewhere. Therefore, consistent with EIR No. 350, no impact would occur and no mitigation measures would be required.

EIR No. 350 determined that impacts would be less than significant, and therefore no mitigation measures are necessary or included in MMRP No. 342. The proposed Project would implement the Phase 2 component of the 39 Commons DDA and would not result in any impacts beyond those identified in the previously certified EIR No. 350. Since no mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

XV. PUBLIC SERVICES – Would the Project result in substantial adverse physical impacts associated with the provisions 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 any other performance objectives for any of the public services:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

FIRE PROTECTION

EIR No. 350 found that additional building and population concentration in the BBSP area would increase the demands for fire protection services from Anaheim Fire and Rescue (AF&R), however impacts would be adequately funded by the associated increase in tax revenue and development fees. The proposed Project would implement Phase 2 of the 39 Commons DDA through the development of 21,654 square feet of commercial uses out of an allowable 74,118 square feet under the BBSP. Therefore, the increase in commercial uses and associated increase in demand on AF&R would not exceed that which were previously evaluated in EIR No. 350. In addition, the proposed Project would be constructed in accordance with the applicable provisions of the adopted Fire Code, ordinances, and standard conditions regarding fire prevention and suppression measures related to fire hydrants, fire sprinkler/extinguishing systems, fire access, combustible construction, and water availability, which would serve to lower the demand on AF&R. As such, consistent with EIR No. 350, through

the payment of tax revenue and development fees and compliance with code, ordinances, and standard conditions of approval, the proposed Project would not significantly impact fire protection services and no mitigation measures would be required.

POLICE

EIR No. 350 found that future growth in accordance with the BBSP would increase the number of police responses required of Anaheim Police Department (APD) within the City and would necessitate new and/or improved police facilities and equipment, however, impacts would be adequately funded by the associated increase in tax revenue and development fees. The proposed Project would implement Phase 2 of the 39 Commons DDA through the development of 21,654 square feet of commercial uses out of an allowable 74,118 square feet under the BBSP. Therefore, the increase in commercial uses and associated increase in demand on APD would not exceed that which were previously evaluated in EIR No. 350. In addition, the proposed Project would be developed utilizing the principles of crime prevention through environmental design (CPTED) as required by the BBSP’s guiding principles (“Improve Safety & Living Conditions”) and action item S.18 of the BBSP’s Implementation Action Plan. Therefore, consistent with EIR No. 350, through the payment of tax revenue and development fees and implementation of crime-prevention site design, the proposed Project would not significantly impact police protection services and no mitigation measures would be required.

SCHOOLS

EIR No. 350 found that increases in residential development within the BBSP area would generate new students within the boundaries of local school districts. However, the proposed Project would develop commercial uses, and no residential units or associated increases in population, including student population, would occur as a result. Therefore, no impacts to schools would occur and no mitigation measures would be required.

LIBRARY

EIR No. 350 found that increases in residential development within the BBSP area would increase demand for library services within the BBSP area, specifically at the Haskett Branch Library. However, the proposed Project would develop commercial uses, and no residential units or associated increases in demand for library services, would occur as a result. Therefore, no impacts to libraries would occur and no mitigation measures would be required.

PARKS

See **Section XVI, Recreation**, of this Initial Study.

SUMMARY

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, impacts on public services from build-out of the BBSP would be less than significant, and therefore no mitigation measures would be necessary or included in MMRP No. 342. The proposed Project would implement Phase 2 of the 39 Commons DDA, which is an agreement that permits development consistent with the BBSP; therefore, the proposed Project would not result in any public services impacts beyond those identified in the previously certified EIR No. 350. Since no public services mitigation measures were adopted in MMRP No. 342, none would be applicable to the proposed Project.

XVI. RECREATION:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Narrative Summary: Impacts Analyzed in EIR No. 350/No New Impacts. EIR No. 350 analyzed the impacts to recreation and recreational facilities related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.12.

EIR No. 350 found that additional development supported by the BBSP would result in additional population in the area, including an additional 3,895 employees, which would increase the demand for local recreational facilities, accelerating the normal wear and tear. However, impacts to recreational facilities would be reduced to less-than-significant levels as development consistent with the BBSP would be encouraged to supplement existing recreational facilities through the provision of new public outdoor space and amenities such as plazas and outdoor dining. The proposed Project would implement Phase 2 of the 39 Commons DDA through the development of 21,654 square feet of commercial uses out of an allowable 74,118 square feet under the BBSP. Therefore, the increase in employees and associated increase in demand on recreational facilities would not exceed that which were previously evaluated in EIR No. 350. Pursuant to the development standards of the BBSP, new development occurring on sites greater than 2 acres within Regional Commercial development areas, such as the proposed Project Site, would be required to provide a minimum of 2,500 square feet of public open space plus 500 square feet for every additional 2 acres. The Project Site is 4.86 acres. As such, the proposed Project would be required to provide 3,000 square feet of public open space. The Project would meet this requirement through the provision of public plazas and community spaces dispersed throughout the Project. As such, the Project would provide public open space consistent with the development standards of the BBSP. Therefore, consistent with EIR No. 350, impacts to recreational facilities would be less than significant and no mitigation measures would be required.

EIR No. 350 determined that upon implementation of regulatory requirements and standard conditions of approval, impacts on recreational facilities would be less than significant, and therefore no mitigation measures would be necessary or included in MMRP No. 342. The proposed Project would implement Phase 2 of the 39 Commons DDA, which is an agreement that permits development consistent with the BBSP; therefore, the proposed Project would not result in any impacts to recreational facilities beyond those identified in the previously certified EIR No. 350. Since no mitigation measures for recreational facilities were adopted in MMRP No. 342, none would be applicable to the proposed Project.

XVII. TRANSPORTATION – Would the Project:

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

This section utilizes the following technical study in its analysis:

- Fehr and Peers, *39 Commons Phase Two Draft Transportation Impact Assessment*, December 2021, (TIA [Appendix D])

Narrative Summary: Impacts Analyzed in EIR No. 350/No New Impacts. EIR No. 350 analyzed the transportation and traffic impacts related to the implementation of the Beach Boulevard Specific Plan No. 2017-1. Refer to EIR No. 350, Section 5.13.

The California Natural Resources Agency adopted revised CEQA Guidelines on December 28, 2018. Among the changes to the guidelines was the removal of vehicle delay and Level of Service (LOS) from consideration for transportation impacts under CEQA. The adopted guidelines, evaluates transportation impacts based on a project's effect on vehicle miles traveled (VMT). Lead agencies were allowed to continue using their current impact criteria until June 30, 2020, or to opt into the revised transportation guidelines. In late 2019, state courts stated that under section 21099, subdivision (b)(2), existing law is that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment" under CEQA, except for roadway capacity projects. On June 23, 2020, the City of Anaheim City Council adopted the VMT Thresholds of Significance for purpose of analyzing transportation impacts and also approved the Traffic Impact Analysis (TIA) Guidelines for California Environmental Quality Act (CEQA) Analysis.

EIR No. 350 found that future development supported by the BBSP would not conflict with adopted policies, plans, or programs for alternative transportation, including transit, bicycle, or pedestrian facilities and would not significantly impact Congestion Management Program (CMP) intersections. However, as evaluated in EIR No. 350, traffic impacts associated with buildout of the BBSP would result in significant impacts at 20 area intersections, and four roadway segments. Mitigation measures T-1 through T-7 establishing proposed improvements have been recommended for identified impacts; however, since the impacted facilities are under Caltrans or City of Buena Park control, Anaheim cannot guarantee that these mitigation measures will be implemented and therefore the impacts are considered significant and unavoidable. The Anaheim City Council adopted a Statement of Overriding Considerations with regard to these potential impacts. As detailed in the TIA, the proposed Project would not conflict with adopted policies, plans, regarding bicycle or pedestrian facilities as there would be no changes to such facilities as a result of the Project. In addition, although the proposed Project would generate new transit trips, no modification to transit stop locations, changes to transit headways, or other disruptions to transit facilities would occur. Furthermore, the proposed Project would implement Phase 2 of the 39 Commons DDA through the development of 21,654 square feet of commercial uses out of an allowable 74,118 square feet under the BBSP. The Project would generate a total of 6,116 daily trips, including 274 trips (144 inbound/130 outbound) during the AM peak hour and 219 trips (111 inbound/108 outbound) during the PM peak hour, and 6,470 daily trips, including 297 trips (150 inbound/147 outbound) during the AM peak hour and 248 trips (129 inbound/147 outbound) during the PM peak hour when combined with Phase 1 of the 39 Commons DDA. According to the TIA, peak hour trips resulting from the proposed Project, including under Existing (2021) Plus Project, Opening Year (2022) With Project, or General Plan With Project conditions, would not significantly impact any of the analyzed intersections, including those controlled by Caltrans. Therefore, the increase in commercial uses and associated traffic would not exceed that which were previously evaluated in EIR No. 350. As such, the Project would fall under the Statement of Overriding Considerations adopted by the Anaheim City Council with regard to these potential impacts.

EIR No. 350 did not analyze Initial Study Checklist Question XVII(b) as the City Council certified the document before the 2019 updated CEQA checklist became the new standard. Per the City's TIA Guidelines, certain projects that meet specific screening criteria are presumed to have a less than significant impact with respect to CEQA Section 15064.3 absent substantial evidence to the contrary. There are three project-screening types that lead agencies can apply to effectively screen projects from project-level assessment. A project only needs to fulfill one of the screening types below to qualify for screening. These screening types are summarized below:

- *Type 1: Transit Priority Area Screening.* A Transit Priority Area is defined as a half-mile area around an existing major transit stop or an existing stop along a high-quality transit corridor. Projects located within a Transit Priority Area may be presumed to have a less than significant VMT impact absent substantial evidence to the contrary. This presumption may not be appropriate if the project has a total floor area ratio of less than 0.75, includes more parking

for use by residents, customers, or employees of the project than required by the jurisdiction, is inconsistent with the applicable Sustainable Communities Strategy, or replaces affordable residential units with a smaller number of moderate- or high-income residential units.

- *Type 2: Low VMT Area Screening.* A low VMT-generating area is an area that has a VMT per service population metric that is 15% below the County average. Residential and office projects located within a low VMT-generating area may be presumed to have a less than significant impact absent substantial evidence to the contrary. Other employment-related and mixed-use projects within a low VMT-generating area may also be presumed to have a less than significant impact if the project can reasonably be expected to generate a VMT per service population metric similar to the existing land uses in the low VMT area.
- *Type 3: Project Type Screening.* Some project types are presumed to have a less than significant transportation impact absent substantial evidence to the contrary as their uses are local serving in nature. Projects that are presumed to have a less than significant impact due to their local serving nature include local-serving K-12 schools, neighborhood and community parks, day care centers, certain local-serving retail uses less than 50,000 square feet, student housing projects on or adjacent to college campuses, community and religious assembly uses, public services, local-serving community colleges, affordable or supportive housing, convalescent and rest homes, senior housing, and projects generating less than 110 daily vehicle trips.

Pursuant to the City's Type 3 screening criteria, local-serving retail includes commercial retail centers (large and small), drive-through facilities, restaurants (full service, general, and outdoor dining), and retail sales (general, kiosks, outdoor, and used merchandise). The proposed Project would include commercial and retail spaces and drive-through restaurants with general and outdoor patio seating totaling 21,654 square feet. Accordingly, the proposed Project meets the criteria for screening under Type 3. As such, the Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Therefore, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 found that future development supported by the BBSP would not result in significant impacts as a result of hazardous design features or incompatible uses. The proposed Project design does not include sharp curves, dangerous intersections, or incompatible uses. Furthermore, as evaluated by the TIA, proposed Project driveways and internal drive-through aisles would have adequate capacity to accommodate anticipated traffic volumes. As such, the Project would not increase hazards due to a geometric design feature or incompatible use. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 determined that development within the BBSP area would not result in inadequate emergency access as vehicle access would be required to be designed in accordance with the City of Anaheim Engineering Standard Plans and projects would be required to submit customary emergency access plans for review and approval by AF&R prior to the issuance of building permits. The proposed Project's conceptual plans include a Fire Masterplan which indicates that Project Site access and internal circulation, including driving lane widths, turns, and corners have been designed to provide fire truck clearance. Prior to the issuance of building permits, the proposed Project would submit the Fire Masterplan to AF&R for review and approval. AF&R would confirm that the Project design conforms to the requirements of the Fire Code, including emergency access. As such, the proposed Project would not result in inadequate emergency access. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

EIR No. 350 determined that transportation impacts would be significant and unavoidable and the Anaheim City Council adopted a Statement of Overriding Considerations. The Project proposes to develop commercial uses pursuant to the BBSP and would develop 21,654 square feet of commercial uses out of an allowable 74,118 square feet. Therefore, the proposed Project would not result in any transportation impacts beyond those identified in the previously certified EIR No. 350 and would fall under the Statement of Overriding Considerations. The following transportation mitigation measures set forth in MMRP No. 342 would address any transportation impacts of the proposed Project and would be conditions of approval for the Project (changes have been made to the measures to make them applicable to the Project; deletions are shown in ~~strike through~~ and additions are shown in **bold**):

T-1: Prior to the first final building and zoning inspection for any nonresidential project generating 50 or more employees, the property owner/developer shall complete the following steps below to develop, implement, and administer a comprehensive Transportation Demand Management (TDM) program.

- a) The property owner/developer shall provide to the City of Anaheim, for review and approval, a comprehensive TDM program that includes a menu of TDM program strategies and elements for both existing and future employees' commute options.
- b) The property owner/developer shall record a covenant on the property that requires ongoing implementation of the approved TDM program and designation of an on-site contact who will be responsible for coordinating the TDM program.
- c) The form of the covenant shall be approved by the City Attorney's Office prior to recordation.

T-2: Prior to the first final building and zoning inspection for any nonresidential project generating 50 or more employees, the property owner/developer shall join and financially participate in a clean fuel shuttle program, if established. The property owner/developer shall record a covenant on the property that requires ongoing participation in the program during project operation. The form of the covenant shall be approved by the City Attorney's Office prior to recordation.

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

T-4: Prior to issuance of building permits for any project forecast to generate 100 or more peak hour trips, as determined by the City Traffic and Transportation Manager using Anaheim Traffic Analysis Model Trip Generation Rates, the property owner/developer shall submit to the City Traffic and Transportation Manager traffic improvement phasing analyses to identify when the improvements identified in the Beach Boulevard Specific Plan EIR Traffic Impact Analysis by Fehr & Peers, dated August 2018 (Appendix F of ~~this DEIR~~ **EIR No. 350**), shall be designed and constructed.

- a) The traffic improvement phasing analyses will specify the timing, funding, construction, and fair-share responsibilities for all traffic improvements necessary to maintain satisfactory levels of service in the City of Anaheim and surrounding jurisdictions, as defined by the City's General Plan, based on thresholds of significance, performance standards, and methodologies in EIR No. 350 and established in the Orange County Congestion Management Program and City of Anaheim Traffic Study Guidelines.
- b) The property owner/developer shall construct, bond for, or enter into a funding agreement for necessary circulation system improvements, as determined by the City. At minimum, fair-share calculations shall include intersection improvements, rights-of-way, and construction costs, unless alternative funding sources have been identified to help pay for the improvement.

T-5: Prior to first final building and zoning inspection, in conjunction with the preparation of any traffic improvement phasing analyses required by Mitigation Measure T-4, the property owner/developer shall implement traffic improvements to maintain satisfactory levels of service, as identified in the project traffic improvement phasing analysis.

T-6: Prior to issuance of building permits, in conjunction with the preparation of any traffic improvement phasing analyses required by Mitigation Measure T-4, the property owner/developer, in coordination with the City of Anaheim shall take the following actions in cooperation with the cities of Buena Park and Stanton:

- a) The traffic improvement phasing analysis shall identify any impacts created by the project on facilities in the cities of Buena Park or Stanton.
- b) The traffic improvement phasing analysis shall calculate the fair-share percentage responsibility for mitigating these impacts.
- c) The City of Anaheim shall estimate the cost of the project's fair-share responsibility in cooperation with the cities of Buena Park and Stanton.
- d) The property owner/developer shall pay the City of Anaheim the fair-share cost prior to issuance of a building permit.

- e) The City of Anaheim shall hold the amount received in trust, and once a mutually agreed-upon joint program is executed by both cities, the City of Anaheim shall allocate the fair-share contribution to traffic mitigation programs that result in improved traffic flow at the impacted locations, via an agreement mutually acceptable to both cities.

T-7: Prior to issuance of building permits, in conjunction with the preparation of any traffic improvement phasing analyses required by Mitigation Measure T-4, the property owner/developer and the City of Anaheim shall take the following actions in cooperation with Caltrans:

- a) The traffic improvement phasing analysis shall identify the project’s proportionate impact on the specific freeway mainline and/or freeway ramp locations.
- b) The traffic improvement phasing analysis shall determine the property owner/developer’s fair-share percentage responsibility for mitigating project impacts based on thresholds of significance, performance standards, and methodologies used in EIR No. 350 and established in the Orange County Congestion Management Program and City of Anaheim Traffic Study Guidelines.
- c) The traffic improvement phasing analysis shall determine if a regional transportation agency has programmed and funded the warranted improvements to the impacted freeway mainline or freeway ramp locations.
- d) The City of Anaheim shall estimate the cost of the project’s fair-share responsibility in cooperation with Caltrans.
- e) The property owner/developer shall pay the City of Anaheim the identified fair-share responsibility as determined above.
- f) The City shall allocate the property owners’/developers’ fair-share contribution to traffic mitigation programs that result in improved traffic flow on the impacted mainline and ramp locations, via an agreement mutually acceptable to Caltrans and the City of Anaheim.

XVIII. TRIBAL CULTURAL RESOURCES:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant, pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

According to EIR No. 350, The Gabrieleno Band of Mission Indians – Kizh Nation, the ancestral tribal group, did not identify any recorded Tribal Cultural Resources (TCR) on or near the area regulated by the BBSP. However, because it is possible that previously-unknown, buried TCRs could be present that could be encountered during ground-disturbing activities, mitigation measure TCR-1, requiring the involvement of a Native American Monitor during ground-disturbing activities, was included. Although the Project Site is vacant and undeveloped, it has undergone disturbance in the past. Accordingly, it is unlikely that TCRs exist beneath the Site that would be significantly impacted by the Project. Furthermore, the Project is within the area regulated by the BBSP, and the owner/developer would be required to comply with the TCR mitigation measure outlined in EIR No. 350. Compliance with the TCR mitigation measure would further ensure that, consistent with EIR No. 350, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource.

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

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

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

XIX. UTILITIES AND SERVICE SYSTEMS – Would the Project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State and local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This section utilizes the following technical studies in its analysis:

GHD, *39 Commons Development (OTH2020-01247) Sewer Analysis*, April 18, 2020 (Sewer Analysis [Appendix E])

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

According to EIR No. 350, development within the BBSP would not require the expansion of wastewater treatment capacity; however, existing sewer deficiencies in the BBSP area would require mitigation measures USS-1 and USS-2 to ensure that deficient sewers and costs for their improvement are identified and sewer impact fees are paid prior to the issuance of individual project permits. In addition, EIR No. 350 determined that the increased water demand associated with future development under the BBSP would be adequately served by existing and projected water supplies. However, deficiencies in the existing local water distribution system would require mitigation measure USS-3 to ensure that proposed developments confirm adequate infrastructure to support the water supply and fire flow requirements of development on individual project sites prior to the issuance of project permits. With regard to solid waste, EIR No. 350 found that implementation of the BBSP would not significantly impact landfill capacity nor would it conflict with solid waste regulations. Lastly, EIR No. 350 concluded that, although future development within the BBSP area would increase demand for electricity, natural gas, and telecommunications that would require new and upgraded systems, the increased demands would be within the service capacities of the respective providers.

WASTEWATER

The proposed Project would be served by the Anaheim Public Works Department for wastewater (sanitary sewer) collection service. Wastewater generated in the City is treated by the Orange County Sanitation District (OCSD). The City's existing sewer network in the vicinity of the Project Site is presented in Figure 2.1, Study Area, of the Sewer Study (see Appendix E). As shown in Figure 2.1, the existing sewer network adjacent to the Project Site consists of an 8-inch sewer main on the north side of Lincoln Avenue, an 8-inch sewer main on the south side of Lincoln Avenue and a 15-inch sewer main near the centerline of Lincoln Avenue. The three parallel sewer mains flow westerly and converge at Manhole SW012307. The sewer main continues westerly as an 18-inch main after the confluence until reaching the OCSD trunk sewer outfall at the intersection of Lincoln Avenue and Western Avenue. The proposed Project would connect to Manhole SW012303.

The Sewer Study studied the 39 Commons DDA in its entirety, including the proposed Project. The Sewer Study demonstrated that the 39 Commons development, in its entirety, would introduce a steady state loading of 126,775 gallons per day (gpd), which would not create any hydraulic deficiencies in the capacity of the pipelines downstream of the Project Site. It should be noted that the Sewer Study conservatively assumed that the proposed Project portion of the 39 Commons DDA would be a 40,000-square-foot commercial development that would generate approximately 4,000 gpd of wastewater at a rate of 100 gpd per 1,000 square feet. However, the proposed Project would develop 21,654 square feet of commercial space, which, using the same generation rate utilized in the Sewer Study, would generate approximately 2,165 gpd of wastewater. As such, impacts associated with the wastewater that would be generated by the proposed Project would be reduced from what was determined by the Sewer Study. Therefore, because the Sewer Study found that there would be adequate capacity to serve the 39 Commons DDA in its entirety, and because the proposed Project portion would generate

less wastewater than what was assumed in the Sewer Study, there would therefore be adequate sewer capacity to serve the proposed Project. With regard to wastewater treatment capacity, according to OCSD's Facilities Master Plan, OCSD wastewater treatment plants receive approximately 188 million gpd of wastewater influent. Accordingly, the proposed Project's projected wastewater generation would represent an insignificant increase in the influent received by OCSD treatment plants. Furthermore, OCSD would continue to provide ongoing analysis of the wastewater conveyance and treatment system to ensure the long-term functionality of their facilities. The Project proposes to develop 21,654 square feet of commercial uses out of an allowable 74,118 square feet under the BBSP. Therefore, the proposed Project would not result in any wastewater impacts beyond those identified in the previously certified EIR No. 350 and, consistent with EIR No. 350, impacts would be addressed by mitigation measure USS-2 set forth in MMRP No. 342. Mitigation measure USS-1 was a procedural measure requiring the City to update the Combined West Anaheim Area Master Plan of Sanitary Sewers, which has been completed, and would not be applicable to the proposed Project.

WATER

APUD, Water Services Division, operates the City's water production and distribution system. The City's service area is approximately 49.3 square miles and includes approximately 64,166 municipal connections. The City relies on a combination of approximately 70 percent local groundwater from the OC Basin and 30 percent imported water from the Colorado River and State Water Project supplies provided by the Municipal Water District (MWD). The current water system includes 8 import connections to MWD, 18 active wells, 14 water reservoirs, 1 water treatment plant, and approximately 758 miles of water mains. The City also maintains 14 interconnections with neighboring cities and districts to supply water during emergency situations.

The water supply analysis contained within EIR No. 350 was based on the City's 2015 Urban Water Management Plan (UWMP), however, the City has subsequently prepared the 2020 UWMP, therefore, this analysis is based on the water supply and contingency plan contained within the 2020 UWMP. The 2020 UWMP was prepared in compliance with the requirements of the Urban Water Management Planning Act (UWMPA). The UWMPA requires every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (AF) of water annually to prepare, adopt, and file a UWMP with the California Department of Water Resources (DWR) every five years in the years ending in zero and five. The 2020 UWMP provides water supply planning for a 25-year planning period in five (5)-year increments and identifies water supplies needed to meet existing and future demands. The demand analysis must identify supply reliability under three hydrologic conditions: a normal year, a single-year, and five consecutive dry-years (formerly multiple dry years). The 2020 UWMP also includes a Drought Risk Assessment to assess water supply reliability over from 2021 to 2025 under a reasonable prediction of five consecutive dry years and a Water Shortage Contingency Plan that describes policies that MWD and the City have in place to respond to catastrophic interruption and reduction in water supply. In 2020, the City supplied a volume of approximately 56,912 AF of water to municipal customers. Total demand is expected to increase from 56,912 AF in 2020 to 66,337 AF in 2045. In the 2020 UWMP, the City determined that it would have reliable supplies to meet demands under all hydrologic conditions from 2025 through 2045, even with a 13 percent increase in population and a 16 percent increase in demand from 2020. The Drought Risk Assessment shows no water shortages even over the course of drought for the next five years. Demand would be met through diversified supply and water conservation measures.

The proposed Project would increase the water supply and fire flow demands within the BBSP area. EIR No. 350 identified a deficient 10-inch water supply line under Lincoln Avenue that would require an upgrade to a 16-inch line in order to meet fire flow requirements. However, this upgrade was completed and the upgraded 16-inch water supply line under Lincoln Avenue along with an 8-inch water supply line under Beach Boulevard would be available to serve the proposed Project. With regard to water supply, EIR No. 350 determined, based on the calculated water demand of future development under the BBSP and on projected water supplies contained within the 2015 UWMP, that the City would have adequate water supplies to meet the demand associated with implementation of the BBSP. As discussed above, the 2020 UWMP anticipates that the City would continue to have adequate water supplies to meet projected water demands through 2045 under all hydrologic conditions even with a 16 percent increased demand. The demand increases accounted for in the 2020 UWMP are based on projected population increases associated with future development based on maximum allowed development under land use designations. As previously discussed, the Project proposes to develop 21,654 square feet of commercial uses out of an allowable 74,118 square feet under the BBSP. Therefore, the water supply demand of the proposed Project would be lower than anticipated for the Site and would fall within the anticipated increase in overall demand for the City

and planned for in the 2020 UWMP. Therefore, the City would have adequate water supplies to meet the demands of the proposed Project. Based on the above, the project would not result in any impacts to water infrastructure or supplies beyond those identified in the previously certified EIR No. 350 and, consistent with EIR No. 350, impacts would be addressed by mitigation measure USS-3 set forth in MMRP No. 342.

STORMWATER

On-site grading and drainage improvements proposed in conjunction with the proposed site work would be required to meet the City's and Orange County Flood Control District's (OCFCD) flood control criteria including design discharges, design/construction standards and maintenance features. As discussed in **Section X, Hydrology and Water Quality**, of this Initial Study Checklist, the proposed Project's runoff would be collected and conveyed via surface flow and through on-site drains into MWS units for water treatment and an underground detention system to be discharged into the storm drain facility under Lincoln Avenue in a controlled manner. As concluded in **Section X**, runoff from the Project Site would not exceed the capacity of the local storm drain network or result in upstream or downstream flooding and no expansion of off-site stormwater facilities would be required. In addition, design of the proposed on-site stormwater collection and detention facilities would be evaluated and approved by the City during permit review, which would ensure that significant environmental effects do not occur. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

ELECTRICAL POWER

APU provides electricity to the City of Anaheim, including the area regulated by the BBSP and the Project Site. The proposed Project would require modification and upgrades to the existing electrical facilities (e.g., underground and overhead cables, conduits, transformers, switches, high voltage lines, etc.) to accommodate new development. The electrical lines are owned by Southern California Edison, and could be moved underground as part of buildout. Implementation of the BBSP would require compliance with the 2019 Building Energy Efficiency Standards, and would be required to coordinate with the City's Electrical Engineering Division and comply with the City of Anaheim's Rates, Rules, and Regulations. As previously noted, EIR No. 350 determined that the anticipated increase in electrical demand associated with development pursuant to the BBSP would be within the supply capacity and reliability of APU. The Project proposes to develop 21,654 square feet of commercial uses out of an allowable 74,118 square feet under the BBSP. As such, the proposed Project would not result in any electrical demand impacts beyond those identified in the previously certified EIR No. 350. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

NATURAL GAS

SoCalGas provides gas service in the City of Anaheim and has facilities throughout the City, including the area regulated by the BBSP and the Project Site. Although SCG serves the area regulated by the BBSP, change in land use from industrial and commercial uses to residential and retail would require changes in supply system. However, the improvements would occur in accordance with the SoCalGas's policies and extension rules on file with the Public Utilities Commission (PUC) when the contractual agreements between the owner/developer and SoCalGas are made. The availability of natural gas service is based on present gas supply and regulatory policies. As a public utility, SoCalGas is under the auspices of the PUC and federal regulatory agencies. As previously noted, EIR No. 350 determined that the anticipated increase in natural gas demand associated with development pursuant to the BBSP would be within the supply capacity and reliability of SoCalGas. The Project proposes to develop 21,654 square feet of commercial uses out of an allowable 74,118 square feet under the BBSP. As such, the proposed Project would not result in any natural gas demand impacts beyond those identified in the previously certified EIR No. 350. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

TELECOMMUNICATIONS

Private services provide telecommunication services to the City of Anaheim, including the area regulated by the BBSP and the Project Site. The proposed Project is located within an urbanized area within the City of Anaheim. As such, the area is adequately served by telecommunication facilities. The proposed Project would include on-site connections to off-site telecommunication services and facilities in the immediate area of the Project Site. Improvements would be required to comply with PUC regulations and policies for the specific service provider under its contractual agreement. As previously

noted, EIR No. 350 determined that the anticipated increase in demand on telecommunication infrastructure associated with development pursuant to the BBSP would be within the service capabilities of providers. The Project proposes to develop 21,654 square feet of commercial uses out of an allowable 74,118 square feet under the BBSP. As such, the proposed Project would not result in any telecommunications impacts beyond those identified in the previously certified EIR No. 350. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

SOLID WASTE

Solid waste services in the City are provided by Republic Services, a private recycling and non-hazardous solid waste hauler. Republic Services is responsible for all residential, commercial, and industrial waste and recycling services. Solid waste is disposed of in Orange County Waste and Recycling Landfills. Currently, there are three active landfills in the County: Olinda Alpha, Frank R. Bowerman, and Prima Deshecha. The landfills are among the largest statewide and receive more than four million tons of waste annually. Olinda-Alpha Landfill in the City of Brea accepts up to 8,000 tons per day (tpd) and has a remaining capacity of 34,200,000 cubic yards (cy). Frank R. Bowerman Landfill in the City of Irvine accepts up to 11,500 tpd and has a remaining capacity of 205,000,000 cy. Prima Deshecha Landfill in San Juan Capistrano accepts up to 4,000 tpd and has a remaining capacity of 134,300,000 cy. Based on EIR No. 350's solid waste generation rate of 0.0312 pounds/square-foot/day for commercial/retail uses, the proposed Project's 21,654 commercial center would generate approximately 676 pounds of solid waste per day. Accordingly, the landfills that would serve the Project have sufficient capacity to accept the solid waste that would be generated by the proposed Project. Furthermore, compliance with the existing recycling and disposal programs would further ensure proposed Project does not exceed service levels at applicable landfills. In accordance with the requirements of SB 1374 and AB 341, which mandate diversion of construction/demolition waste and municipal solid waste, respectively, through salvaging, recycling, and reuse. In addition, AB 1826 requires the recycling of commercial organic waste for businesses that generate two or more cubic yards of organic waste per week. As such, the proposed Project would not generate solid waste in excess of landfill capacity or conflict with reduction statutes and regulations. Therefore, consistent with EIR No. 350, impacts would be less than significant and no mitigation measures would be required.

SUMMARY

The proposed Project would generate a demand for utilities and service systems consistent with the BBSP; and therefore, would not result in any impacts beyond those identified in the previously certified EIR No. 350. The proposed Project would address any impacts by implementing the mitigation measures set forth in MMRP No. 342. USS-1 does not apply as it's a Citywide measure to be implemented by the City. The following utilities and service systems mitigation measures would be applied to the proposed Project and impacts would be less than significant (changes have been made to the measures to make them applicable to the Project; deletions are shown in ~~strikethrough~~ and additions are shown in **bold**):

~~USS-1: The City of Anaheim shall update the Combined West Anaheim Area Master Plan of Sanitary Sewers to include the deficient sewer segments as identified in the Beach Boulevard Specific Plan Sewer Analysis or latest updates for the Beach Boulevard Specific Plan, and associated costs to improve the deficient segments.~~

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

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

requirements for the Project. The property owner/developer shall be required to guarantee mitigation of the impact to adequately serve the area to the satisfaction of the Public Utilities Department and City Attorney's Office per Anaheim's most current Water Rules and Regulations.

XX. WILDFIRE: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Narrative Summary: Less-than-Significant Impact. EIR No. 350 did not analyze Initial Study Checklist Topic Wildfire as the City Council certified the document before the 2019 updated CEQA checklist became the new standard.

The City is not located within a state responsibility area and is entirely located within a local responsibility area (LRA). According to the California Department of Forestry and Fire Protection (CALFIRE) Very High Fire Hazard Severity Zones in LRA map of the City of Anaheim, the BBSF area, including the Project Site is not located within a Very High Fire Hazard Severity Zone (VHFHSZ). Project design and site access would adhere to Orange County Fire regulations and designs. As discussed previously in **Section IX, Hazards and Hazardous Materials**, of this Initial Study, neither construction nor operation of the proposed Project would require the complete closure of any public or private streets or roadways nor would they impede use of the road for emergencies or access for emergency response vehicles. The Project Site and surrounding area is flat and is not located downslope or downwind of a VHFHSZ that could exacerbate wildfire risks at the Site. Because the Project Site is not located within a VHFHSZ, it would not require and does not propose the installation of fire access roads, fuel breaks, or emergency water sources. Installation of new and connection to existing off-site utilities, such as power lines and utilities would be conducted under the supervision and approval of applicable service providers and the City and, as analyzed in **Section XIX, Utilities and Service Systems**, of this Initial Study, would not result in impacts to the environment. In addition, because the Project Site and surrounding area is flat, on-site people and structures would not have the potential to be exposed to flooding or landslides as a result as a result of post-fire conditions. As such, the Project would not impair an adopted emergency response plan or emergency evacuation plan, would not expose occupants to pollutant concentrations from a wildfire, require infrastructure that may exacerbate fire risk or result in impacts to the environment, or expose people or structures to flooding or landslides as a result of post-fire conditions. Therefore, no impacts would occur and no mitigation measures would be required.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE:

	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	Impacts Analyzed in EIR No. 350 / No New Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Narrative Summary: Impacts Analyzed in EIR No. 350/No New Impacts.

State CEQA Guidelines Section 15065(a) requires a finding of significance if a project “has the potential to substantially degrade the quality of the environment.” In practice, this is the same standard as a significant effect on the environment, which is defined in *State CEQA Guidelines* Section 15382 as “a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” EIR No. 350 analyzed impacts related to the implementation of the BBSP and found that implementation of the BBSP could degrade the quality of the environment with respect to air quality, cultural resources (including paleontological resources), greenhouse gas emissions, hazards and hazardous conditions, noise, transportation and traffic, tribal cultural resources, and utilities and service systems. Therefore, mitigation measures set forth in MMRP No. 342 have been adopted to reduce the impacts. Following implementation of the applicable mitigation measures, impacts related to air quality, greenhouse gas emissions, noise, and transportation would remain significant and unavoidable. As such, the Anaheim City Council adopted a Statement of Overriding Considerations. As detailed in **Section III, Air Quality; Section VIII, Greenhouse Gas Emissions; and Section XVII, Transportation**, of this Initial Study, the proposed Project would implement Phase 2 of the 39 Commons DDA, which is an agreement that permits development consistent with the BBSP; therefore, the proposed Project would not result in any air quality, greenhouse gas emissions, or transportation impacts beyond those identified in the previously certified EIR No. 350. Therefore, the proposed Project would fall under the Statement of Overriding Considerations for the BBSP.

Cumulative impacts refer to two or more individual effects which, when evaluated together, are considerable or would compound or increase other environmental effects. In the preceding topical analyses, cumulative impacts of the Project have been considered where appropriate. For example, the evaluation of air quality impacts considered the Project’s cumulative contribution to federal or State nonattainment pollutants within the South Coast Air Basin, and the evaluation of traffic impacts considered the future traffic growth conditions that could be expected to result from regional and local growth in the vicinity. EIR No. 350 analyzed impacts related to the implementation of the BBSP and found that implementation of the BBSP could contribute to cumulative impacts related to air quality, greenhouse gas emissions, and

transportation. As detailed above, the air quality, greenhouse gas emissions, and transportation impacts of the proposed Project would not exceed those which have been previously identified in EIR No. 350 and the Project would fall under the Statement of Overriding Considerations for the BBSP, which would include the cumulative impacts of the BBSP and the proposed Project.

As required by *State CEQA Guidelines* Section 15065(a)(4), a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, transportation, utilities and service systems, and wildfire. These changes are addressed in **Section III, Air Quality; Section VII, Geology and Soils; Section VIII, Greenhouse Gas Emissions; Section IX, Hazards and Hazardous Materials; Section X, Hydrology and Water Quality; Section XIII, Noise; Section XIV, Population and Housing; Section XV, Public Services; Section XVII, Transportation; Section XIV, Utilities and Service Systems; and Section XX, Wildfire** of this Initial Study. As detailed in these sections, all potential impacts of the Project have been identified, and mitigation measures have been prescribed, where applicable, to reduce all potential impacts to less than significant levels with the exception of project-level and cumulative impacts related to air quality, greenhouse gas emissions, and transportation. However, as previously detailed, the project-level and cumulative air quality, greenhouse gas emissions, and transportation impacts of the proposed Project would not exceed those which have been previously identified in EIR No. 350 and the Project would fall under the Statement of Overriding Considerations for the BBSP, which would include the cumulative impacts of the BBSP and the proposed Project.