



# ADDENDUM TO THE POINTE ANAHEIM INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

## ANAHEIM GARDENWALK PROJECT

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## TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
<b>Section 1.0 Introduction .....</b>	<b>1-1</b>
<b>Section 2.0 Purpose of the Document.....</b>	<b>2-1</b>
<b>Section 3.0 Project Background and Description .....</b>	<b>3-1</b>
3.1 Project Background .....	3-1
3.2 Project Description.....	3-7
<b>Section 4.0 Environmental Analysis.....</b>	<b>4-1</b>
4.1 Transportation/Traffic.....	4-1
4.1.1 <i>Summary of Previous Environmental Analysis</i> .....	4-1
4.1.2 <i>Project Environmental Review</i> .....	4-3
4.2 Air Quality .....	4-15
4.2.1 <i>Summary of Previous Environmental Analysis</i> .....	4-15
4.2.2 <i>Project Environmental Review</i> .....	4-16
4.3 Noise .....	4-20
4.3.1 <i>Summary of Previous Environmental Analysis</i> .....	4-20
4.3.2 <i>Project Environmental Review</i> .....	4-21
4.4 Land Use and Planning .....	4-23
4.4.1 <i>Summary of Previous Environmental Analysis</i> .....	4-23
4.4.2 <i>Project Environmental Review</i> .....	4-24
4.5 Population and Housing.....	4-25
4.5.1 <i>Summary of Previous Environmental Analysis</i> .....	4-25
4.5.2 <i>Project Environmental Review</i> .....	4-26
4.6 Public Services .....	4-28
4.6.1 <i>Summary of Previous Environmental Analysis</i> .....	4-28
4.6.2 <i>Project Environmental Review</i> .....	4-31
4.7 Recreation .....	4-35
4.7.1 <i>Summary of Previous Environmental Analysis</i> .....	4-35
4.7.2 <i>Project Environmental Review</i> .....	4-35
4.8 Utilities and Service Systems .....	4-36
4.8.1 <i>Summary of Previous Environmental Analysis</i> .....	4-36
4.8.2 <i>Project Environmental Review</i> .....	4-41
4.9 Aesthetics .....	4-50
4.9.1 <i>Summary of Previous Environmental Analysis</i> .....	4-50
4.9.2 <i>Project Environmental Review</i> .....	4-50

**TABLE OF CONTENTS  
(Continued)**

<b><u>Section</u></b>		<b><u>Page</u></b>
4.10	Hydrology and Water Quality.....	4-52
	4.10.1 <i>Summary of Previous Environmental Analysis</i> .....	4-52
	4.10.2 <i>Project Environmental Review</i> .....	4-53
4.11	Agriculture and Forest Resources .....	4-57
	4.11.1 <i>Summary of Previous Environmental Analysis</i> .....	4-57
	4.11.2 <i>Project Environmental Review</i> .....	4-57
4.12	Biological Resources .....	4-58
	4.12.1 <i>Summary of Previous Environmental Analysis</i> .....	4-58
	4.12.2 <i>Project Environmental Review</i> .....	4-59
4.13	Geology and Soils.....	4-60
	4.13.1 <i>Summary of Previous Environmental Analysis</i> .....	4-60
	4.13.2 <i>Project Environmental Review</i> .....	4-61
4.14	Hazards and Hazardous Materials .....	4-63
	4.14.1 <i>Summary of Previous Environmental Analysis</i> .....	4-63
	4.14.2 <i>Project Environmental Review</i> .....	4-64
4.15	Cultural Resources .....	4-68
	4.15.1 <i>Summary of Previous Environmental Analysis</i> .....	4-68
	4.15.2 <i>Project Environmental Review</i> .....	4-69
4.16	Mineral Resources.....	4-71
	4.16.1 <i>Summary of Previous Environmental Analysis</i> .....	4-71
	4.16.2 <i>Project Environmental Review</i> .....	4-71
4.17	Greenhouse Gas Emissions.....	4-72
	4.17.1 <i>Summary of Previous Environmental Analysis</i> .....	4-72
	4.17.2 <i>Project Environmental Review</i> .....	4-73
<b>Section 5.0</b>	<b>Summary of Findings.....</b>	<b>5-1</b>
<b>Section 6.0</b>	<b>References .....</b>	<b>6-1</b>

**TABLES**

<b><u>Table</u></b>	<b><u>Page</u></b>
1	2006 Project Entitlements by Development Area.....3-4
2	2006 to 2011 Changes to Development Area A.....3-6
3	Approved Development Intensities for the Anaheim Gardenwalk Project .....3-7
4	Comparison of the Development Intensities Associated With the 1999 IS/MND, Currently-Approved Development and the Proposed Actions.....3-9
5	2010 ICU Summary.....4-4
6	Year 2015 With Project ICU Summary.....4-5
7	1999 IS/MND Table 4.3-8 Locations for Implementation of Scoot Signal System Upgrade Mitigation Measure .....4-10
8	Estimated Average Daily Traffic Volumes.....4-17
9	Estimated Peak Daily Operations Emissions .....4-17
10	Projected Employment .....4-27
11	Water Demand .....4-42
12	Wastewater Production .....4-43
13	Solid Waste Generation .....4-44
14	Estimated Annual GHG Emissions .....4-74

**EXHIBITS**

<b><u>Exhibit</u></b>	<b><u>Follows Page</u></b>
1	Regional Location .....1-2
2	Local Vicinity .....1-2
3	Aerial Photograph .....3-2
4	Existing Lane Configurations .....4-4
5	Existing Intersection Volumes .....4-4
6	Valet Plan.....4-6

**APPENDICES**

A	Traffic Analysis Update Verification Memorandum
B	Water Supply Memorandum

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## SECTION 1.0 INTRODUCTION

This document is an addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration, which was approved by the City of Anaheim on June 22, 1999. As discussed in Section 3.0, Project Background and Description, three previous addenda to the Pointe Anaheim Initial Study and Mitigated Negative Declaration have been prepared and adopted by the City for minor modifications to the Pointe Anaheim project. This addendum analyzes the implementation of 1) two economic assistance agreements and 2) a development agreement amendment, both of which are related to hotel development entitled as part of the previously-approved Anaheim GardenWalk Project.

In June 1999, the City of Anaheim approved the *Pointe Anaheim Initial Study and Mitigated Negative Declaration*. This Initial Study and Mitigated Negative Declaration (IS/MND) evaluates the environmental impacts associated with the establishment and implementation of the Anaheim GardenWalk Project (previously known as Pointe\*Anaheim), which is located within *The Disneyland Resort Specific Plan's* approximately 489.7-acre area in the City of Anaheim.

As shown on Exhibits 1, Regional Location, and 2, Local Vicinity, the Anaheim GardenWalk site is located in the City of Anaheim in Orange County, and is bordered by Katella Avenue to the south, Disney Way to the north, Clementine Street to the east, and Harbor Boulevard to the west. Exhibit 2, Local Vicinity, shows the project site, *The Disneyland Resort Specific Plan* boundaries, and surrounding area, including the boundary of the *Anaheim Resort Specific Plan*. Regional access to the project vicinity is provided by Interstate 5 (I-5) via Katella Avenue, Disney Way, and Harbor Boulevard.

*The Disneyland Resort Specific Plan* area and, specifically, the Anaheim GardenWalk site, are designated by the *Anaheim General Plan* for Commercial Recreation land uses. This designation is intended to provide for tourist and entertainment industries such as theme parks, hotels, tourist-oriented retail, restaurants, theaters, and other visitor-serving facilities.

Section 65450 et seq. of the *California Government Code* (Planning and Zoning Law) allows and regulates the establishment of Specific Plans. *The Disneyland Resort Specific Plan* sets forth land uses, design guidelines, zoning, development standards, and public facilities requirements for the 489.7-acre *Disneyland Resort Specific Plan* area. *The Disneyland Resort Specific Plan* is one of three specific plans that comprise the Anaheim Resort in the City of Anaheim.

In addition to *The Disneyland Resort Specific Plan*, The Anaheim Resort also includes the *Anaheim Resort Specific Plan No. 92-2* (ARSP) and the *Hotel Circle Specific Plan No. 93-1* (see Exhibit 2 for the boundaries of these Specific Plans). The ARSP was adopted in September 1994, encompasses approximately 581.3 acres, and provides for the development of hotel, convention, retail, and other visitor-serving uses. The *Hotel Circle Specific Plan* was adopted in August 1994, encompasses approximately 6.8 acres, and provides for the development of up to 969 hotel rooms (818 hotel rooms currently exist). Together, these three Specific Plans encompass the entire 1,078-acre Anaheim Resort.

This addendum addresses the environmental impacts of: (1) an amendment (Amendment No. 4) to the Second Amended and Restated Development Agreement No. 99-01 by and between the City of Anaheim and GardenWalk Hotels I, LLC to defer the commencement of the construction of two hotels that were previously approved as part of the Anaheim GardenWalk Project (the "Hotels") by up to two years, and to allow the developer to phase construction of the Hotels; and (2) an amendment to the existing Economic Assistance Agreement for the Hotels to

increase the amount of economic assistance provided to GardenWalk Hotels I, LLC, by executing two separate agreements (one for each of the Hotels), which together would amend and restate the existing agreement. These amendments are hereinafter referred to as the "Proposed Actions." As discussed herein, because the Proposed Actions do not change the physical characteristics of the previously-approved Anaheim GardenWalk Project, but relate merely timing of construction and financing of the Hotels, the Proposed Actions would not result in any new significant environmental impacts or any increase in the severity of previously identified impacts. The Anaheim GardenWalk Project and the Proposed Actions are more fully described in Section 3.0 Project Background and Description.



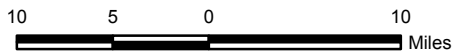


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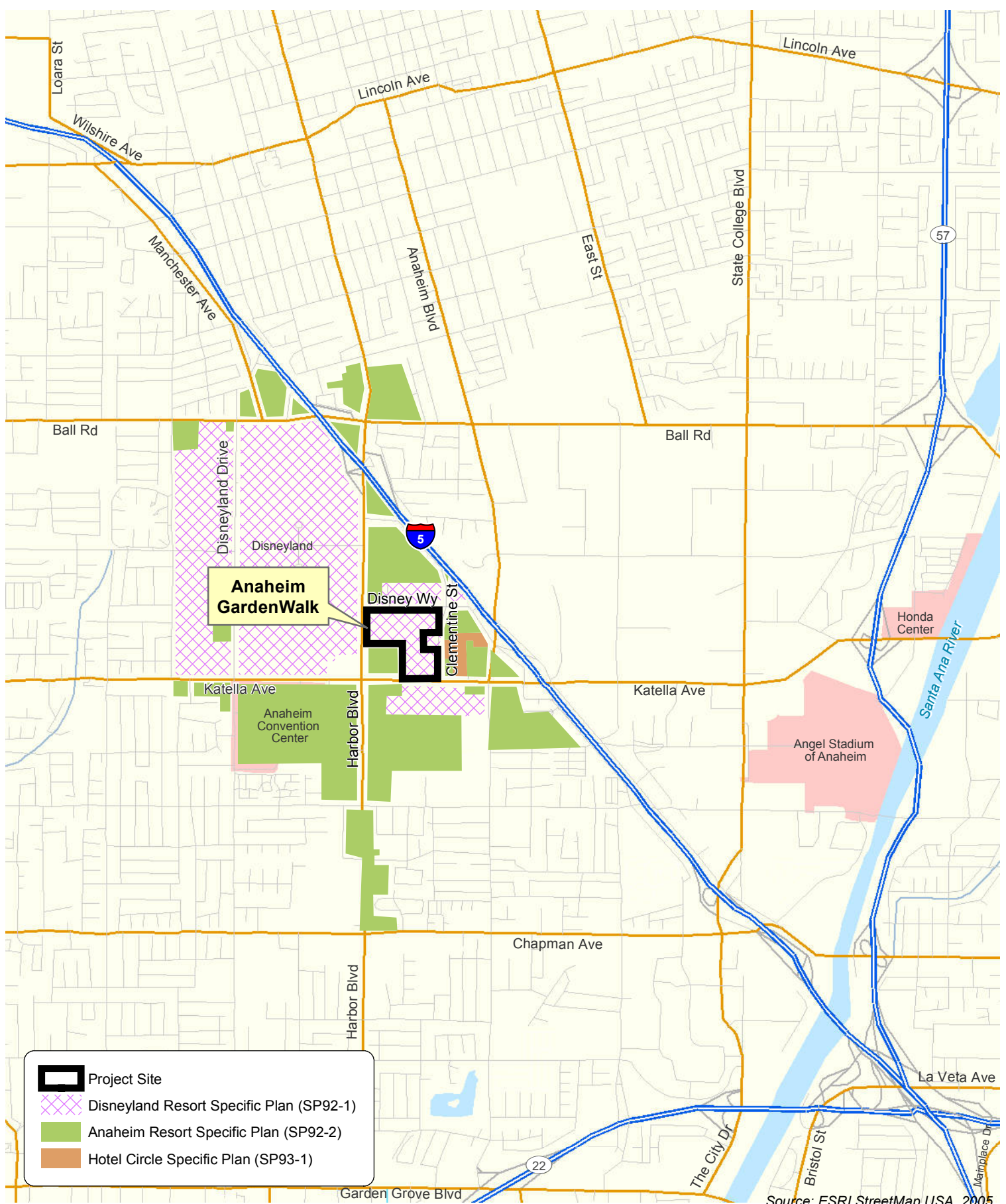
## Regional Location



Exhibit 1

Anaheim GardenWalk Addendum to the Pointe Anaheim IS/MND







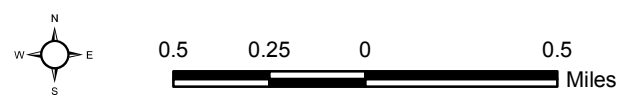
	Project Site
	Disneyland Resort Specific Plan (SP92-1)
	Anaheim Resort Specific Plan (SP92-2)
	Hotel Circle Specific Plan (SP93-1)

Source: ESRI StreetMap USA, 2005

## Local Vicinity

Anaheim GardenWalk Addendum to the Pointe Anaheim IS/MND

## Exhibit 2



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## SECTION 2.0 PURPOSE OF THE DOCUMENT

The Purpose of this document is to (i) summarize the entitlement history of the Anaheim Gardenwalk Project and to demonstrate that the two Hotels that are the subject of the economic assistance agreement amendment and the development agreement amendment (the “Proposed Actions”) are part of a previously-approved project; (ii) reiterate that the Proposed Actions are not “projects” within the meaning of the California Environmental Quality Act (“CEQA”), because they merely create funding mechanisms and relate to the timing of a previously-approved project; and (iii) explain that even if one were to assume that the Proposed Actions were a “project” within the meaning of CEQA, that the potential environmental impacts of the Proposed Actions have been fully analyzed in connection with the previous environmental documentation prepared for the Anaheim GardenWalk Project, including the 1999 Initial Study/Mitigated Negative Declaration (“1999 IS/MND”), and the subsequent addenda to the 1999 IS/MND. Each of these topics is further discussed below and throughout the document.

This addendum is prepared in accordance with the provisions of the CEQA (*California Public Resources Code* §21000 et seq.) and the State CEQA Guidelines (*California Code of Regulations* §15000 et seq.). Section 15164(b) of the CEQA Guidelines states that “an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.” Pursuant to Section 15162(a) of the CEQA Guidelines, a subsequent EIR is only required when:

- (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.

Indeed, an agency is prohibited from requiring a subsequent EIR, unless one of the above circumstances is determined to exist "on the basis of substantial evidence." (Guidelines § 15162(a).

As previously stated, this document is an addendum to the *Pointe Anaheim Initial Study and Mitigated Negative Declaration as amended*. The purpose of this document is to determine whether any additional environmental review is necessary with regard to the Proposed Actions related to the Anaheim GardenWalk Project, a previously-approved and partially-developed project within The Anaheim Resort. The Proposed Actions and the Anaheim GardenWalk Project are more fully described in Section 3.0 Project Background and Description.

As discussed in this document, the potential environmental impacts of the Anaheim GardenWalk Project were previously fully analyzed in connection with the City's approval of such project, as well as in connection with prior amendments to the project. The Proposed Actions would not change the physical characteristics of the previously-approved project in any way, but relate merely to the timing of construction and financing of a portion of the previously-approved project. Thus, the Proposed Actions would not result in any new significant environmental impacts or any increase in the severity of previously identified impacts, and this document is the appropriate environmental documentation for the Proposed Actions.

## SECTION 3.0 PROJECT BACKGROUND AND DESCRIPTION

### 3.1 PROJECT BACKGROUND

The City of Anaheim is the Lead Agency responsible for *The Disneyland Resort Specific Plan Environmental Impact Report (EIR) No. 311*, the *Pointe\*Anaheim Initial Study and Mitigated Negative Declaration (1999 IS/MND)*, the *2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration (2001 Addendum)*, the *2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration (2006 Addendum)*, the *2011 Addendum to the Pointe Anaheim Initial Study/Mitigated Negative Declaration (2011 Addendum)*, and the subject *2013 Addendum to the Pointe Anaheim Initial Study/Mitigated Negative Declaration Anaheim GardenWalk Project (2013 Addendum)*.

#### Development Standards

The 29.1-acre Anaheim GardenWalk site is located within The Anaheim Resort, in an area of the City regulated by *The Disneyland Resort Specific Plan*. The *Disneyland Resort Specific Plan* consists of five planning districts:

- Theme Park District
- Hotel District
- Parking District
- Future Expansion District
- District A

The 29.1-acre Anaheim GardenWalk site contains properties located within District A and the Parking District. *The Disneyland Resort Specific Plan* also includes two overlays:

- C-R Overlay, which allows development consistent with the underlying planning district or subject to the same land uses as in the Anaheim Resort Specific Plan No. 92-2 Zone Commercial Recreation (C-R) District (hotels, motels, convention and conference facilities, as well as restaurants, retail shops and entertainment facilities).
- Anaheim GardenWalk Overlay (previously known as the “Pointe Anaheim Overlay”), which allows for the development of the Anaheim GardenWalk project subject to the approval of Conditional Use Permit No. 4078, as amended.

Portions of the Anaheim GardenWalk site are within the C-R Overlay and the entire site is within the Anaheim GardenWalk Overlay. As shown in Exhibit 3, Aerial Photograph, the Anaheim GardenWalk Overlay is divided into two development areas in response to future anticipated phasing: (1) Area A, which encompasses approximately 20.3 acres of the project site along Clementine Street on the eastern portion of the project site, and (2) Area B, which encompasses approximately 8.8 acres at the southeastern corner of Harbor Boulevard and Disney Way and is currently developed with the Anaheim Plaza Hotel & Suites. The Proposed Actions relate to two previously-approved hotels within Area A.

#### Environmental Documentation

In June 1993, the City of Anaheim certified EIR No. 311 for *The Disneyland Resort Specific Plan*. EIR No. 311, as subsequently amended, provides for the development of an international vacation destination resort, including the development of a new theme park, additional hotel and

entertainment areas, administrative office facilities, back-of-house facilities, new public and private parking facilities, an internal transportation system, and the on-going modification of the Disney Theme Parks. The Anaheim GardenWalk Overlay was not a part of the original *Disneyland Resort Specific Plan*.

In June 1999, the City Council approved amendments to the *Anaheim General Plan*, *The Disneyland Resort Specific Plan*, *Anaheim Municipal Code* and *Anaheim Resort Public Realm Landscape Program*; and, approved Conditional Use Permit No. 4078, and Development Agreement No 99-01 between the City of Anaheim and Excel Pointe Anaheim, LLC. The amendments added text to the Commercial Recreation land use designation recognizing that *The Disneyland Resort Specific Plan* provides for the development of the Pointe Anaheim (now Anaheim GardenWalk) Overlay at the following density: up to 565,000 gross square feet (sf) of restaurant/dining/entertainment uses, two to three hotels comprising a maximum of 1,050 hotel rooms/suites with related accessory retail uses (total hotel maximum 923,800 sf); a multiplex theater including either 4,600 seats for live performances or 4,757 seats for movies, a parking structure with approximately 4,800 parking spaces, an approximately 141,200 sf open-air family entertainment center on the top floor of the parking structure, and a bus terminal/facility for airport transport and to/from sightseeing venues.

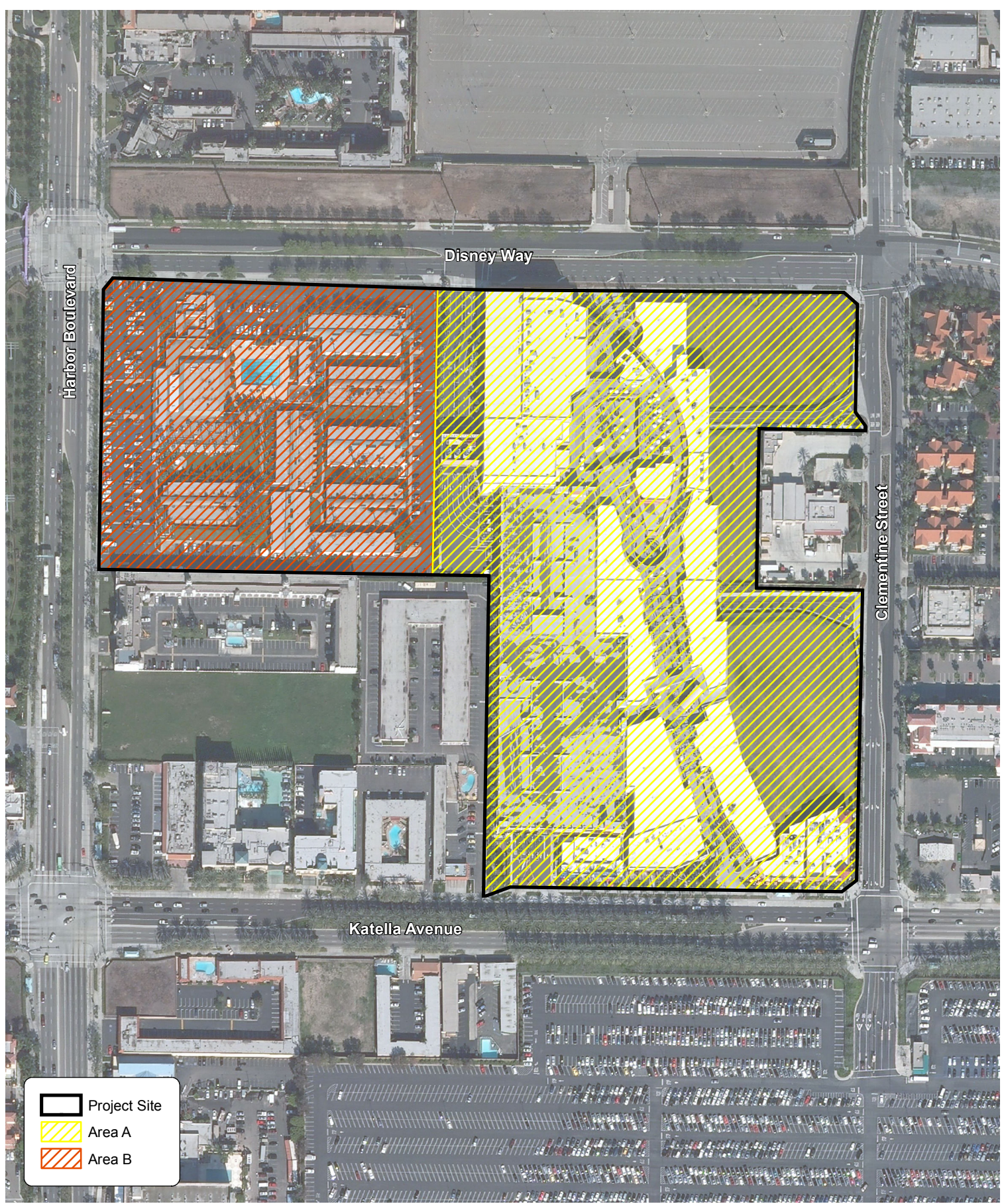
The 1999 IS/MND was prepared to evaluate the environmental impacts of these amendments and entitlements. The 1999 IS/MND analyzed a project to be constructed in one phase that encompassed the entire Pointe\*Anaheim project site; phased development was first analyzed in the 2001 Addendum and the two development areas that exist today (Development Areas A and B) were first described in the 2006 Addendum.

The 1999 IS/MND considered potential impacts in the areas of Land Use-Related Plans and Policies, Land Use Compatibility, Transportation and Circulation, Air Quality, Noise, Earth Resources, Groundwater and Surface Hydrology, Construction, Employment, Population and Housing, Public Services and Utilities, Hazardous Materials, Visual Resources, Cultural Resources, and Energy. (1999 IS/MND, pp. 4-2 through 4-90.) The 1999 IS/MND concluded that “after incorporation of the recommended mitigation measures, potentially significant environmental impacts would be eliminated or reduced to a level considered less than significant” in all of these areas. (1999 IS/MND, p. 1-3; see *also* topic specific findings at pp. 4-5, 4-8, 4-30, 4-38, 4-42, 4-44, 4-48, 4-51, 4-59, 4-61, 4-62, 4-65, 4-72, 4-76, 4-79, 4-80, 4-81, 4-84, 4-88, 4-90.) The City Council thereafter adopted the 1999 IS/MND and an associated mitigation monitoring program, and specifically found that, with the imposition of the required mitigation, the Anaheim GardenWalk Development would not have any significant adverse impacts. (Resolution No. 99R-133.)

On February 26, 2002, the City Council approved amendments to the *Anaheim General Plan*, *The Disneyland Resort Specific Plan*, *Anaheim Municipal Code*, *Anaheim Resort Public Realm Landscape Program*, Conditional Use Permit No. 4078, and Development Agreement No. 99-1 (First Amended and Restated Development Agreement No. 99-01 between the City of Anaheim and Excel Pointe Anaheim, LLC). The environmental impacts of these amendments were evaluated by the 2001 Addendum. These amendments addressed modifications to the Pointe Anaheim project to add an additional hotel; delete the live theater complex entitlement and replace it with another commercial attraction such as an aquarium; reduce the area proposed for retail/dining/entertainment uses by 24,300 sf; and increase the overall square footage of the covered parking facility to accommodate an additional 400 spaces via tandem parking and valet while reducing the size of the bus terminal. (See 2001 Addendum, p. 5, Table 1 [comparing original approved project with the project as amended in 2002].) Additional changes include project phasing and addition of a signalized median break on Disney Way. The City Council also approved a *Disposition and Development Agreement* (DDA) by and between the City and Excel Pointe Anaheim LLC that



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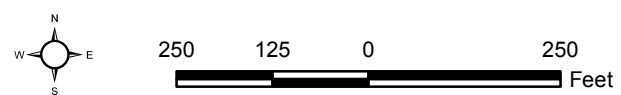


 Project Site  
 Area A  
 Area B

Source: Aerial Express, flown April-May 2009

**Aerial Photograph**  
 Anaheim GardenWalk Addendum to the Pointe Anaheim IS/MND

**Exhibit 3**





provided for the sale of approximately 1.35 acres located at the southwestern corner of Disney Way and Clementine Street, north of Fire Station No. 3 (to the then developer), and for the lease (to the City) of certain public parking facilities to be constructed on the project site. The DDA provided economic assistance equal to 50% of the Transient Occupancy Tax (TOT) generated by the initial 500-room hotel for 10 years, capped at \$7 million in Net Present Value (NPT) terms.

The environmental impacts of these amendments were evaluated by the 2001 Addendum, which concluded that the changes to the project would not result in any new significant environmental impacts. Specifically, the 2001 Addendum concluded that “[d]ue to the generally similar nature of the modified project and the approved Pointe Anaheim project, no new impacts are anticipated.” (2001 Addendum, p. 59.) In support of this conclusion, the 2001 Addendum addressed the areas of Land Use-Related Plans and Policies, Land Use Compatibility, Transportation and Circulation, Air Quality, Noise, Earth Resources, Groundwater and Surface Hydrology, Construction, Employment, Population and Housing, Public Services and Utilities, Hazardous Materials, Visual Resources, Cultural Resources, and Energy. (2001 Addendum, pp. 14-60.) For example, with respect to Transportation and Circulation, the 2001 Addendum found that “no major revisions [were] required to the traffic analysis provided in the Pointe Anaheim IS/MND,” “[d]ue to the generally similar nature of the proposed project and the approved Point Anaheim Project.” (2001 Addendum, p. 20.) In fact, the modified project was “expected to generate about 10 percent fewer p.m. peak hour trips than the previously approved project” and pedestrian traffic “would also decrease or remain unchanged from the previous project, resulting in no significant impact with implementation of the previously required mitigation measures.” (2001 Addendum, pp. 18-19; see also p. 4 [explaining that the modified project would be oriented less toward evening entertainment uses, “which tend to have a greater traffic impact,” “in favor of adding more hotel rooms and accessory uses,” “which tend to produce less traffic”].) With respect to Air Quality, the 2001 Addendum similarly explained that there were “no major revisions to the air quality analysis provided in the Pointe Anaheim IS/MND,” because “[t]he modified project is comparable to the [previously-approved] project both in land uses and intensity of development.” (2001 Addendum, p. 25 [also noting “a slight reduction in vehicular project-related traffic is expected to occur, which would reduce corresponding automobile emissions,” and that “due to the phasing of the project the construction emissions will not be as great as previously projected”].) Similar conclusions were reached with regard to all of the other topics addressed. (2001 Addendum, pp. 16, 26, 27, 28, 31, 36, 37, 39, 40, 42, 43, 44 [“With the proposed land use mix changed to more hotel rooms and less restaurant space, there would be a lower demand on water services.”], 47, 49, 50, 52, 53, 54, 55, 57, 58.) The City Council determined that the 2001 Addendum was adequate to serve as the required CEQA documentation for the 2001 amendments and that there was no evidence that the modified project would have a significant effect on the environment. (Resolution No. 2002R-53.)

On December 14, 2004, the City Council approved amendments to Conditional Use Permit No. 4078, Development Agreement No. 99-01 (Amendment No. 1 to First Amended and Restated Development Agreement by and between the City of Anaheim and Anaheim GW LLC, as successor in interest to Excel Pointe Anaheim, LLC), and the DDA to extend, by one year, the date by which construction of the Initial Phase of Development must commence (by February 26, 2006); and, to assign Anaheim GW, LLC as the successor-in-interest to Excel Pointe Anaheim, LLC for both the Development Agreement and the DDA. No modifications were made to the project description and the City Council determined that the 2001 Addendum was adequate to serve as the appropriate environmental documentation for these actions.

On January 31, 2006, the City Council approved amendments to Development Agreement No. 99-01 (Amendment No. 2 to First Amended and Restated Development Agreement No. 99-01 by and between the City of Anaheim and Anaheim GW LLC), and the DDA to extend, by one year, the date by which construction of the Initial Phase of Development must be

commenced (by February 26, 2007). On December 12, 2005, the Planning Commission approved a related amendment to Conditional Use Permit No. 4078. The proposed extension was intended to provide sufficient time to process the proposed modifications to the Anaheim GardenWalk project entitlements and facilitate the project moving forward in a timely manner. The Planning Commission and City Council determined that the 2001 Addendum was adequate to serve as the appropriate environmental documentation for these actions.

On April 11, 2006, the City Council approved amendments to *the Anaheim General Plan, The Disneyland Resort Specific Plan, Anaheim Municipal Code, Conditional Use Permit No. 4078, Development Agreement No. 99-01 (Second Amended and Restated Development Agreement No. 99-1 between the City of Anaheim and Anaheim GW, LLC), and the DDA by and between the City of Anaheim and Anaheim GW, LLC; and, approved Tentative Parcel Map No. 2002-205 and Final Site Plan No. 2006-00002. The City Council determined that the 2006 Addendum was adequate to serve as the environmental documentation for these actions. The modified project increased the number of hotels to 5 and reduced the maximum number of hotel rooms from 1,662 to 1,628. Additionally, the square footage assigned to hotel accessory uses was reduced from 282,071 sf to 278,817 sf. Within the retail, dining and entertainment component of the project, plans for an aquarium were replaced with plans for an equivalent amount of specialty retail uses; total dining area was increased from 90,850 sf to 113,900 sf; and entertainment uses were reduced from 154,000 sf to 66,000 sf with the potential for a multiplex movie theater. (2006 Addendum, p. 2-3, Table 1.) The 2006 Addendum analyzed the proposed development intensities within two development areas (Development Area A and Development Area B) as shown in Table 1:*

**TABLE 1  
2006 PROJECT ENTITLEMENTS BY DEVELOPMENT AREA<sup>1</sup>**

Land Use	Area A (gross sf unless otherwise noted)	Area B (gross sf unless otherwise noted)	Project Total
<b>Hotels</b>			
Number	4 hotels	1 hotel	5 hotels
Rooms	1,266 rooms (including up to 400 vacation ownership units)	362 rooms (including up to 100 vacation ownership units)	1,628 rooms (including up to 500 vacation ownership units)
Hotel Accessory Uses	216,820	61,997	278,817
<b>Retail/Dining/Entertainment (RDE)</b>			
Specialty Retail	275,500	114,350	389,850
Dining	98,100	15,800	113,900
Entertainment	66,000 (includes a multiplex movie theater)	0	66,000
<i>Total RDE</i>	<i>439,600</i>	<i>130,150</i>	<i>569,750</i>
<b>Parking</b>			
Structured/Covered Parking	1,299,867 3,200 auto spaces 15 bus spaces	649,933 1,600 auto spaces 0 bus spaces	1,949,800 4,800 auto spaces 15 bus spaces
Bus Terminal/Facility	10,200	0	10,200
sf: square feet			

The 2006 Addendum noted that the "impact of the project [would] remain basically the same because the footprint of the project covers the same area as the previously-approved Pointe

<sup>1</sup> Refer to Exhibit 3, Aerial Photograph, for a depiction of Development Area boundaries.

Anaheim project with similar types and density of land uses.” (2006 Addendum, p. 2-3.) It specifically addressed the areas of Land Use-Related Plans and Policies, Land Use Compatability, Transportation and Circulation, Air Quality, Noise, Earth Resources, Groundwater and Surface Hydrology, Construction, Employment, Population and Housing, Public Services and Utilities, Hazardous Materials, Visual Resources, Cultural Resources, and Energy, and concluded that “[d]ue to the generally similar nature of the [modified] project and the approved Pointe Anaheim project, no new impacts [were] anticipated” in any such areas. (2006 Addendum, pp. 3-2, 3-7, 3-13, 3-15, 3-17, 3-18, 3-21, 3-28, 3-29, 3-31, 3-33, 3-34, 3-37, 3-40, 3-42, 3-44, 3-46, 3-47, 3-48, 3-49, 3-51, 3-53, 3-55.) The City Council determined that the proposed amendments would not result in any new significant environmental impacts and that the 2006 Addendum, together with an amended mitigation monitoring program, was adequate to serve as the required CEQA documentation. (Reso. No. PC2006-21; Reso. No. 2006-061.)

On May 26, 2009, the City Council approved an Economic Assistance Agreement that allowed GardenWalk Hotel I, LLC to receive a portion of the Transient Occupancy Tax generated by the development of up to two hotels with a total of 866 rooms over a 15 year period, up to a total of \$76.3 million. This agreement required completion of construction drawings by August 26, 2010 and commencement of construction by 2011. The Economic Assistance Agreement contained a provision that indicated the DDA was terminated with respect to its incentives for hotel development.

On March 23, 2010, the City Council approved an amendment to Development Agreement No. 99-01 (Amendment No. 1 to Second Amended and Restated Development Agreement No. 99-01 by and between the City of Anaheim, on one hand and GardenWalk Hotel I, LLC and Westgate Resorts Anaheim LLC, on the other hand) to change the construction start date for the hotels within Development Area A of the Anaheim GardenWalk project to May 26, 2011; change the construction start date for the timeshare component within Development Area A of the Anaheim GardenWalk project to March 23, 2019; and redefine the project description from five hotels with up to 1,628 rooms to four hotels with up to 1,628 rooms. The City Council determined that the previously-approved Mitigated Negative Declaration (1999 IS/MND) was adequate to serve as the environmental documentation for the amendment.

On August 24, 2010, the City Council approved Amendment No. 1 to the Economic Assistance Agreement to extend the deadline for completion of construction drawings to August 26, 2012 and commencement of construction to May 26, 2013.

On August 24, 2010, the City Council also approved Amendment No. 2 to the Second Amended and Restated Development Agreement No. 99-01 by and between the City of Anaheim and GardenWalk Hotel I, LLC to defer the commencement of hotel construction by up to two additional years, to commence no later than May 26, 2013. The City Council determined that the previously-approved Mitigated Negative Declaration (1999 IS/MND) was adequate to serve as the environmental documentation for the Development Agreement amendment.

On August 16, 2011, the City Council approved amendments to the *Anaheim General Plan*, *The Disneyland Resort Specific Plan*, Conditional Use Permit No. 4079, the Second Amended and Restated Development Agreement No. 99-01 (Amendment No. 3 to Second Amended and Restated Development Agreement No. 99-01 by and between the City of Anaheim and Katella Anaheim Retail, LLC), and Final Site Plan No. 2006-00002 to change the mix and allocation of the land uses at Anaheim Gardenwalk to allow development of 590,265 sf of specialty retail, restaurants, and entertainment uses, including movie theaters; 1,628 hotel rooms (including up to 500 vacation ownership units) and 278,817 sf of hotel accessory uses; a transportation center; and 4,800 parking spaces. This amendment also revised the number of hotels permitted within Development Area A to reflect the 2010, and subsequent 2011, Development Agreement

amendments. This was a change to the number of hotels only; no changes were made to the number of hotel rooms within Development Area A or the development intensity permitted within Development Area B, as shown in Table 2. The environmental impacts of these amendments were evaluated by the 2011 Addendum, which the City Council determined was adequate to serve as the required CEQA documentation for these actions.

**TABLE 2  
2006 TO 2011 CHANGES TO DEVELOPMENT AREA A<sup>2</sup>**

Land Use	2006 Addendum (gross sf unless otherwise noted)	2011 Addendum (gross sf unless otherwise noted)	Change 2006 to 2011
<b>Hotels</b>			
Number	4 hotels	3 hotels	- 1 hotel
Rooms	1,266 rooms (including up to 400 vacation ownership units)	1,266 rooms (including up to 400 vacation ownership units)	No Change
Hotel Accessory Uses	216,820	216,820	No Change
<b>Retail/Dining/Entertainment (RDE)</b>			
Specialty Retail	275,500	133,683	-141,817
Dining	98,100	148,188	+50,088
Entertainment	66,000 (includes a multiplex movie theater)	178,244 (includes a multiplex movie theater)	+112,244
<i>Total RDE</i>	<i>439,600</i>	<i>460,115</i>	<i>+20,515</i>
<b>Parking</b>			
Structured/Covered Parking	1,299,867 3,200 auto spaces 15 bus spaces	1,299,867 3,200 auto spaces 15 bus spaces	No Change
Bus Terminal/Facility	10,200	7,700	2,500
sf: square feet			

On January 24, 2012, the City Council considered a request by GardenWalk Hotel I, LLC to amend the Economic Assistance Agreement to modify the amount of economic assistance provided therein. At that meeting, the City Council voted to direct staff to prepare an amendment consistent with the Developer's proposal and to authorize the City manager to execute the amendment. On January 31, 2012, pursuant to that direction, the City Manager executed two economic assistance agreements: 1) Economic Assistance Agreement between the City of Anaheim and GardenWalk Hotel I, LLC, dated January 31, 2012 and the Amended and Restated Economic Assistance Agreement between the City of Anaheim and GardenWalk Hotel I, LLC, dated January 31, 2012 (collectively, the "EAA's"). The approval of the EAA's was challenged in a lawsuit entitled Orange County Communities for Responsible Development, et al. v. City of Anaheim (the "OCCORD Litigation"). On January 8, 2013, the Court issued a Judgment in the OCCORD Litigation declaring that the EAA's were void, based upon the Court's finding that the description of the item on the January 24, 2012 City Council meeting agenda was insufficient to comply with the Ralph M. Brown Act (Gov. Code § 54950 et seq.). The Court further issued a Writ of Mandate directing the City "to set aside its approval of the [EAA's]" within 30 days. On February 5, 2013, the City Council, by motion, set aside the City's prior approval of the EAA's.

<sup>2</sup> Refer to Exhibit 3, Aerial Photograph, for a depiction of Development Area boundaries.

This Addendum thus builds upon a number of prior environmental documents that have been prepared for the GardenWalk Project. A disc containing those documents, including The Disneyland Resort Specific Plan Environmental Impact Report No. 311, the 1999 *Pointe Anaheim Initial Study and Mitigated Negative Declaration*, the 2001 *Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration*, the 2006 *Second Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration* and the 2011 *Addendum to the Pointe Anaheim Initial Study/Mitigated Negative Declaration Anaheim GardenWalk Project* has been prepared and will be provided to the City Council, along with this Addendum.

**Approved Development Intensities**

Table 3 provides a summary of the approved development intensities associated with the Anaheim GardenWalk project.

**TABLE 3  
APPROVED DEVELOPMENT INTENSITIES FOR THE ANAHEIM  
GARDENWALK PROJECT <sup>3</sup>**

Land Use	Area A (gross sf unless otherwise noted)	Area B (gross sf unless otherwise noted)	Anaheim GardenWalk Project Total
<b>Hotels</b>			
Number	3 hotels	1 hotel	4 hotels
Rooms	1,266 rooms (including up to 400 vacation ownership units)	362 rooms (including up to 100 vacation ownership units)	1,628 rooms (including up to 500 vacation ownership units)
Hotel Accessory Uses	216,820	61,997	278,817
<b>Retail/Dining/Entertainment (RDE)</b>			
Specialty Retail	133,683	114,350	248,033
Dining	148,188	15,800	163,988
Entertainment	178,244 (includes a multiplex movie theater)	0	178,244
<i>Total RDE</i>	<i>460,115</i>	<i>130,150</i>	<i>590,265</i>
<b>Parking</b>			
Structured/Covered Parking	1,299,867 3,200 auto spaces 15 bus spaces	649,933 1,600 auto spaces 0 bus spaces	1,949,800 4,800 auto spaces 15 bus spaces
Bus Terminal/Facility	7,700	0	7,700
sf: square feet			

**3.2 PROJECT DESCRIPTION**

The Proposed Actions include:

1. Two economic assistance agreements, which together amend the existing Economic Assistance Agreement, (as previously amended by Amendment No. 1 to the Economic Assistance Agreement) to provide additional economic assistance for the Hotels
2. Amendment No. 4 to the Second Amended and Restated Development Agreement No. 99-01 by and between the City of Anaheim and GardenWalk Hotel I, LLC to defer the

<sup>3</sup> Refer to Exhibit 3, Aerial Photograph, for a depiction of Development Area boundaries.

commencement of the construction of the Hotels by up to two years, to commence no later than May 26, 2015, and to allow the developer to phase construction of the Hotels.

The Proposed Actions do not change the approved development intensities for the Anaheim GardenWalk Project; and therefore, will not have any significant new environmental impacts that were not already previously analyzed in EIR No. 311, the 1999 IS/MND, the 2001 Addendum, the 2006 Addendum, or the 2011 Addendum.

It should be noted here that courts have previously concluded that financing arrangements are not projects within the meaning of CEQA, because they merely relate to the funding of a previously-approved project. (See, e.g., *Not About Water Com v. Board of Supervisors* (2002) 95 Cal. App. 4th 982, 1002 [holding formation of assessment district to provide “a means of financing” a previously formed water district was not a project for purposes of CEQA]; see also *Kaufman & Broad-South Bay, Inc. v. Morgan Hill Unified School Dist.* (1992) 9 Cal. App. 4th 464, 466 [holding the formation of a community facilities district designed “to finance anticipated future needs due to population growth within [a school district’s] boundaries” was not a “project” within the meaning of CEQA].)

In light of the above, it is unlikely that the Proposed Actions would trigger the requirement for additional CEQA analysis. Nonetheless, in order to be conservative and to provide as much information to the public as possible, this Addendum has been prepared to demonstrate that even if one were to assume the economic assistance agreements are projects within the meaning of CEQA, and even if one were to assume extending the performance dates under the development agreement is also a CEQA project, the environmental impacts of such actions were already thoroughly analyzed as part of EIR No. 311, the 1999 IS/MND, the 2001 Addendum, the 2006 Addendum, and the 2011 Addendum. In short, this Addendum demonstrates that none of the circumstances that may trigger the need for further environmental review exist here. (Guidelines § 15162(a) [“When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines” specified circumstances exist].)

Table 4 compares the development intensities analyzed by the 1999 IS/MND and the currently-approved development intensities. As reflected in the table, there are no changes to the approved development intensities with the Proposed Actions.



**TABLE 4  
COMPARISON OF THE DEVELOPMENT INTENSITIES ASSOCIATED WITH  
THE 1999 IS/MND, CURRENTLY-APPROVED DEVELOPMENT AND THE  
PROPOSED ACTIONS**

<b>Land Use</b>	<b>1999 IS/MND (gross sf unless otherwise noted)</b>	<b>Approved Development (gross sf unless otherwise noted)</b>	<b>Proposed Actions (gross sf unless otherwise noted)</b>
<b>Hotels</b>			
Number	2 or 3 hotels	4 hotels	4 hotels
Rooms	1,050 rooms	1,628 rooms	1,628 rooms
Hotel Accessory Uses	86,985	278,817	278,817
<b>Retail/Dining/Entertainment (RDE)</b>			
Specialty Retail	335,000	248,033	248,033
Dining	140,000	163,988	163,988
Entertainment	90,000	178,244	178,244
<i>Total RDE</i>	<i>565,000</i>	<i>590,265</i>	<i>590,265</i>
<b>Parking</b>			
Structured/Covered Parking	1,600,000 4,800 auto spaces 25 bus spaces	1,949,800 4,800 auto spaces 15 bus spaces	1,949,800 4,800 auto spaces 15 bus spaces
Bus Terminal/Facility	21,600	7,700	7,700
Roof Top Family Entertainment Center	141,200	0	0
sf: square feet			

**Existing Conditions**

The Anaheim GardenWalk site has been partially developed with retail, dining and entertainment (RDE) uses in a three-story concourse featuring landscaping, fountains, and seating areas. Tenants include a mix of general purpose merchandise stores; full-service restaurants; specialty and walk-up/fast food establishment; bar/nightclubs; a 14-screen movie theater; a 20,000 sf fitness facility; and a 44-lane bowling facility. The concourse structure also includes back-of-house areas such as management and security offices, service corridors, utility rooms, and loading areas. In addition, a concierge/ticket service and Police Substation are located on the ground floor. Existing development also includes a multi-level parking garage with 2,606 parking spaces<sup>4</sup> and a transportation center with parking for 15 buses.

Existing entitlements permit the site to be further developed for a total (including existing development) of 590,265 sf of specialty retail, restaurants, and entertainment uses; 1,628 hotel rooms (including up to 500 vacation ownership units) and 278,817 sf of hotel accessory uses; a transportation center; and 4,800 parking spaces. Pursuant to the existing entitlements, Gardenwalk Hotel I, LLC (or its successor-in-interest) is entitled to build two hotels totaling 866 hotel rooms (i.e., a 400-room hotel and a 466-room hotel, known collectively as the "Hotels").

<sup>4</sup> Under existing conditions, the top level of the parking structure is not yet fully constructed; therefore, the number of available parking spaces is currently less than the entitled amount for Area A.

## **Discretionary Actions**

This Addendum, in conjunction with the previous environmental documents prepared for the Pointe Anaheim and Anaheim GardenWalk projects, is intended to serve as the primary environmental document for all future actions associated with the Proposed Actions, including all discretionary approvals requested or required to implement the Proposed Actions. In addition, this Addendum is the primary reference document for the formulation and implementation of a mitigation monitoring program for the Anaheim GardenWalk Project, as amended. Mitigation Monitoring Program (MMP) No. 004, as amended, which includes relevant measures from The Disneyland Resort Specific Plan Modified Mitigation Monitoring Program No. 0067, was adopted in connection with the 1999 IS/MND. Thereafter, MMP No. 004a, containing all applicable and revised mitigation measures from MMP 004, was adopted in conjunction with the 2006 Addendum. All mitigation measures in MMP 004a are applicable and have been restated as part of this current Addendum. This document is intended to provide sufficient information to allow permitting agencies to evaluate the potential impacts from construction and implementation of the proposed project.

As indicated above, this Addendum has been prepared to demonstrate that even if one were to assume the economic assistance agreements are projects within the meaning of CEQA, and even if one were to assume extending the performance dates under the development agreement is also a CEQA project, the environmental impacts of the Proposed Actions were already thoroughly analyzed in connection with the 1999 IS/MND, as well as the prior addendums thereto, and, thus, that none of the circumstances that could trigger the need for further environmental review exist here.

## SECTION 4.0 ENVIRONMENTAL ANALYSIS

This portion of the Addendum examines each environmental topical issue analyzed in EIR No. 311 and the 1999 IS/MND specific to the Anaheim GardenWalk Project, under its previously-approved development, which, as discussed herein, would not be changed by the Proposed Actions. Additionally, the Addendum includes additional areas of analysis, including forestland resources and greenhouse gas emissions, pursuant to the 2010 CEQA Guidelines amendments. The City of Anaheim Environmental Checklist has been subsequently revised to reflect these amendments. For each topical issue, summaries of the previous environmental analyses from EIR No. 311, the 1999 IS/MND, the 2001 Addendum, the 2006 Addendum, and the 2011 Addendum are provided. Following this discussion, an updated analysis of the Anaheim GardenWalk Project, in its currently-approved configuration, which is not proposed to be changed by the Proposed Actions, is provided and compared to the previous findings. The required mitigation measures for the project are included; however, no new mitigation measures are proposed.

This document is an addendum to the CEQA documents outlined in Section 3.0, Project Background and Description. By definition, an addendum to a CEQA document is intended to demonstrate that the modifications/alterations to the previously-approved project will not substantially increase environmental impacts or create any new significant impacts. The following analysis is a documentation of why and how this conclusion has been made. Because the Proposed Actions represent a minor modification to a previously analyzed and approved project, this Addendum does not include an analysis specific to the Mandatory Findings of Significance topic identified in the City of Anaheim Environmental Checklist. As appropriate, the analysis takes various related projects and development into account, particularly related to traffic and greenhouse gas emissions.

Because the Proposed Actions would not change the physical characteristics of the currently-entitled development in any way, but relate merely to the timing of construction and financing of a portion of the previously-approved project, the Proposed Actions would not result in any new environmental impacts that were not already previously analyzed. Nonetheless, in order to confirm that the Anaheim GardenWalk Project, as currently configured, would not have any impacts beyond those analyzed in the prior environmental documentation, this Addendum compares the impacts of the Anaheim GardenWalk Project, as currently configured, to the impacts of the original project analyzed in the 1999 IS/MND. Since the Proposed Actions would not change the intensity or configuration of the currently approved development, references to the "Current Development Configuration" refer to both the currently approved development and the development with the Proposed Actions.

### 4.1 TRANSPORTATION/TRAFFIC

#### 4.1.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS

##### Disneyland Resort Specific Plan EIR No. 311

The evaluation of traffic impacts associated with development of the SP92-1 in EIR No. 311 determined that prior to implementation of mitigation, four intersections (Euclid Avenue/Ball Road, Euclid Avenue/Katella Avenue, Harbor Boulevard/Katella Avenue, and Haster Street/Katella Avenue) would become deficient with a level of service (LOS) E condition in the year 2010. It was determined that implementation of project design features and mitigation measures would reduce impacts to a level considered less than significant. EIR No. 311 also concluded that significant deficiencies in levels of service would occur if future background traffic growth

was not mitigated, or if planned improvements were not implemented. However, the Anaheim City Council adopted a Statement of Overriding Considerations with regard to these potential deficiencies.

### **Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The Pointe Anaheim project would have increased the Intersection Capacity Utilization (ICU) value of the intersection of Haster Street and Katella Avenue by 0.02 in the PM peak hour. This increase would cause the intersection to remain at LOS E at peak hour, resulting in a significant impact. Additionally, it was determined that the increase in project-related traffic (primarily in conjunction with the proposed theater use) would also result in a significant impact and, therefore, warranted an additional left turn lane on Disney Way in the westbound direction at the intersection with Clementine Street and on Clementine Street in the north bound direction at the intersection with Disney Way. These impacts would be fully mitigated upon implementation of the recommended mitigation measures.

### **2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

As reported in the 2001 Addendum, the modified project would result in fewer PM peak hour trips than identified in the previously-approved IS/MND. Despite the reduction in traffic, the intersection of Haster Street and Katella Avenue would experience LOS E, representing a significant impact. This impact would be reduced to a level of insignificance through implementation of project mitigation. The design of the modified project would improve access along Disney Way thus eliminating the need for dual left-turn lanes from Disney Way to Clementine Street and from Clementine Street to Disney Way. Anticipated parking demands would be accommodated with the on-site parking provided in the multi-level parking structure. No new significant impacts would occur.

### **2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2006 Addendum, the modified Anaheim GardenWalk project was anticipated to result in fewer PM peak hour trips. Pedestrian volumes were also expected to decrease or remain unchanged. A significant impact was projected at Haster Street/Katella Avenue in 2010 in the PM peak hour. No impacts were identified for parking.

### **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, the modified Anaheim GardenWalk project was anticipated to generate about the same number of inbound PM peak hour trips and about 19 percent fewer outbound peak hour trips than previously estimated in the 1999 IS/MND. Projections for the Year 2015 with Project scenario indicate that area intersections would operate at LOS C or better and no impacts would occur.

While it was determined that the modified project would generate more trips during the late evening hours from 7–8 PM on weekdays than estimated in the 1999 IS/MND, area intersections are all projected to operate at LOS B or better in 2015. Also, while the modified project would generate more trips during the late night hours from 10–11 PM on weekdays than estimated in the 2006 Addendum, area intersections are all projected to operate at LOS A or better in 2015.

A queuing analysis showed that adequate storage lengths are available during peak arrival times. The proposed parking supply of 4,800 spaces could accommodate the peak parking demand for the project with a surplus of at least 818 spaces at all hours of the day. Also, it was determined that the demand for transit would be less than what was analyzed in the 1999 IS/MND.

## 4.1.2 PROJECT ENVIRONMENTAL REVIEW

As stated previously in Section 3.0, Project Background and Description, the Proposed Actions do not include any proposed change to the physical characteristics of the currently-entitled Anaheim GardenWalk Project, as evaluated in the 2011 Addendum. The only change would be the anticipated timing of the construction of the Hotels. Therefore, the technical analysis prepared for the 2011 Addendum related to transportation/traffic remains valid, with the caveat that anticipated build-out would be delayed. The following analysis is summarized from the 2011 Addendum with minor updates.

### Would the project:

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

The project study area includes the same 13 intersections identified by City of Anaheim staff that were analyzed in the 1999 Pointe Anaheim IS/MND and that have been analyzed in addenda subsequent to the original Project 1999 IS/MND. The study area also includes the signalized project driveway on Disney Way (referred to as intersection 14), which was included in the 2011 Addendum to the 1999 Pointe Anaheim IS/MND. The locations of the study intersections and the existing intersection lane configurations are illustrated in Exhibit 4, Existing Lane Configurations. The existing PM peak hour intersection turning movement volumes are illustrated in Exhibit 5, Existing Intersection Volumes.

Intersection operations can be characterized in terms of LOS, which varies from LOS A, which represents uncongested free-flow conditions, to LOS F, which represents over-capacity, jammed conditions. As specified in the City of Anaheim traffic impact study guidelines, intersection levels of service calculations were conducted using the ICU method, which assigns an ICU value between 0 and 1 to each intersection based on its capacity and the volume of traffic traveling through it. The City of Anaheim and the County of Orange Growth Management Program (GMP) have established LOS D (ICU value of 0.90) as the lowest acceptable level of service for peak hour operating conditions on local arterial streets. The Orange County Congestion Management Program (CMP) specified LOS E (ICU value of 1.00) as the lowest acceptable level of service for an intersection on the CMP highway network, as discussed later under question b.

Table 5 shows year 2010 LOS calculated from the current traffic counts. As shown, all of the study intersections are currently operating at LOS B or better.

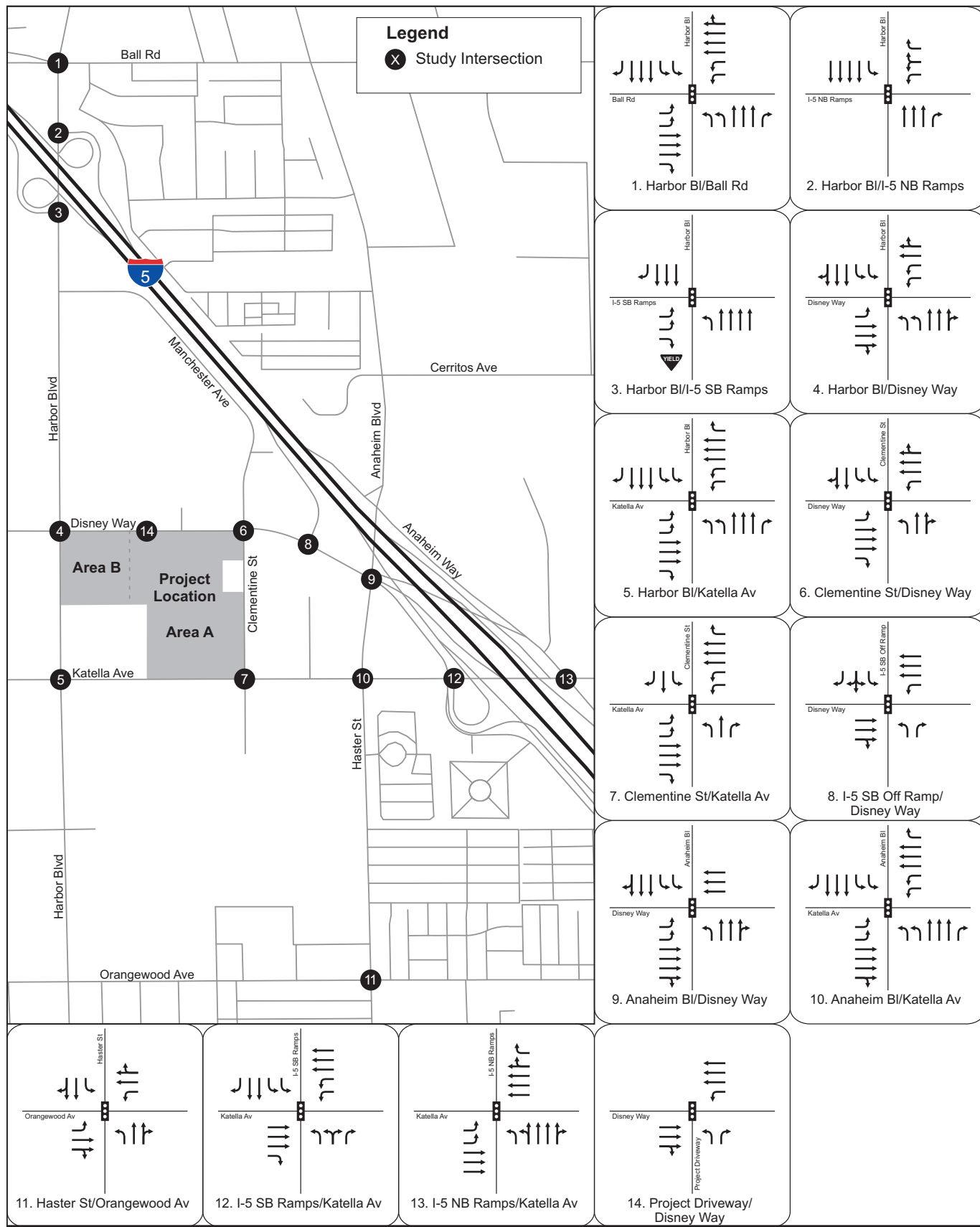
**TABLE 5  
2010 ICU SUMMARY**

Intersection	2010 Conditions	
	Weekday PM	
	ICU	LOS
1. Harbor Boulevard and Ball Road	0.63	B
2. Harbor Boulevard and I-5 NB Ramp	0.48	A
3. Harbor Boulevard and I-5 SB Ramp	0.30	A
4. Harbor Boulevard and Disney Way	0.36	A
5. Harbor Boulevard and Katella Avenue	0.54	A
6. Clementine Street and Disney Way	0.20	A
7. Clementine Street and Katella Avenue	0.52	A
8. I-5 SB Ramps and Disney Way	0.21	A
9. Anaheim Boulevard and Disney Way	0.43	A
10. Anaheim Boulevard / Haster Street and Katella Avenue	0.51	A
11. Haster Street and Orangewood Avenue	0.62	B
12. I-5 SB Ramps and Katella Avenue	0.50	A
13. I-5 NB Ramps and Katella Avenue	0.46	A
Source: Iteris 2011		

### **Future Traffic Conditions**

The 2011 transportation analysis compared 2015 projected traffic conditions of the currently approved project to traffic conditions under the 1999 IS/MND. The volumes were developed from data provided by the City of Anaheim using the Anaheim Traffic Analysis Model (ATAM). Since this 2013 Amendment does not propose any changes to land uses, only the timing of the construction of the Hotels, the buildout project trip generation would be the same as under existing entitlements, as analyzed in the 2011 Addendum. Moreover, the Anaheim GardenWalk Project is entitled and the trips have been assumed within the City's traffic model and are reserved for such project. Therefore, the exact timing of construction (completion expected between 2017 and 2022) is not material to the traffic impacts on the ground, as the capacity has been reserved on the roadway network. Thus, the 2015 calculations are adequate for this Addendum analysis. Further, all intersections analyzed are projected to continue to operate at acceptable LOS. In the 2015 traffic forecasts, the intersection with the highest level of service was projected to operate at LOS C, with a V/C ratio of 0.8. This means that the intersection is projected to operate at 80 percent of the intersection capacity (Iteris 2011).

As detailed in Section 3.0, Project Background and Description, the Proposed Actions (i.e. the amendments to Development Agreement No. 99-01 and the existing Economic Assistance Agreement) do not include any proposed change to the physical characteristics of the currently-entitled development, but relate merely to the timing of construction and financing of the hotel portion of the previously-approved project. Moreover, as indicated in the *Anaheim GardenWalk Project Addendum to the Pointe Anaheim Initial Study/Mitigated Negative Declaration Traffic Analysis Update Verification Memorandum* prepared by Iteris on February 13, 2013, and included as Appendix A to this Addendum, the vehicle trips associated with the hotel component are very low compared to the trips associated with other land uses included in the Anaheim GardenWalk Project.



Source: Iteris 2010

## Existing Lane Configurations

## Exhibit 4

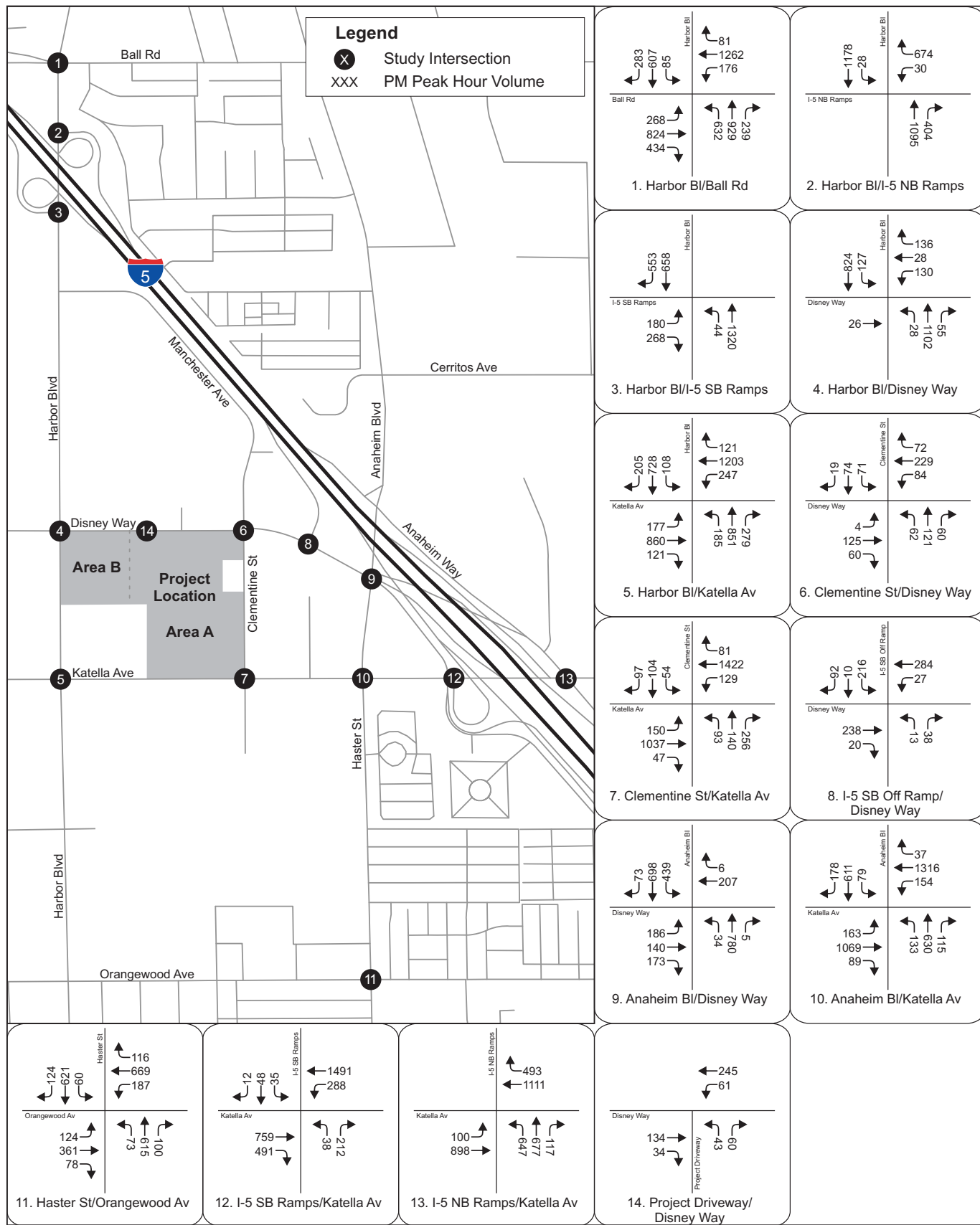
Anaheim GardenWalk Addendum to the Pointe Anaheim IS/MND







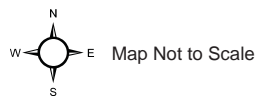
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Source: Iteris 2010

## Existing Intersection Volumes

Anaheim GardenWalk Addendum to the Pointe Anaheim IS/MND



## Exhibit 5





As shown in Table 6, Year 2015 With Project ICU Summary, projected traffic in 2015 with the currently-entitled development (which would not change with the Proposed Actions) is projected to be either the same or less than under the original project configuration analyzed in the 1999 IS/MND. Therefore, the traffic associated with the Proposed Actions is projected to remain the same or improve when compared to the 2015 No Project scenario. The No Project 2015 traffic was based on the assumptions included in the original project IS/MND as approved in 1999.

**TABLE 6  
YEAR 2015 WITH PROJECT ICU SUMMARY**

Intersection	2015 With 1999 Project Configuration		2015 With Current Development Configuration		Change In ICU	Impact
	ICU	LOS	ICU	LOS		
<b>Weekday PM</b>						
	ICU	LOS	ICU	LOS		
1. Harbor Boulevard and Ball Road	0.74	C	0.74	C	0.00	No
2. Harbor Boulevard and I-5 NB Ramp	0.62	B	0.61	B	-0.01	No
3. Harbor Boulevard and I-5 SB Ramp	0.39	A	0.38	A	-0.01	No
4. Harbor Boulevard and Disney Way	0.54	A	0.53	A	-0.01	No
5. Harbor Boulevard and Katella Avenue	0.75	C	0.75	C	0.00	No
6. Clementine Street and Disney Way	0.32	A	0.32	A	0.00	No
7. Clementine Street and Katella Avenue	0.76	C	0.74	C	-0.02	No
8. I-5 SB Ramps and Disney Way	0.33	A	0.33	A	0.00	No
9. Anaheim Boulevard and Disney Way	0.61	B	0.60	A	-0.01	No
10. Anaheim Boulevard / Haster Street and Katella Avenue	0.75	C	0.74	C	-0.01	No
11. Haster Street and Orangewood Avenue	0.81	D	0.80	C	-0.01	No
12. I-5 SB Ramps and Katella Avenue	0.68	B	0.68	B	0.00	No
13. I-5 NB Ramps and Katella Avenue	0.63	B	0.63	B	0.00	No
14. Project Driveway on Disney Way	0.41	A	0.38	A	-0.03	No
Source: Iteris 2011						

## **Parking**

Anaheim GardenWalk as currently constructed (the RDE portion of Area A) has a shared parking garage that extends two levels below the site and includes a multi-level above-grade garage in the southwest portion of the site. These parking facilities have a potential capacity of 3,050 automobile parking spaces, although the current capacity is 2,606 spaces because the top deck of the structure has not been finished. The current capacity is adequate to meet parking demands prior to hotel buildout. When the hotels are constructed in Area A, an additional 150 spaces will be provided on the hotel sites, bringing the total Area A parking supply to 3,200 spaces. Area B, when constructed, will add another 1,600 parking spaces, resulting in a total supply at build out of the entire project of 4,800 parking spaces.

A shared parking analysis was conducted for the project as evaluated in the 2011 Addendum, which remains valid, since the Proposed Actions would not change the project evaluated in the 2011 Addendum. For buildout of Area A, the peak parking demand would be reached at 8:00 PM with a total demand of 3,242 spaces. Adding a 5 percent margin on top of the projected peak parking demand will result in a total parking requirement of 3,404 spaces. In addition to the

proposed parking supply of 3,200 spaces, it is possible to provide up to 204 additional parking spaces in the existing parking garage through the use of valet operations, as depicted on Exhibit 6, in the loading dock of the transportation center and within the parking structure to accommodate additional demand. With these additional spaces, a total of 3,404 spaces would be provided. Because the peak demand begins at roughly 7:00 PM and is associated with heavy dining uses, valet operations are a feasible solution at this time. The loading dock and the transportation center will not be in use for their primary functions at this time, so these areas will be available for valet parking of cars. Therefore, with the use of valet parking, the proposed parking supply in Area A would also accommodate the peak parking demand for the project after the hotels are constructed; therefore, parking demand would be accommodated and no new significant impacts or substantially worse impacts beyond what was previously evaluated would occur.

For project buildout (Areas A and B), the peak parking demand is reached at 8:00 PM and totals 3,793 spaces. Adding a 5 percent margin on top of the projected peak parking demand results in a total parking requirement of 3,982 spaces. The proposed parking supply of 4,800 spaces at build out of the entire project in Area A and B would accommodate the peak parking demand for the project and would provide a surplus of at least 818 spaces at all hours of the day. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

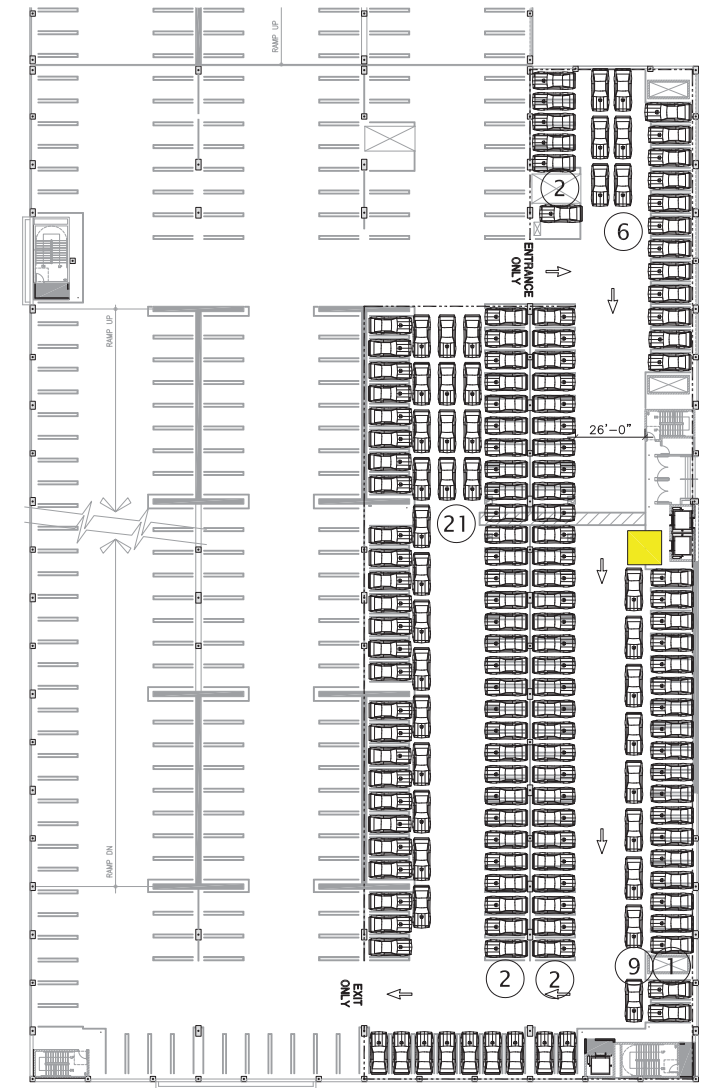
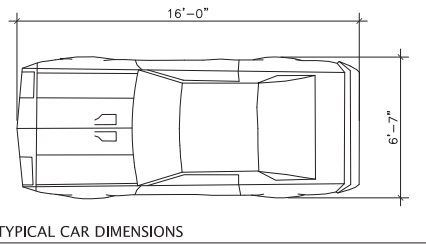
### **Alternative Modes of Transportation**

Consistent with the analyses presented in the 1999 IS/MND and subsequent addenda, visitors and patrons to the Anaheim GardenWalk development will have access to a variety of alternative transportation options including use of the interconnected, pedestrian friendly walkways that connect the project with other visitor-serving uses in the area, access to the Anaheim Resort Transit service, and various hotel-operated shuttle services. As shown in Tables 5 and 6 in Appendix A, alternative transportation via pedestrian and transit trips is projected to account for over 13 percent of total trip generation during the PM peak hour. As stated in the 2011 Addendum, the Anaheim GardenWalk Project will continue to be served by public transit vehicles, tour buses and shuttles, including 15 shuttle routes of the Anaheim Transportation Network (ATN). The project will also continue to accommodate pedestrian traffic through prominent sidewalk frontage and pedestrian-friendly access and bicycle traffic due to the presence of bicycle parking throughout the project site. Additionally, there is a planned Class I bike path in the Southern California Edison right-of-way located north of Disney Way; however, implementation of the Proposed Actions would not conflict with the bike lane. No new significant impacts or substantially worse impacts beyond what was previously evaluated would occur.

**b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

As stated previously, the County of Orange CMP specifies LOS E (ICU value of 1.00) as the lowest acceptable level of service for intersections on the CMP highway network. Of the 14 intersections that were analyzed as part of the proposed project, only the intersections of Harbor Boulevard and Katella Avenue, Harbor Boulevard at the I-5 Ramps, and Katella Avenue at the I-5 Ramps are in the CMP network. Therefore, the lowest acceptable level of service for these intersections is LOS E. All of the study intersections are currently operating at LOS B or better. This is at least in part because of the proposed 565,000 square feet of retail/dining/entertainment land uses in the Anaheim GardenWalk, only approximately 250,000 square feet

VALET AREA	NET ADDITIONAL SUPPLY CREATED	EXISTING PARKING	TOTAL VALET PARKING
LOADING DOCK BUS AREA	47	0	47
LOADING DOCK NORTH PARKING	47	43	90
LEVEL 1 SOUTH	24	59	83
LEVEL 2	43	126	169
LEVEL 4	43	126	169
<b>TOTAL ADDITIONAL PARKING SUPPLY</b>	<b>204</b>	<b>354</b>	<b>558</b>

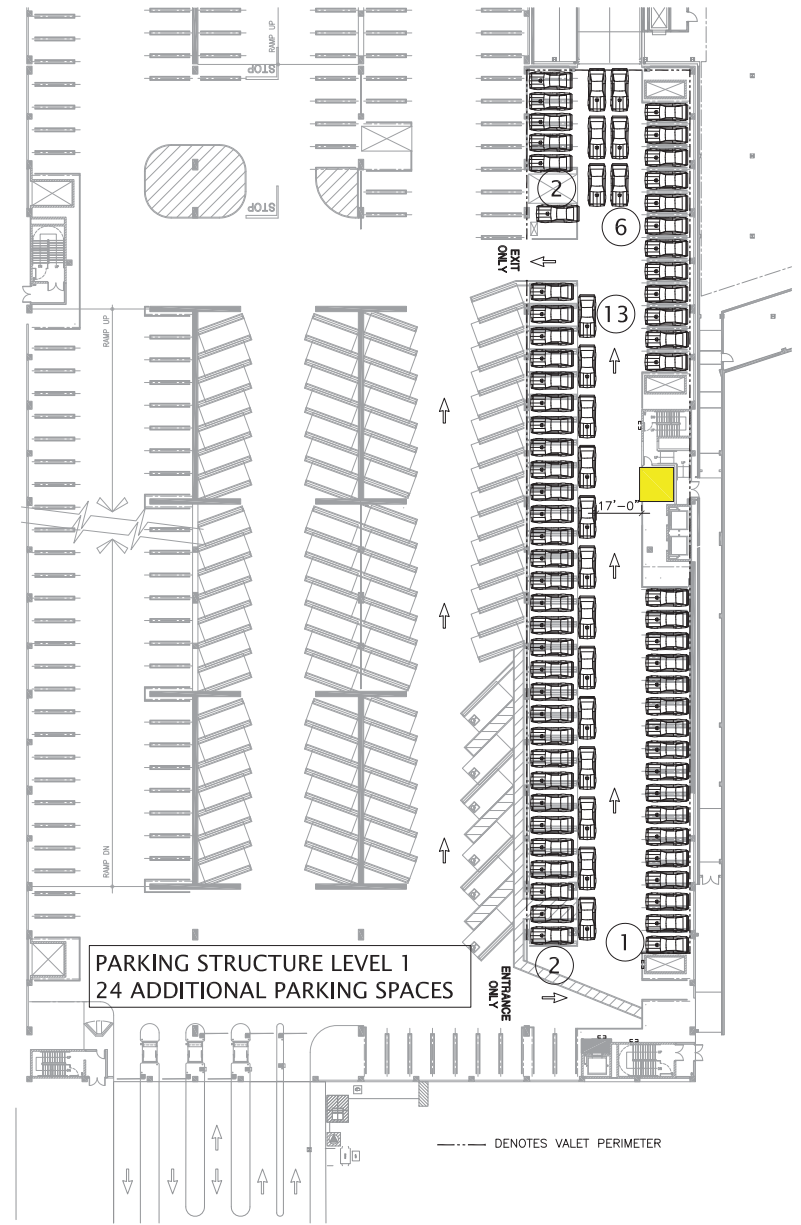


**PARKING STRUCTURE LEVEL 2&4**  
43 ADDITIONAL PARKING SPACES ON EA. LEVEL

--- DENOTES VALET PERIMETER

**LEVELS 2&4 PARKING GARAGE VALET PARKING PLAN**

3 N.T.S. NORTH

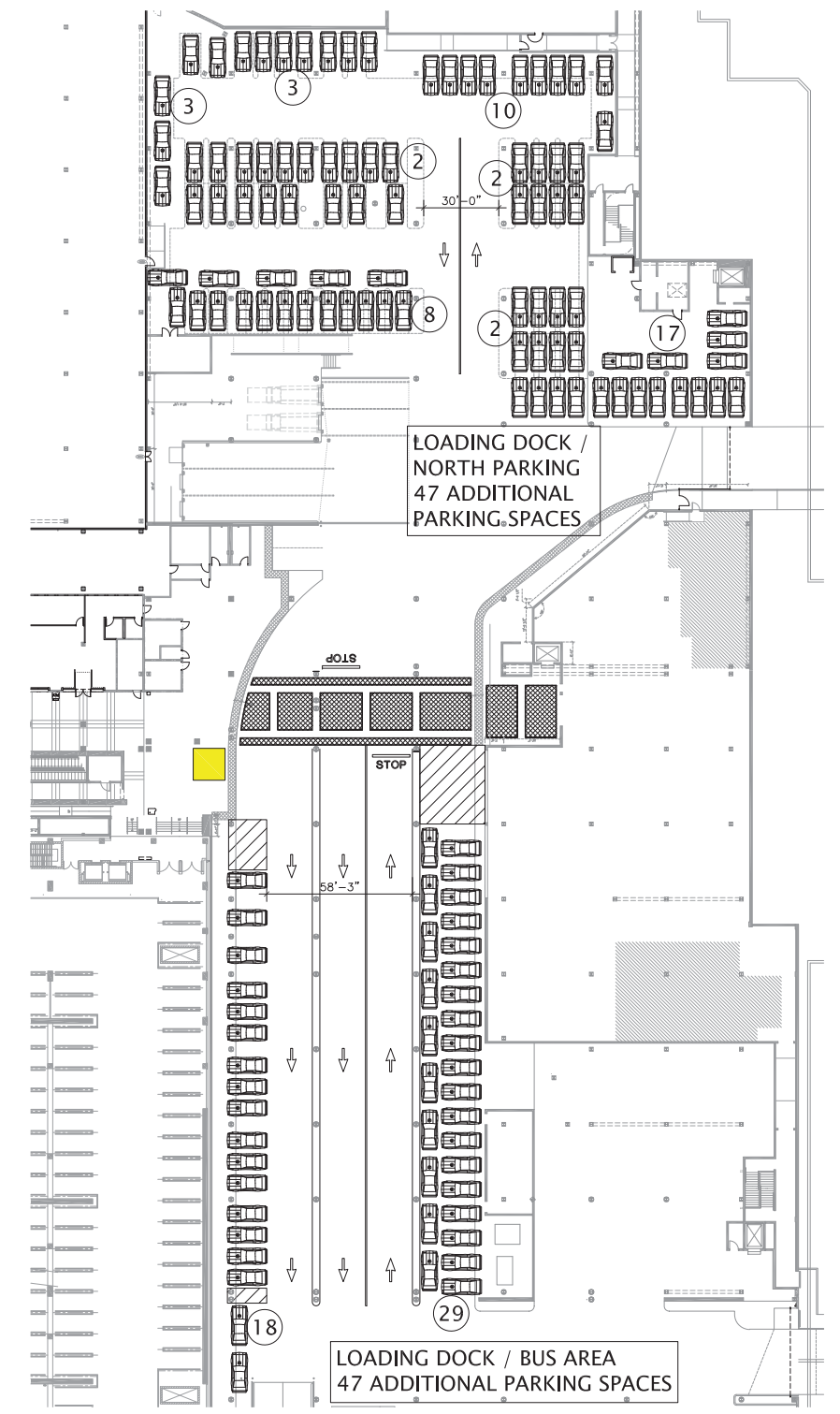


**PARKING STRUCTURE LEVEL 1**  
24 ADDITIONAL PARKING SPACES

--- DENOTES VALET PERIMETER

**LEVEL 1 PARKING GARAGE VALET PARKING PLAN**

2 N.T.S. NORTH



**LOADING DOCK / NORTH PARKING**  
47 ADDITIONAL PARKING SPACES

**LOADING DOCK / BUS AREA**  
47 ADDITIONAL PARKING SPACES

**LOADING DOCK VALET PARKING PLAN**

1 N.T.S. NORTH

- (X) - DENOTES NET ADDITIONAL SPACES CREATED
- - DENOTES DROP-OFF / PICK-UP VALET KIOSK

Source: Lyons Warren 2011

# Valet Plan

Anaheim GardenWalk Addendum to the Pointe Anaheim IS/MND

# Exhibit 6



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are currently leased. In addition, over 20,000 hotel rooms have been entitled but not built within the Anaheim Resort Specific Plan (ARSP) area. Nonetheless, as demonstrated in Table 8 in Appendix A, these intersections are projected to operate at LOS C or better in year 2015 with implementation of the currently-entitled project, which includes 590,265 square feet of retail/dining/ entertainment uses. As a result, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects related to the CMP network, and no mitigation is required.

**c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

The Anaheim GardenWalk Project does not include any land uses that would change air traffic patterns or locations nor would it increase the amount of air traffic. Fullerton Municipal Airport is the closest airport to the project site and is located approximately 6 miles northwest of the project site. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

**d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?**

As discussed in Section 3.0, Project Background and Description, the Proposed Actions would defer the commencement of hotel construction by up to two years. Proposed modifications do not include any changes in the design of the internal or external circulation system beyond what was previously analyzed; therefore, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

**e) Result in inadequate emergency access?**

As stated previously, the Proposed Actions do not propose any construction or development of additional structures or development beyond what was previously evaluated and approved in the 1999 IS/MND and subsequent addenda. Project design will continue to be done in coordination with the Anaheim Police and Fire Departments to ensure that adequate access is provided and all site plans would be subject to plan check prior to construction. In addition, Mitigation Measure 10 requires the submission of a Parking Maintenance and Operation Plan to the Planning Department Planning Services Division, and this Plan would ensure that emergency access points are not compromised. Therefore, this future coordination with City of Anaheim staff would ensure that Anaheim GardenWalk Project would not impact emergency access. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

**f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

As stated previously, the Proposed Actions would defer the commencement of hotel construction by up to 2 years, and would not impact any adopted plans, policies, or programs supporting alternative transportation. As stated in the 2011 Addendum, the Anaheim GardenWalk Project will continue to be served by public transit vehicles, tour buses and shuttles, including 15 shuttle routes of the ATN. Because there would be no change in the demand for transit than what was analyzed for the 1999 IS/MND and subsequent addenda, no new impacts or substantial increase in the severity of previously identified effects related to the capacity of available transit systems would occur. The project will continue to accommodate pedestrian traffic through prominent sidewalk frontage and pedestrian-friendly access.

Additionally, there is a planned Class I bike path in the Southern California Edison right-of-way located north of Disney Way. Because the Anaheim GardenWalk project would not involve any modifications to this area, no impacts to the planned bike path would occur. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

Further, the Anaheim GardenWalk Project must comply with Chapter 14.60 – Transportation Demand of the Anaheim Municipal Code which serves as the City’s Trip Reduction and Travel Demand Ordinance for compliance with the Orange County Congestion Management Program. The City of Anaheim’s Transportation Demand Management (TDM) program promotes increased ridesharing and the use of alternative modes of transportation by employees. The TDM program provides a menu of commute alternatives for employees to reduce project-generated trips and requires employers to conduct an annual commuter survey to ascertain project trip generation, trip origin, and average vehicle ridership. Projects with over 250 employees are required to submit annual commuter surveys to the South Coast Air Quality Management District (SCAQMD) under SCAQMD’s Rule 2202. The City’s TDM program is coordinated with the ATN, as all projects requiring compliance with the TDM program also are required to join the ATN. Therefore, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

### **Mitigation**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project after the Proposed Actions.

1. Prior to issuance of each building permit, appropriate traffic signal assessment fees shall be paid by the property owner/developer to the City of Anaheim in amounts determined by the City Council Resolution in effect at the time of issuance of the building permit or credit given for City-authorized improvements.
2. Prior to approval of the first final subdivision map or issuance of the first building permit, whichever occurs first, in Area A and Area B, the property owner/ developer shall irrevocably offer for dedication (with subordination of easements), including necessary construction easements, the ultimate rights-of-way (as indicated in the General Plan Circulation Element) for the following arterial highway/street half-sections on or adjacent to parcels under its ownership or control to the City of Anaheim:
  - Area A
    - a. Katella Avenue (to ultimate 8-lane facility)
    - b. Disney Way, along the frontage of Area A
    - c. Clementine Street
  - Area B
    - a. Harbor Boulevard
    - b. Disney Way, along the frontage of Area B
3. Within 120 days of acquiring properties adjacent to arterial highways/street intersection half sections, if, after the initial dedications, any additional parcels are acquired by the property owner/developer adjacent to the arterial highway/street intersection half-sections included in MM 3.3-2 of Modified Mitigation Monitoring Program No. 004, the property owner/developer shall notify the City in writing of said



- acquisition and the ultimate rights-of-way for said properties shall be irrevocably offered for dedication to the City of Anaheim.
4. Prior to approval of the first grading plan in Area A; implemented prior to first final building and zoning inspection in Area A, a phasing plan shall be submitted for review and approval to the City Engineer demonstrating how the following improvements, as approved by the City Engineer, will be constructed by the property owner/developer:
    - Clementine Street/ Anaheim GardenWalk driveway intersection; and
    - Clementine Street between Disney Way and Katella Avenue (including the median).
  5. Prior to issuance of each building permit, appropriate traffic impact and improvement fees shall be paid by the property owner/developer 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.
  6. To be shown on street improvement plans and to be implemented prior to final building and zoning inspection for the parking structure, access roads leading up to the parking facilities shall be sized to accommodate traffic at peak hours, thereby substantially reducing the likelihood of backups onto City streets and freeway ramps.
  7. Prior to issuance of the first building permit in Area A, the property owner/developer shall fully fund the implementation of the SCOOT System at the Haster Street/Katella Avenue intersection and along the Harbor Boulevard, Katella Avenue, Disney Way, and Clementine Street corridors in the Anaheim Resort area. The specific improvements to be implemented are identified in Table 4.3-8 which follows as Table 7 (from the 1999 IS/MND). Property owner/developer shall also fund the installation of SCOOT loop detectors at all 16 locations as well as the installation of new traffic signal controllers and cabinets at the eight locations identified in Table 4.3-8, which will also include signal preemption for fire response vehicles. Implementation will be to the satisfaction of the City Engineer. Pavement repair, if needed to provide additional conduit, will be provided by the property owner/developer to the satisfaction of the City Engineer. If, however, any or all of the above mentioned improvements have been implemented prior to the time the property owner/developer implements the project, the City Engineer may instead require the property owner/developer to pay an equal amount of funding to be used towards an alternate traffic improvement in the immediate area that will benefit traffic movement in the Anaheim Resort Area.

**TABLE 7  
1999 IS/MND TABLE 4.3-8 LOCATIONS  
FOR IMPLEMENTATION OF SCOOT SIGNAL SYSTEM UPGRADE  
MITIGATION MEASURE**

<b>Intersection</b>	<b>Install SCOOT Loop Detectors</b>	<b>Install 2070 Traffic Signal Controller</b>
Ball & Harbor	X	
Harbor & I-5 NB Ramps	X	
Harbor & I-5 SB Ramps	X	
Harbor & Manchester	X	
Harbor & Esplanade	X	
Harbor & Disney Way	X	
Harbor & Katella	X	
Katella & Clementine	X	
Katella & Haster	X	X
Katella & I-5 SB Ramps	X	X
Katella & I-5 NB Ramps	X	X
Katella & Lewis	X	X
Clementine & Disney Way	X	X
Disney Way & I-5 SB Ramps	X	X
Disney Way & Anaheim Boulevard	X	X
Disney Way & Anaheim GardenWalk Access	X	X

8. Prior to the first final building and zoning inspection, the property owner/developer shall provide proof of participation in the Anaheim Transportation Network (ATN). On-going during Project operations,
  - a. Every property owner and/or lessee shall be a voting member of the ATN, subject to the terms and provisions of the by-laws and association rules of the ATN.
  - b. Every property owner and/or lessee shall participate in ATN coordinated transportation demand management efforts designed to decrease traffic congestion and increase ridesharing.
  - c. Every property owner and/or lessee shall financially participate in the operation of a clean fuel shuttle system, if established.
  - d. Every property owner and/or lessee shall designate an on-site contact who will be responsible for coordinating with the ATN and implementing all trip mitigation measures. The requirements of the mitigation measure will be included in the lease or other agreement with all of the project participants. Documentation indicating compliance with this mitigation measure will be included in the annual monitoring report ongoing during project operation.
  
9. Prior to approval of each Final Site Plan encompassing a parking facility, a Parking Structure Layout and Signing Plan demonstrating a layout of required parking spaces and signage shall be provided to the Planning Department, Planning Services Division, for review and approval.

10. Prior to the first final building and zoning inspection in Area A and in Area B; and on-going during Project operations with verification by participating lessees, the property owner/developer will implement and administer a comprehensive Transportation Demand Management (TDM) program for all employees. Objectives of the TDM program shall be to increase ridesharing and use of alternative transportation modes by guests and provide a menu of commute alternatives for employees to reduce project-generated trips.

A menu of TDM program strategies and elements for future employee commute options include, but are not limited to, the following:

- a. Onsite Service. Onsite services, such as food, retail, and other services be provided.
- b. Ridesharing. A computer listing of all employee members be developed for the purpose of providing a “matching” of employees with other employees who live in the same geographic areas and who could rideshare.
- c. Vanpooling. A computer listing of all employees for the purpose of matching numbers of employees who live in geographic proximity to one another and could comprise a vanpool.
- d. Transit Pass. Southern California Rapid Transit District and Orange County Transportation Authority (including commuter rail) passes be promoted through financial assistance and onsite sales to encourage employees to use the various transit and bus services from throughout the region.
- e. Commuter Bus. As commuter “express” bus service expands throughout the region, passes for use on these lines may be provided for employees who choose to use this service. Financial incentives be provided.
- f. Shuttle Service. A computer listing of all employees living in proximity to the project be generated, and a local shuttle program offered to encourage employees to travel to work by means other than the automobile.
- g. Bicycling. A Bicycling Program be developed to offer a bicycling alternative to employees. Secure bicycle racks, lockers, and showers be provided as part of this program. Maps of bicycle routes throughout the area be provided to inform potential bicyclists of these options.
- h. Rental Car Fleet. A “fleet vehicle” program be developed to provide employees who travel to work by means other than an automobile with access to automobiles in case of emergency, medical appointments, etc. This service would help employees use alternative modes of transportation by ensuring that they would be able to have personal transportation in the event of special circumstances.
- i. Guaranteed Ride Home Program. A program to provide employees who rideshare, or use transit or other means of commuting to work, with a prearranged ride home in a taxi, rental car, shuttle, or other vehicle, in the event of emergencies during the work shift.
- j. Target Reduction of Longest Commute Trip. An incentives program for ridesharing and other alternative transportation modes to put highest priority on reduction of longest employee commute trips.
- k. Stagger shifts.

- l. Develop a “compressed work week” program, which provides for fewer work days but longer daily shifts as an option for employees.
- m. Explore the possibility of a “telecommuting” program that would link some employees via electronic means (e.g., computer with modem).
- n. Develop a parking management program that provides incentives to those who rideshare or use transit means other than single-occupant auto to travel to work.
- o. Access. Preferential access to high occupancy vehicles and shuttles may be provided.
- p. Financial Incentive for Ridesharing and/or Public Transit. (Currently, Federal law provides tax-free status for up to \$60 per month per employee contributions to employees who vanpool or use public transit including commuter rail and/or express bus pools).
- q. Financial Incentive for Bicycling. Employees offered financial incentives for bicycling to work.
- r. Special “Premium” for the Participation and Promotion of Trip Reduction. Ticket/passes to special events, vacations, etc. be offered to employees who recruit other employees for vanpool, carpool, or other trip reduction programs.
- s. Actively recruit prospective employees residing within a 30-minute commute shed.
- t. Design incentive programs for carpooling and other alternative transportation modes so as to put highest priority on reduction of longest commute trips.

Every property owner and/or lessee shall designate an on-site contact who will be responsible for coordinating with the ATN and implementing all trip mitigation measures with an on-site coordinator. The on-site coordinator will be the one point of contact representing the project with the ATN. The requirements of the mitigation measure will be included in the lease or other agreement with all of the project participants. Documentation indicating compliance with this mitigation measure will be included in the annual monitoring report ongoing during project operation.

- 11. Prior to the first final building and zoning inspection in Area A and in Area B; and implementation on-going during Project operations, the property owner/developer will provide a Parking Maintenance and Operation Plan to the Planning Department Planning Services Division, for review and approval; and said Plan shall be implemented on an on-going basis during Project operation.
- 12. Prior to approval of the first Final Site Plan for Area A, the parking facility serving development within Area A shall be designed to provide striped parking spaces for 3,076 cars and 15 bus spaces. Prior to approval of the Final Site Plan for the last hotel in Area A, the remaining 124 parking spaces shall be provided in Area A.

Prior to approval of the Final Site Plan for Area B, parking facilities serving Area B shall be shown on the Final Site Plan and designed to accommodate 1,600 cars for a total of 4,800 parking spaces for the full build-out of the Anaheim GardenWalk project.

- 13. Upon commencement of any activity/uses authorized by Conditional Use Permit No. 4078 as amended; and, on-going during Project operations, if reasonably needed in order to regulate the flow of pedestrian traffic to the project, as determined

- by the City's Traffic and Transportation Manager, the property owner/developer shall pay all costs associated with providing one or more pedestrian crossing officers at Harbor Boulevard and Disney Way, in order to facilitate the flow of pedestrians during the "Peak Period," which is defined as the time period from 5:00 p.m. to 9:00 p.m. during the following seasonal peaks: the Memorial Day weekend through the Labor Day weekend; the week prior to, during and following Christmas week; Easter weeks (one week before and one week after); and at any other time determined to be necessary by the City's Traffic and Transportation Manager. The continued need for this officer(s) will be reviewed by the City's Traffic and Transportation Manager at least once annually, and the days and/or hours of pedestrian crossing officer staffing shall be adjusted, when determined necessary by the City's Traffic and Transportation Manager.
14. Prior to the first final building and zoning inspection in Area A, the property owner/developer shall submit to the City's Traffic and Transportation Manager for review and approval, a program for coordinating traffic signal timing in the area (within the limits of the SCOOT signal upgrades) which shall thereafter be implemented by the property owner/developer. In addition, the property owner/developer shall submit to the City's Traffic and Transportation Manager for review and approval, a study assessing the benefits of restricting, during certain peak exiting times, pedestrian crossings on the crosswalk located on the north side of the intersection of Harbor Boulevard and Disney Way to improve the circulation of vehicular traffic by causing all east-west crossing pedestrian traffic to occur on the south side of such intersection where pedestrian crossings will not slow the east to north turning movement of cars exiting The Disneyland Resort.
  15. On-going during Project operations, if such restricted pedestrian movement is determined to be necessary by the City's Traffic and Transportation Manager, the property owner/developer shall pay all costs associated with the design and implementation of such restricted crosswalk for this intersection to the satisfaction of the City Engineer, within the timeframe established by the City Engineer.
  16. Prior to issuance of the first building permit, the property owner/developer shall submit a Traffic Mitigation and Construction Phasing and Control Plan. The Traffic Mitigation, Construction Phasing and Control Plan shall identify the following:
    - a. A Construction Staging Area Plan showing the location and size of the construction staging area. The Plan shall also show how the staging area will be screened from view in compliance with the City of Anaheim Municipal Code.
    - b. A Construction Barrier Plan showing the location and types of barriers that will be in place during grading and construction. Said plan shall provide for all construction areas to be screened from view, in compliance with the City of Anaheim Municipal Code and shall include provision for the type and height of the barriers to be placed along all construction perimeters prior to the commencement of demolition, site preparation, or grading, whichever occurs first.
    - c. A Truck Route Plan identifying truck routes along arterials, avoiding residential areas to the extent feasible and in compliance with Chapter 6.70 (Sound Pressure Levels). The Plan shall show conformance with the external noise limits for construction between 7 p.m. and 7 a.m. The Plan shall also prohibit construction traffic on residential streets where improvements are not planned and shall provide measures to ensure that truck drivers are directed away from

residential streets and travel on approved routes only. Measures to assist in guiding truck movement on the arterial roadway system include, but are not limited to, provision of truck route maps to truck drivers and placement of flag persons and construction signage at appropriate locations. The Truck Route Plan shall provide for monitoring of street conditions and potential repairing and/or re-paving by property owner/developer after completion of construction as required by the City Engineer. This plan shall be adhered to throughout the project construction period.

- d. A Construction Traffic Management Plan which includes mechanisms to reduce construction-related traffic congestion which shall be implemented during grading and construction, including, but not limited to, the following:
    1. Configure construction parking to minimize onsite and offsite traffic interference.
    2. Minimize obstruction of through-traffic lanes.
    3. Provide flag persons to guide traffic, as determined in the plan.
    4. Coordinate scheduling with other infrastructure improvements to allow them to be facilitated efficiently during roadway improvements, such as sewer, storm drain, and water line improvements.
    5. Outline procedures for any required traffic detours during construction, including provision of tour bus stops.
    6. Phase each roadway improvement to allow access to all existing businesses. In some instances, this will require lane-by-lane renovation, temporary bypass roads, or traffic reroutes.
    7. Employ vertical shoring as often as possible. This will minimize the amount of road surface that will be disturbed at a given location.
    8. Sequence the construction of each roadway improvement to minimize disruption to residents and businesses. The property owner/developer shall coordinate with the Convention Center and area hotels to ensure continued operations of these facilities, as well as the continued operation of the existing Disneyland theme park and Disneyland Hotel.
    9. Establish off-site parking and staging areas, where practical and possible, to minimize the impact to existing level of service on adjacent roadways. These off-site parking and staging areas will allow a dispersion of traffic flow to non-critical areas and will encourage bussing of construction workers from the off-site areas to the construction sites.
  - e. A Trip Reduction Plan for construction crew vehicles shall be prepared to reduce potential vehicle trips on the road and identify parking locations for construction employees and equipment for each project component that exceeds 100 construction employees.
17. On-going during construction, the property owner/developer shall submit a monthly update report showing construction activities for the upcoming month which shall include traffic mitigation and control planning and construction scheduling.
  18. On-going during construction, if Anaheim Police Department or Anaheim Traffic Management Center personnel are required to provide temporary traffic control

services, the property owner/developer shall reimburse the City, on a fair share basis, if applicable, for reasonable costs associated with such services.

## **4.2 AIR QUALITY**

### **4.2.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

#### **Disneyland Resort Specific Plan EIR No. 311**

EIR No. 311 concluded that increases in emissions resulting from construction-related activities of SP92-1 would not result in a significant adverse impact on a cumulative basis. Similarly, stationary sources and utilities would not contribute to adverse impacts on a cumulative basis after offsetting pursuant to SCAQMD regulations. In addition, local air quality impacts would not result in a significant adverse local carbon monoxide impact on a project or cumulative basis. However, the increase in emissions from vehicle trips associated with the project, without mitigation, would contribute to a significant impact on a cumulative basis.

#### **Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The 1999 IS/MND reported that emissions of carbon monoxide, reactive organic compounds, and nitrogen oxides resulting from development of the Pointe Anaheim project would add no new air emissions which were not previously accounted for by regional air quality plans. The Pointe Anaheim project was found not to have a significant impact on local air quality.

#### **2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The modified Pointe Anaheim project was determined to be comparable to the Pointe Anaheim project both in land uses and development intensity. According to the Traffic Report prepared by Meyer, Mohaddes Associates, Inc. in March 2001, a slight reduction in vehicular project-related traffic would have occurred, thereby reducing corresponding automobile emissions. In addition, due to the phasing of the project the construction emissions would not have been as great as previously projected. The modified project was found to be substantially similar to the original Pointe Anaheim project so no new impacts were identified.

#### **2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The air quality impacts of Anaheim GardenWalk project were determined to be comparable to those uses previously evaluated. As indicated in the *Anaheim GardenWalk Transportation Analysis Update* prepared by Meyer Mohaddes and Associates, Inc. in February 2006, the overall volume of project-related traffic would be reduced when compared to the previously approved Pointe Anaheim project.

#### **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, it was determined that pollutant emissions from the modified project would be less than those estimated from the emissions of the development evaluated in the 1999 IS/MND. While emissions would exceed SCAQMD thresholds, the modified project would not include land uses that were not anticipated in the AQMP projections for the area and no new major stationary sources of emissions were proposed. Mitigation measures from Mitigation Monitoring Program No. 004 would remain applicable to the proposed project.

## 4.2.2 PROJECT ENVIRONMENTAL REVIEW

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:

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

The main purpose of an AQMP is to bring an area into compliance with the requirements of federal and State air quality standards. The two principal criteria for conformance to the AQMP are (1) whether a project will result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards and (2) whether a project will exceed the land use assumptions in the AQMP (SCAQMD 1993).

The SCAQMD *Final 2007 Air Quality Management Plan* (AQMP) is the air quality plan that was adopted by the SCAQMD on June 1, 2007. The 2007 AQMP is an update to the 2003 AQMP and incorporates new scientific data, primarily in the form of updated emissions inventories, ambient measurements, new meteorological episodes, and new air quality modeling tools. The California Air Resources Board (CARB) approved the plan when the State Strategy for the State Implementation Plan (SIP) was adopted on September 27, 2007.

On December 7, 2012, the SCAQMD adopted the 2012 AQMP, which is a regional and multi-agency effort (SCAQMD, CARB, the Southern California Association of Governments [SCAG], and USEPA). The 2012 AQMP incorporates the latest scientific and technical information and planning assumptions, including the 2012 Regional Transportation Plan/Sustainable Communities Strategy (RTP SCS); updated emission inventory methodologies for various source categories; and SCAG's latest growth forecasts (SCAQMD 2013). On December 20, 2012, the 2012 AQMP was submitted to CARB and the USEPA for concurrent review and approval for inclusion in the SIP (SCAQMD 2012).

On November 28, 2007, CARB submitted a SIP revision to the USEPA for ozone (O<sub>3</sub>), fine particulate (PM<sub>2.5</sub>), carbon monoxide (CO), and nitrogen dioxide (NO<sub>2</sub>) in the SoCAB; this revision is identified as the "2007 South Coast SIP". The 2007 AQMP/2007 South Coast SIP demonstrates attainment of the federal PM<sub>2.5</sub> standard in the SoCAB by 2014 and attainment of the federal 8-hour O<sub>3</sub> standard by 2023. The SIP also includes a request to reclassify the O<sub>3</sub> attainment designation from "severe" to "extreme". The USEPA approved the redesignation effective June 4, 2010. The Extreme designation requires the attainment of the 8-hour O<sub>3</sub> standard in the SoCAB by June 2024. CARB approved PM<sub>2.5</sub> SIP revisions in April 2011 and O<sub>3</sub> SIP revisions in July 2011. The USEPA approved 3 of the 5 PM<sub>2.5</sub> SIP requirements on January 9, 2012 and has approved 47 of the 62 O<sub>3</sub> SIP requirements (USEPA 2012).

Construction air quality impacts associated with the proposed project would be consistent with the conclusions of the 1999 IS/MND. Related air pollutant emissions would be less than those analyzed in the 1999 IS/MND because there would be (1) a more modern and cleaner burning construction equipment fleet mix resulting from federal and state requirements for the manufacturing and retrofitting of diesel engines with reduced emissions, and (2) a less intensive buildout schedule (i.e., fewer daily emissions occurring over a longer time interval).

Operations emissions include the use of natural gas for heating and hot water, periodic repainting of interior and exterior surfaces, consumer products, and vehicle emissions. Operational emissions for the proposed project were estimated using the latest version of the California Emissions Estimator Model (CalEEMod 2011.1.1). Land use sizes were taken from



the respective project descriptions. In order to calculate vehicle emissions, operational average daily traffic volumes (ADT) were estimated for the project, as currently approved; see Table 8. Since the Proposed Actions would not change the currently-approved project, these volumes would not change with the Proposed Actions.

**TABLE 8  
ESTIMATED AVERAGE DAILY TRAFFIC VOLUMES**

	Average Daily Traffic Volume		
	Weekday	Saturday	Sunday
<b>1999 IS/MND</b>	27,380	32,646	26,430
<b>Proposed Actions</b>	25,090	28,171	22,625
Source: BonTerra 2011			

As shown in Table 8, the overall volume of project-related traffic under the Proposed Actions would be decreased by approximately 8 percent on weekdays and 14 percent on weekends when compared to the previously-approved Pointe Anaheim project (as evaluated in the 1999 IS/MND). Vehicle emission inputs to the model were based on the average daily trip data shown in Table 8. The results of the operations emissions calculations and comparison are shown in Table 9. Emissions from the Proposed Actions would be less than for the 1999 IS/MND; there would be no impact.

**TABLE 9  
ESTIMATED PEAK DAILY OPERATIONS EMISSIONS**

	Emissions in Pounds per Day				
	VOC	NOx	CO	PM10	PM2.5
<b>1999 IS/MND</b>					
Natural Gas	3	29	24	2	2
Architectural Coating	14	0	0	0	0
Consumer Products	44	0	0	0	0
Vehicle Emissions	195	385	1,824	443	32
<b>Total</b>	<b>256</b>	<b>414</b>	<b>1,848</b>	<b>445</b>	<b>34</b>
<b>Proposed Actions</b>					
Natural Gas	3	31	26	2	2
Architectural Coating	13	0	0	0	0
Consumer Products	41	0	0	0	0
Vehicle Emissions	173	340	1,611	392	28
<b>Total</b>	<b>231</b>	<b>371</b>	<b>1,636</b>	<b>394</b>	<b>30</b>
<b>Net Increase (Decrease) with Proposed Actions</b>	<b>(25)</b>	<b>(43)</b>	<b>(212)</b>	<b>(51)</b>	<b>(4)</b>
<i>SCAQMD Significance Thresholds</i>	55	55	550	150	55
<b>Significant Impact?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
Some totals do not add due to rounding					
Source: BonTerra 2011.					

The Proposed Actions do not include land uses that were not anticipated in the AQMP projections for the area. There would be no new major stationary sources of emissions. As shown above, long-term vehicle emissions, which are the major source of emissions from commercial development, would be less than anticipated in the 1999 IS/MND, and therefore

less than anticipated in the AQMP. Therefore, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**
- d) Expose sensitive receptors to substantial pollutant concentrations?**

As shown above, because the overall volume of project-related traffic under the Proposed Actions would be less when compared to the project evaluated in the 1999 IS/MND; total operational emissions would be less. Construction emissions would also be less than those analyzed in the 1999 IS/MND because of (1) a more modern and cleaner burning construction equipment fleet mix and (2) a less intensive buildout schedule (i.e., fewer daily emissions occurring over a longer time interval). Therefore, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects related to violation of an air quality standard, contribution to an existing or projected air quality violation, creation of a cumulatively considerable net increase of a criteria pollutant, or exposure of sensitive receptors to substantial pollutant concentrations.

- e) Create objectionable odors affecting a substantial number of people?**

Consistent with the previously analyzed project (as analyzed in the 1999 IS/MND), the operation of the project as currently entitled and proposed would not be a significant source of offensive odors. Any odors generated from the project would be related to cooking odors associated with the on-site dining options and would not be considered offensive.

Overall, the Proposed Actions would be consistent with the project as analyzed in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) do not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible, or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the air quality analysis provided in the 1999 IS/MND.

### **Mitigation**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to each final building and zoning inspection, the property owner/developer shall comply with all SCAQMD offset regulations and implementation of Best Available Control Technology (BACT) for all permitted new and modified stationary sources. Copies of permits shall be given to the Planning Department.

2. On-going during Project operations, the property owner/developer shall schedule goods movements for off-peak traffic hours to reduce emissions to the extent practicable.
3. Prior to issuance of each building permit, the property owner/developer shall submit evidence that low emission paints and coatings are utilized in the design and construction of buildings in compliance with AQMD regulations. This information shall be denoted on the project plans and specifications.
4. Prior to issuance of each building permit, the project design will incorporate the following energy-saving features which will also contribute to reduced emissions:
  - a. Improved thermal integrity of structures and reduced thermal load through use of automated time clocks or occupant sensors.
  - b. Efficient heating and other appliances.
  - c. Incorporation of appropriate passive solar design.
  - d. Proper sealing of buildings.
5. On-going during Project operations, the property owner/developer shall participate in marketing programs which promote The Anaheim Resort area as a Vacation Destination to encourage use of facilities within the area rather than taking cars to destinations off-site. This will be demonstrated through documentation in the MMRP Annual Report of the various marketing programs in which the Anaheim GardenWalk participated during the year.
6. On-going during construction, the following measures will be followed by the property owner/developer to reduce air quality impacts:
  - a. Normal wetting procedures or other dust palliative measures shall be followed during earth-moving operations to minimize fugitive dust emissions, in compliance with the City of Anaheim Municipal Code.
  - b. Roadways adjacent to the project shall be swept and cleared of any spilled export material at least twice a day to assist in minimizing fugitive dust; haul routes shall be cleared as needed if spills of material exported from the project site occur.
  - c. Where practicable, heavy-duty construction equipment shall be kept onsite when not in operation to minimize exhaust emissions associated with vehicles repetitiously entering and exiting the project site.
  - d. Trucks importing or exporting soil material and/or debris shall either be covered prior to entering public streets, or shall comply with the vehicle freeboard requirements of Section 23114 of the California Vehicle Code for both public and private roads. This California Vehicle Code section stipulates that the load, where it contacts the sides, front and back of the cargo area, remain six inches from the upper edge of the container area, and that the load does not extend, at its peak, above any part of the upper edge of the cargo container area.
  - e. Manually irrigate or activate irrigation systems necessary to water and maintain the vegetation as soon as planting is completed.
  - f. Reduce traffic speeds on all unpaved road surfaces to 15 miles per hour or less.
  - g. Suspend all grading operations when wind speeds (as instantaneous gust) exceed 25 miles per hour and during second stage smog alerts.

- h. The project will comply with the SCAQMD Rule 402, which states that no dust impacts offsite are sufficient to be called a nuisance, and SCAQMD Rule 403, which restricts visible emissions from construction.
  - i. Use low emission mobile construction equipment (e.g., tractors, scrapers, dozers) where practicable.
  - j. Utilize existing power sources (e.g., power poles) or clean-fuel generators rather than temporary power generators, where practicable.
  - k. Maintain construction equipment engines by keeping them properly tuned.
  - l. Use low sulfur fuel for equipment, to the extent practicable.
7. On-going during construction, the property owner/developer shall implement the following to limit emissions from architectural coatings and asphalt usage:
  - a. Use non-solvent-based coatings on buildings, wherever appropriate.
  - b. Use solvent-based coatings, where they are necessary, in ways that minimize solvent emissions.
  - c. Encourage use of high-solid or water-based coatings.
8. On-going during construction, all construction contractors shall comply with SCAQMD regulations, including Rule 402 which specifies that no there be no dust impacts offsite sufficient to cause a nuisance, and SCAQMD Rule 403, which restricts visible emissions from construction. Rule 403 was amended by the SCAQMD after preparation of The Disneyland Resort EIR No. 311. Specific measures contained in the rule to reduce fugitive dust include the following:
  - a. Apply chemical stabilizers to disturbed surface areas (completed grading areas) within five days of completing grading or apply dust suppressants or vegetation sufficient to maintain a stabilized surface.
  - b. For open storage piles, apply water hourly or cover with temporary coverings.
  - c. Water exposed surfaces at least twice a day under calm conditions and as often as needed on windy days when winds are less than 25 miles per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
  - d. Wash mud-covered tires and under-carriages of trucks leaving construction sites.
  - e. Provide for street sweeping as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.

### **4.3 NOISE**

#### **4.3.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

##### **Disneyland Resort Specific Plan EIR No. 311**

EIR No. 311 determined that implementation of the recommended mitigation measures would reduce any potential noise impacts from fireworks and the proposed amphitheater to a level considered less than significant. Traffic-related noise impacts were within the limits of the Noise Ordinance and therefore would be considered less than significant.

## **Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The 1999 IS/MND reported that development of the Pointe Anaheim project would develop uses that would exceed noise levels in the City of Anaheim Noise Ordinance. The potential impact of amplified music uses would exceed the limits of the Noise Ordinance, resulting in a significant impact. However, implementation of the recommended mitigation measures would reduce this impact to a level considered less than significant.

## **2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The 2001 Addendum found that the modified project did not propose any uses that would increase expected noise levels beyond those considered in the 1999 IS/MND. Therefore, the amended project was found to be substantially similar to the original Pointe Anaheim project; no new impacts were identified.

## **2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The Anaheim GardenWalk project proposed uses similar to those previously evaluated; and, therefore, it was determined that the project would not increase expected noise levels beyond those previously evaluated.

## **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, noise levels would remain consistent with the existing sound characteristics of Anaheim GardenWalk because the noise sources anticipated for the project would be similar to outdoor festivals, restaurants, outdoor background music, and similar noise sources presently permitted and occurring at Anaheim GardenWalk, as evaluated in the 1999 IS/MND and 2006 Addendum. Also, traffic-related noise levels would be similar or less than what was considered previously due to projected decreases in vehicle trips.

### **4.3.2 PROJECT ENVIRONMENTAL REVIEW**

**Would the project result in:**

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Consistent with previous environmental analyses, potential noise impacts related to the Proposed Actions including on-site uses, traffic and off-site operational noise impacts would not be significant. Consistent with the noise standards identified in the 1999 IS/MND and according to Table N-3 of the City of Anaheim General Plan Noise Element, the City of Anaheim exterior noise standard for residential land use is 65 community noise level equivalent (CNEL), and the interior noise standard for residential land use is 45 CNEL (Anaheim 2004). The City also has

an interior noise standard of 50 CNEL for commercial office space which is applicable to the interior retail space within the project site (Anaheim 2004). The 1999 IS/MND analyzed live entertainment as well as amplified sound in the project site. In addition, the project would comply with the noise mitigation measures contained in Mitigation Monitoring Plan No. 004a, listed below. Because the project-related noise sources would be substantially similar to those evaluated in the 1999 IS/MND and because the established noise standards are the same as those identified in the 1999 IS/MND<sup>5</sup>, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects related to on-site noise levels.

As shown in Section 4.2, Air Quality, the trip generation associated with the Project Actions would be less than the level evaluated in the 1999 IS/MND. Therefore, traffic-related noise levels would be similar or less than what was considered previously. In addition, construction noise levels would be similar to the levels previously evaluated and approved for the project site. Anticipated construction activities would be similar to what was previously addressed in the 1999 IS/MND. Therefore, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects related to traffic and construction noise levels.

- e) For a project located within an airport land use plan (Los Alamitos Armed Forces Reserve Center or Fullerton Municipal Airport), would the project expose people residing or working in the project area to excessive noise levels?**
- f) For a project within the vicinity of a private airstrip, heliport or helistop, would the project expose people residing or working in the project area to excessive noise levels?**

Similar to the conditions evaluated in the 1999 IS/MND, there are no public airports, public use airports, heliports, or private airstrips in the project vicinity. The project would not expose people residing or working in the area to excessive levels of aircraft- or airport-related noise. The Project Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

Overall, the Project Actions would be consistent with the project as analyzed in the 1999 IS/MND. The Project Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Project Actions (1) would not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the noise analysis provided in the 1999 IS/MND.

### **Mitigation**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

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<sup>5</sup> The noise standards that were adopted as part of the 2004 General Plan Update are the same as the standards in the 1999 IS/MND.

1. On-going during project operations, the property owner/developer shall ensure that noise from areas which involve live amplified music and/or open-air festival events, do not exceed the noise levels established by Chapter 6.70 (Sound Pressure Levels) of the Anaheim Municipal Code.
2. Prior to commencement of amplified music or the generation of noise from open-air festival events, within nine months from the commencement of said noise generating activities and on-going during project operations, a Noise Monitoring Program prepared by a certified acoustical engineer shall be submitted to the Planning Department, Planning Services Division, for review and approval for any component of Anaheim GardenWalk that has the potential to involve amplified music or noise from open-air festival events and, within nine months of commencement of said activity, the property owner/developer shall submit the results of the Noise Monitoring Program conducted by a certified acoustical engineer to ensure that there are no violations of Chapter 6.70 (Sound Pressure Levels) from the Anaheim GardenWalk activity outside the Project. If noise in excess of Chapter 6.70 (Sound Pressure Levels) is detected, the property owner/developer shall modify operations immediately to bring the noise-generating activity into conformance with Chapter 6.70.
3. On-going during demolition and construction, construction noise shall be limited by the property owner/developer to 60 dBA along the property boundaries before 7:00 AM and after 7:00 PM as governed by Chapter 6.70 (Sound Pressure Levels) of the Anaheim Municipal Code.
4. On-going during construction, the property owner/developer shall ensure that all internal combustion engines on construction equipment are fitted with properly maintained mufflers.

#### **4.4 LAND USE AND PLANNING**

##### **4.4.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

###### **Disneyland Resort Specific Plan EIR No. 311**

The analysis of *The Disneyland Resort Specific Plan* in EIR No. 311 determined that the project would require an amendment to the Orange County Transportation Authority's Master Plan of Arterial Highways. This was not considered a significant impact. Additionally, the project would be consistent with all other land use plans and policies, therefore resulting in no significant impacts as long as implementation of project mitigation measures would occur.

According to EIR No. 311, SP92-1 would allow for the replacement of on-site uses with similar land uses, thus resulting in no significant impact with implementation of project mitigation measures.

###### **Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The 1999 IS/MND reported that development of the Pointe Anaheim project would be generally consistent with the goals and policies of the *City of Anaheim General Plan's* Land Use Element and *The Disneyland Resort Specific Plan*. Therefore, no significant land use plan or policy impacts would result from development of this previously approved project.

### **2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The modified project, which was previously evaluated and approved in the 1999 IS/MND, proposed development of the project site with uses similar to those evaluated in the 1999 IS/MND. The amended project was found to be substantially similar to the original Pointe Anaheim project, so no new impacts were identified.

### **2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The Anaheim GardenWalk project included development of the project site with land uses similar to those previously evaluated with only minor changes in land use allocation. Therefore, it was determined that no significant land use plan or policy impacts would result from project implementation.

### **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The modified Anaheim GardenWalk project includes development of the project site with the same land uses as those previously evaluated, with only minor changes in RDE land use allocation. Therefore, it was determined that no significant land use plan or policy impacts would result from project implementation.

## **4.4.2 PROJECT ENVIRONMENTAL REVIEW**

**Would the project:**

### **a) Physically divide an established community?**

The Project Actions includes development of the project site with a modified allocation of the same land uses (i.e., hotels, theaters, retail, restaurants, entertainment and parking) as those previously evaluated in the 1999 IS/MND and subsequent addendum documents. Therefore, the Project Actions would continue to be compatible with surrounding land uses would not physically divide and established community. The Project Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

### **b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

Consistent with previous environmental analyses, the Project Actions would result in land use and development intensity consistent with the goals and policies of the *City of Anaheim General Plan's* Land Use Element for the City's Commercial Recreation designation and *The Disneyland Resort Specific Plan*. Because the Proposed Actions would not change currently entitled land uses, no amendments to these documents would be required. Therefore, the project would continue to not conflict with these land use plans and policies, with the Proposed Actions. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

### **c) Conflict with any applicable habitat conservation plan or natural community conservation plan?**

The Proposed Actions do not include any physical modifications to Anaheim GardenWalk Project as previously-approved; therefore, implementation of the Proposed Actions would not result in land use impacts. Further, because the project site is not located within or nearby any



designated habitat conservation plans or natural community conservation plans, the Anaheim GardenWalk Project does not conflict with the provisions of an adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or State habitat conservation plan. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

Overall, the Proposed Actions would result in a project that remains consistent with the project analyzed in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) would not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the Land Use and Planning analysis provided in the 1999 IS/MND.

### **Mitigation**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project after the Proposed Actions.

1. Prior to approval of the Final Site Plan, plans (including, but not limited to, a site plan, elevations, landscape plans and signage plans) shall be submitted by the property owner/developer and will be reviewed for consistency with The Disneyland Resort Specific Plan.
2. Prior to approval of the Final Site Plan, the property owner/developer shall submit plans detailing the setbacks for the parking structures and landscaping plans which minimize compatibility impacts of the parking facilities on surrounding areas, consistent with Section 5.8 of The Disneyland Resort Specific Plan.
3. Prior to issuance of each hotel building permit, a pre-project study of radio transmission from the AM 1500 Highway Advisory Radio Transmission Tower located on the Fire Station No. 3 site shall be conducted by the property owner/developer to determine baseline conditions for the entire Anaheim GardenWalk Overlay. Six months after topping out or any earlier time as determined necessary by the City of Anaheim, a follow-up study of radio tower transmissions shall be undertaken immediately by the property owner/developer. If the City of Anaheim determines that the proposed project creates a significant impact on radio transmission, a signal booster relay system, tower relocation, or other solution as approved by the City of Anaheim shall be implemented by the property owner/developer as soon as practicable.

## **4.5 POPULATION AND HOUSING**

### **4.5.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

#### **Disneyland Resort Specific Plan EIR No. 311**

EIR No. 311 determined that SP92-1 would result in minimal growth within the City and would not create a significant impact to employment, population, or housing with implementation of mitigation measures.

## **Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The 1999 IS/MND reported that the Pointe Anaheim project would develop uses that generate approximately 3,830 employment positions (i.e., 536 jobs were associated with the project site at the time of analysis and a total of 3,294 new employees would be required with buildout of the project) and would benefit the City with expanded employment opportunities. No significant impacts to population growth would be expected. According to projections of full-time employees, the project would potentially result in 274 new Anaheim households. This number is within the growth projections for the City of Anaheim and therefore would not result in a significant impact.

## **2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The modified Pointe Anaheim project would create 3,763 employment positions and 3,227 net new jobs, which is 2 percent less than the original Pointe Anaheim project. Additionally, it was determined that phasing the modified project would stagger the hiring of new employees and their subsequent need for housing over a period of years, thus further reducing the project impact. No new impacts would occur.

## **2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The Anaheim GardenWalk project proposed to reduce the number of hotel rooms and increase restaurant uses. These changes were anticipated to insignificantly increase the number of employment positions generated by the project; and, therefore no new impacts would occur.

## **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, the reallocation of RDE land uses would increase the projected employment at the site over the estimates in the 1999 IS/MND. The provision of employment opportunities would assist in reducing local unemployment rates, thereby resulting in a beneficial impact. The estimated 4,387 employment positions could indirectly lead to 75 employees relocating to the area, with a total of 248 additional residents in 75 dwelling units. These estimates would not exceed growth projections for the City. Also, there were over 6,000 vacant dwelling units in the City in 2011 that could accommodate the housing demand created by future employees.

### **4.5.2 PROJECT ENVIRONMENTAL REVIEW**

**Would the project:**

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

The Proposed Actions do not involve any physical modifications to the Anaheim GardenWalk Project as currently approved, and development would occur within the same footprint as what was previously analyzed in the 1999 IS/MND. The Proposed Actions would thus not displace any structures or residents. Although the projected employment numbers would remain

consistent with those evaluated for the 2011 Addendum, the number of employment positions generated by the Anaheim GardenWalk Project would be increased relative to current onsite employment numbers as well overall employment projections identified in the 1999 IS/MND.

**TABLE 10  
PROJECTED EMPLOYMENT**

Jobs by Category	Amount of Use	Employment Factor	Projected Employment
<b>1999 IS/MND</b>			
Hotel	1,050 rooms	1 employee/room	1,050
Retail/Dining/Entertainment (RDE)	565,000 sf	1 employee/214 sf	2,640
Theater- Live	4,600 Seats		140
<b>Total</b>			<b>3,830<sup>a</sup></b>
<b>Project Actions (Currently-Approved Project)</b>			
Hotel	1,628 rooms	1 employee/room	1,628
Retail/Dining/Entertainment (RDE)	590,265 sf	1 employee/214 sf	2,759
<b>Total</b>			<b>4,387<sup>a</sup></b>
<sup>a</sup> This figure represents the gross employment projection			

The Proposed Actions do not make any changes to the development intensities associated with the currently-approved project analyzed by the 2011 Addendum. As shown in Table 10, under the Project Actions (Currently-Approved Project), overall employment projections for the project site have increased from 3,830 identified in the 1999 IS/MND to 4,387 associated with the currently-approved project. This reflects a 14.5 percent increase in total employment opportunities, or 557 additional jobs. Based on the factors and assumptions identified for the adjacent Anaheim Resort Specific Plan in the *The Anaheim Resort Specific Plan Draft EIR No. 313 with Addendum* (1994), it is assumed that 13.3 percent of employees would choose to relocate to the City of Anaheim and each relocated employee would require one dwelling unit. Therefore, of the 557 additional jobs associated with the proposed project, 75 employees are expected to relocate to the City of Anaheim, creating 75 new households. The balance of the employees are assumed to either already live within the City of Anaheim or live in another city and choose to commute to Anaheim for employment. Assuming one (1) Anaheim GardenWalk employee per household and 3.3 persons per household, the new households would result in 248 additional residents within the City at full buildout of the Anaheim GardenWalk project beyond what was evaluated previously in the 1999 IS/MND. Based on population and housing projections, the City of Anaheim population is projected to increase by 61,267 between 2011 and 2020 and the housing supply is project to increase by 10,336 housing units between 2011 and 2020 (DOF 2011 and CDR 2007). According to the California Department of Finance, as of January 1, 2011, the City of Anaheim was experiencing a vacancy rate of 5.7 percent, or 6,016 units (DOF 2011). Therefore, the minor increase in population associated with the proposed project would be well within the population projections for the City and the increase in housing would be accommodated by existing vacant units. Therefore, no new significant impacts or substantially worse impacts beyond what was previously identified would occur related to population or housing. Therefore, the Proposed Actions would not substantially induce population growth nor displace a substantial number of people or existing housing. Additionally, under existing conditions, the City of Anaheim, along with the State and nation, is experiencing a high percentage of unemployment (11.4 percent unemployment for the Los Angeles-Long Beach-Santa Ana Metropolitan Statistical Area for March 2011 according to the Bureau of Labor Statistics [BLS 2011]). Therefore, the provision of employment opportunities would assist in reducing local unemployment rates, thereby resulting in a beneficial impact.

Overall, the Proposed Actions are consistent with the project as analyzed in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) would not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible, or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the Population and Housing analysis provided in the 1999 IS/MND.

### **Mitigation**

The following mitigation measure from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project after the Proposed Actions.

1. On-going during Project operations, the property owner/developer will aggressively recruit workers who are already part of the resident work force in the region. Implementation of The Disneyland Resort Specific Plan will further efforts in offering employment opportunities at various socioeconomic levels. The requirements of the mitigation measure will be included in the lease or other agreement with all of the project participants. Documentation indicating compliance with this mitigation measure will be included in the annual monitoring report ongoing during project operation.

## **4.6 PUBLIC SERVICES**

### **4.6.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

#### **Disneyland Resort Specific Plan EIR No. 311**

##### ***Fire Protection***

EIR No. 311 reported that SP92-1 would increase the demand for fire protection services, thus increasing (1) response times; (2) the number of service call responses; and (3) the number of search, rescue, and disaster responses. However, this increased demand would be satisfied with implementation of project mitigation measures to include an additional inspector and plan checker in combination with roadway and intersection improvements.

##### ***Police Protection***

According to EIR No. 311, development of SP92-1 would increase the volume of calls for police services. However, implementation of the recommended mitigation measures would reduce impacts to a level considered less than significant.

##### ***Schools***

EIR No. 311 determined that development of SP92-1 would not create any direct impacts to local schools because the Disneyland Resort Specific Plan does not allow for the construction of new dwelling units. However, school-aged children of project employees would create a potential indirect impact from development of SP92-1 that would be mitigated through payment

of State-mandated Development Fees. Thus, the potential impacts would be reduced to a level considered less than significant.

### ***Parks***

EIR No. 311 determined that development of SP92-1 would result in increased use of ball fields by project cast members (employees). Implementation of adopted mitigation measures would reduce this impact to a level considered less than significant.

## **Pointe Anaheim Initial Study and Mitigated Negative Declaration**

### ***Fire Protection***

The Pointe Anaheim project would develop similar high-risk uses as those outlined in EIR No. 311, significantly impacting fire protection services for the City of Anaheim. However, the location and operation of Fire Station No. 3 adjacent to and serving the project site along with other mitigation measures from MMP No. 004 would reduce these impacts to a level considered less than significant.

### ***Police Protection***

The 1999 IS/MND identified that implementation of the Pointe Anaheim project would increase demand for the police protection services, creating a significant impact. Implementation of the proposed mitigation measures included in MMP No. 004 would reduce this impact to a level considered less than significant.

### ***Schools***

The 1999 IS/MND reported that development of the Pointe Anaheim project would develop uses which could indirectly generate 99 students in the Anaheim City School District (ACSD) and 68 students in the Anaheim Union High School District (AUHSD). This increase in the number of students for the ACSD and the AUHSD would be considered an indirect significant impact. Implementation of the required mitigation would reduce this impact to a level considered less than significant.

### ***Parks***

The 1999 IS/MND determined that the Pointe Anaheim project would not create land uses that would increase the projected deficit in City parklands or result in increased use of existing park facilities within the City of Anaheim.

## **2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

### ***Fire Protection***

The modified Pointe Anaheim project would develop similar land uses requiring a similar level of fire protection services. The impact associated with the increase in demand for fire protection services would be reduced to a level considered less than significant through implementation of project mitigation measures. Emergency vehicle access under the modified project would be accommodated with a median opening for emergency vehicles only that would allow left turns in and out of Fire Station No. 3 onto Clementine Street.

### ***Police Protection***

According to 2001 Addendum, police protection services, response times, and emergency access to and from the project site would remain consistent with the previous analyses.

### ***Schools***

The modified Pointe Anaheim project would have created fewer employment positions than the original Pointe Anaheim project, thereby decreasing the number of projected new students indirectly generated by project employment. In addition, the phasing of the modified project would stagger the hiring of new employees and their subsequent need for housing and schools for their children over a period of years, thus reducing the impact over time. No new impacts would occur and all potential impacts would be reduced to a level considered less than significant with implementation of mitigation measures.

### ***Parks***

Similar to the original Pointe Anaheim project, the modified project, which was proposed in the 2001 Addendum, would not create land uses that would increase the projected deficit in City parklands or result in increased use of existing park facilities within the City of Anaheim.

## **2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

### ***Fire Protection***

Land uses proposed for the Anaheim GardenWalk project were similar to those proposed by the original and modified Pointe Anaheim projects with the same access and site density; therefore, it was determined that fire protection services and response times would remain consistent with the previous analyses. Emergency access to and from the project site would continue to be accommodated with a median opening for emergency vehicles only, which would allow left turns in and out of the Fire Station No. 3 driveway onto Clementine Street.

### ***Police Protection***

Land uses, site design, access, and Police Department office space proposed for the Anaheim GardenWalk project were similar to those proposed by the original and modified Pointe Anaheim projects; therefore, it was determined that police protection services and response times would remain consistent with the previous analyses.

### ***Schools***

The Anaheim GardenWalk project proposed to reduce the number of hotel rooms and increase restaurant uses. These proposed changes would increase the number of employment opportunities generated by the project by 3.4 percent. This would increase the number of projected new students indirectly generated by the project employment; however, this was not considered a significant change.

### ***Parks***

Similar to the original Pointe Anaheim project, the Anaheim GardenWalk project would not create land uses that would increase the projected deficit in City parklands or result in increased use of existing park facilities within the City of Anaheim.

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## **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

### ***Fire Protection***

Based on coordination with the Anaheim Fire Department and consideration of all direct and indirect growth associated with the project and the proposed increase in entertainment venues, the modified project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities.

### ***Police Protection***

Based on coordination with the Anaheim Police Department and consideration of all direct and indirect growth associated with the project and the proposed increase in entertainment venues, it was determined that the modified project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities.

### ***Schools***

The modified project would increase the number of employment opportunities by 14.5 percent. This increase in employment is expected to lead to 75 households relocating to the City, resulting in approximately 34 school-age children requiring school services. School impact fees will be paid in accordance to the square footage of the proposed project and would mitigate any impact to schools to less than significant.

### ***Parks***

The existing park resources and recreational opportunities throughout the City would provide adequate facilities to accommodate the slight increase in population associated with employees of the project relocating to the City. The park demand of the modified project would be consistent with the project analyzed in the 1999 IS/MND.

## **4.6.2 PROJECT ENVIRONMENTAL REVIEW**

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

- a) **Fire protection?**
- b) **Police protection?**
- c) **Schools?**
- d) **Parks?**
- e) **Other public facilities?**

The Proposed Actions do not involve any physical modifications to the Anaheim GardenWalk as currently entitled. Fire and police protection services are currently provided to the project site by the Anaheim Fire and Police Departments. An on-site police substation has been constructed within the Anaheim GardenWalk development and is operational in accordance with the mitigation presented below. Additionally, the Resort Fire Station #3, a fully operational fire station, is located immediately adjacent to the Anaheim GardenWalk project site along Clementine Street. As indicated in Section 4.5, Population and Housing, all direct and indirect

growth associated with the Project Actions (i.e., no change to the currently-approved project analyzed by the 2011 Addendum) could be accommodated within existing housing and would not require additional infrastructure. Based on coordination with the Anaheim Fire and Police Departments and consideration of all direct and indirect growth associated with the currently-approved Anaheim GardenWalk Project, the Proposed Actions would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives (Lutz 2011 and Nguyen 2011). No new significant impacts or substantially worse impacts beyond what was previously identified related to fire protection and police protection would occur.

Development of the Anaheim GardenWalk Project consistent with current entitlement for the project site would increase the number of employment opportunities generated by the project, when compared to what was analyzed in the 1999 IS/MND, by 14.5 percent as shown previously on Table 10, Projected Employment, which would add approximately 75 households within the City according to the analysis presented previously in Section 4.5.2. According to student generation rates for the Anaheim City School District (0.3609 students per household) and Anaheim Union High School District (0.07 students per household), buildout of the Anaheim GardenWalk project has the potential to generate 34 students (Pidgen 2010a and Oskoui 2010). Further, the square footage of the proposed project has increased slightly through approval of a previous amendment, as described in Section 3.0, Project Background and Description. Therefore, the school impact fees to be paid will be in accordance to the current square footage of the proposed project.

There are over 50 City-owned and operated parks and recreational facilities totaling 677 acres within the City of Anaheim, including the Anaheim Convention Center with a basketball arena and over 800,000 square feet of exhibition floor space. Within the Disneyland Resort Specific Plan, Disney provides commercial recreational opportunities via the Disneyland Resort, which includes the Disneyland Park, Disney's California Adventure Park, and the Downtown Disney shopping district. Multiple Disney-owned and independent hotels provide recreational opportunities for guests. As indicated in Section 4.5, Population and Housing, all direct and indirect growth associated with the proposed project could be accommodated within existing housing; therefore, the increase in population would be served by existing park facilities. Therefore, the presence of park resources and recreational opportunities throughout the City would provide adequate facilities to accommodate the slight increase in population. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) would not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the public services analysis provided in the 1999 IS/MND.



## **Mitigation**

### ***Fire Protection***

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to commencement of structural framing on each parcel or lot, on-site fire hydrants shall be installed and charged, as required, by the property owner/developer.
2. Prior to approval of each grading plan, the property owner/developer shall submit an emergency fire access plan to ensure that service to the site is in accordance with Fire Department service requirements.
3. Prior to issuance of each building permit, the property owner/developer shall submit a Construction Fire Protection Plan, which shall include detailed design plans for accessibility of emergency fire equipment, fire hydrant location, and any other construction features required by the Fire Marshal. The property owner/developer shall be responsible for securing facilities acceptable to the Fire Department and hydrants shall be operational with required fire flow.
4. Prior to issuance of each building permit, and to be implemented prior to each final building and zoning inspection, plans shall indicate that all buildings, exclusive of open parking structures, shall have sprinklers installed by property owner/developer, as required by the Anaheim Fire Department.
5. Prior to Issuance of each building permit, plans shall be submitted to ensure that development is in accordance with the City of Anaheim Fire Department Standards, including:
  - a. Overhead clearance shall not be less than fourteen (14) feet for the full width of access roads.
  - b. Bridges and underground structures to be used for Fire Department access shall be designed to support Fire Department vehicles weighing seventy-five thousand (75,000) pounds.
  - c. All underground tunnels shall have sprinklers. Water supplies are required at the entrances. Standpipes shall also be provided when determined to be necessary by the Fire Department.
  - d. Adequate offsite public fire hydrants contiguous to the Specific Plan area and onsite private fire hydrants shall be provided by the property owner/developer. The precise number, types, and locations of the hydrants shall be determined during building permit review. Hydrants are to be a maximum of four hundred (400) feet apart.
  - e. A minimum residual water pressure of 20 psi shall remain in the water system. Flow rates for public parking facilities shall be set at 1,000 to 1,500 gpm.
6. Prior to issuance of each building permit, the property owner/developer shall comply with the Fire Protection Facilities and Paramedic Services Impact Fee Program (per Ordinance No. 5496 and Resolution No. 95R-73 dated May 16, 1995), as may be amended by the City.

7. Prior to approval of street improvement plans, the water supply system shall be designed by the property owner/developer to provide sufficient fire flow pressure and storage for the proposed land uses and fire protection in accordance with Fire Department requirements.
8. Prior to each final building and zoning inspection, the property owner/developer shall place emergency telephone service numbers in prominent locations as approved by the Fire Department.
9. On-going during Project operations, an on-site coordinator for the project shall coordinate earthquake training with the Fire Department for hotel staff and other employees. The requirements of the mitigation measure will be included in the lease or other agreement with all of the project participants. Documentation indicating compliance with this mitigation measure will be included in the annual monitoring report ongoing during project operation.
10. Prior to issuance of each building permit for hotels, the property owner/developer shall submit an earthquake emergency response plan for review and approval by the Fire Department. That plan shall require posted notices in all hotel rooms on earthquake safety procedures.

### ***Police Protection***

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to approval of the first Final Site Plan for Area A; to be identified on plans submitted for building permits, plans shall be submitted showing the location of a police/security office identifiable and easily accessible by the public (i.e., "store-front" type of space) along with dedicated parking spaces for Police Department employees working in the space within the project site to the satisfaction of the Police Department.

Prior to the first final building and zoning inspection for Area A, said police/security office space shall be made available to the Police Department for permanent occupancy at no cost to the City.

2. On-going during Project operations, property owner/developer shall staff the Project with the needed level of uniformed private security officers working in pairs for patrol and surveillance of the facilities to the satisfaction of the Police Department, including possibly 24-hour coverage.
3. Prior to issuance of each building permit, the Police Department shall review and approve the safety measures incorporated into the project including the parking structures. The security measures shall include, but not be limited to, closed circuit television surveillance/cameras and recording equipment or other substitute security measures as may be approved by the Police Department for the parking structures/facilities, lighting, and other defensible space measures throughout the project, as determined necessary by the Police Department.

## **Schools**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to issuance of each building permit, the property owner/developer shall provide proof that school impact fees have been paid consistent with State statute. (Note: On January 25, 2006, the State Allocation Board increased the maximum Level 1 school fees from \$0.36 to \$0.42 per square foot of enclosed and covered space for commercial/industrial development.)
2. Prior to commencement of uses/activities authorized by Conditional Use Permit No 4078, as amended, and on-going during Project operations, the property owner/developer shall coordinate with the Anaheim Union High School District to incorporate a retail training program into the Project for interested high school seniors. An on-site project coordinator shall ensure compliance with the plan. Proof of this program shall be submitted to the Planning Department within ninety (90) days following commencement of the uses/activities.

## **Parks**

As there will be no negative impacts to parks created by development of the Pointe Anaheim project, no mitigation was required.

## **4.7 RECREATION**

### **4.7.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

The previous environmental documents, including EIR No. 311, the 1999 IS/MND and the two previous addenda (2001 and 2006) to the 1999 IS/MND, did not provide specific analyses of recreation.

### **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, direct and indirect growth associated with the proposed project could be accommodated within the City's existing housing stock; therefore, the slight increase in population would be served by existing park facilities.

### **4.7.2 PROJECT ENVIRONMENTAL REVIEW**

Would the project:

- a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- b) **Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

As discussed above in Section 4.6, Public Services, all direct and indirect growth associated with the proposed project could be accommodated within existing housing; therefore, the increase in population would be served by existing park facilities. Therefore, the presence of

park resources and recreational opportunities throughout the City would provide adequate facilities to accommodate the slight increase in population. The proposed project would not create a new significant impact or a substantial increase in the severity of previously identified effects. The proposed project would not create a new significant impact or a substantial increase in the severity of previously identified effects.

### **Mitigation**

No mitigation measures are required.

## **4.8 UTILITIES AND SERVICE SYSTEMS**

### **4.8.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

#### ***Disneyland Resort Specific Plan EIR No. 311***

##### **Water Service**

The analysis of water service impacts in EIR No. 311 concluded that the capacity of the existing water supply system would be exceeded, resulting in a significant impact. With implementation of the project design features and the recommended mitigation measures, this impact would be reduced to a level considered less than significant.

##### **Wastewater Service**

EIR No. 311 reported that the existing wastewater/sewer facilities in the area were at capacity and local improvements would be required to accommodate project-related volume increases. Implementation of the recommended improvements in the City's South Central Area Sewer Deficiency Study would also be required to accommodate the development of SP92-1 in the future. However, the Orange County Sanitation District was determined to have adequate treatment plant capacity to serve the project. Implementation of the recommended mitigation outlined in EIR No. 311 would reduce all impacts to a level considered less than significant.

##### **Solid Waste**

In the analysis of impacts related to solid waste, EIR No. 311 identified that the Olinda-Alpha Landfill had limited available capacity. For this reason, development of SP92-1 would create a significant, unavoidable project and cumulative impact. The Anaheim City Council adopted a Statement of Overriding Considerations to address this impact.

##### **Electricity**

EIR No. 311 determined that existing electrical facilities were inadequate to accommodate the increased demand for electricity that would be generated with development of land uses in *The Disneyland Resort Specific Plan*. It was identified that a new substation in addition to other mitigation measures would be required to reduce impacts to a level considered less than significant.

##### **Natural Gas**

According to EIR No. 311, Southern California Gas Company would be able to meet the demand for natural gas created by The Disneyland Resort Specific Plan area.

### Telephone

EIR No. 311 indicated that Pacific Bell would accommodate all increased demand for telephone services associated with development of SP92-1 without disrupting existing service.

### Cable

It was identified in EIR No. 311 that cable television service would be accommodated without creating a significant impact. Television reception of residents and businesses without cable television might be impacted by construction of SP92-1. However, implementation of the recommended mitigation measure would reduce potential impacts to less than significant levels.

## ***Pointe Anaheim Initial Study and Mitigated Negative Declaration***

### Water Service

The 1999 IS/MND stated that development of the Pointe Anaheim project would result in an increased demand on water services (gross demand of 648,142 gallons per day [gpd]). This increase in water demand would be mitigated by the required mitigation measures to a level considered less than significant.

### Wastewater Service

The 1999 IS/MND stated that development of the project would result in an increase in wastewater output from the project site (gross generation of 531,105 gpd). This increase in wastewater flow would be mitigated by the required mitigation measures to a level considered less than significant.

### Solid Waste

According to the Countywide Integrated Waste Management Plan approved for the County of Orange in 1996, the County landfill system has capacity in excess of 30 years and would be able to accommodate any solid waste generated by the Pointe Anaheim project. Thus, the Integrated Waste Management District (IWMD) reported that development of the Pointe Anaheim project would develop uses that would not have a significant impact on solid waste.

### Electricity

The 1999 IS/MND reported that development of the project would create a net increase in demand of 11.7 mega volt amps (MVA), resulting in a significant impact. However, it was determined that implementation of the mitigation measures from MMP No. 004 would reduce the impact to a level considered less than significant.

### Natural Gas

The 1999 IS/MND stated that existing gas mains would meet the needs associated with development and operation of the Pointe Anaheim project, thus creating no impact associated with natural gas service.

### Telephone

The 1999 IS/MND reported that Pacific Bell would meet the needs associated with development and operation of the Pointe Anaheim project without impacting existing customers, which would therefore create no impact associated with telephone service.

### Cable

The 1999 IS/MND reported that development of multi-story hotels or other tall structures, as identified for the Pointe Anaheim project, may interfere with television reception in the project vicinity. This significant impact would be reduced to a level considered less than significant upon implementation of the required mitigation measure identified in the document.

## ***2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration***

### Water Service

The modified Pointe Anaheim project would have a reduced water demand, dropping from 648,142 gpd to 623,102 gpd, a 3.9 percent reduction. No new impacts would occur.

### Wastewater Service

The modified project resulted in reduced wastewater flows. Therefore no new impacts were anticipated.

### Solid Waste

Due to the available capacity within the Orange County landfill system and due to the similar project density and types of uses proposed, the modified Pointe Anaheim project was also determined not to have a significant impact on solid waste.

### Electricity

The modified project evaluated in the 2001 Addendum was determined to generate a slightly reduced demand for electricity in comparison to the original Pointe Anaheim project. Therefore, no new impacts were identified.

### Natural Gas

The 2001 Addendum stated that existing gas mains would meet the needs associated with development and operation of the modified Pointe Anaheim project, thus creating no impacts associated with natural gas service.

### Telephone

Due to the similarities in proposed land use types and densities, it was determined that Pacific Bell would also be able to meet the demand for telephone service created by the modified project evaluated in the 2001 Addendum.

### Cable

Similar to the Pointe Anaheim project, the modified Pointe Anaheim project could also impact local television reception. Identified mitigation measures would reduce this impact to a level considered less than significant; no new impacts would occur.

### ***2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration***

### Water Service

The water use associated with the modified project evaluated in the 2006 Addendum was projected to be the same as the previously approved project.

### Wastewater Service

The modified project resulted in a less than one percent increase in wastewater flows when compared to the previously approved project. However, it was determined that the increase was not enough to result in a new impact.

### Solid Waste

The IWMD maintains their position that the County landfill facilities have adequate capacity to accommodate County-generated waste beyond the 15-year threshold established by the California Integrated Waste Management Board (Arnau 2006). Thus, the Anaheim GardenWalk project would not result in a significant impact related to solid waste.

### Electricity

The modified project evaluated in the 2006 Addendum was determined to require a total of 598,604 fewer volt amps of electricity compared to the previously approved Pointe Anaheim project.

### Natural Gas

The modified project proposed development of the project site with land uses similar to those previously evaluated. Therefore, the demand for natural gas was determined to not be substantially different than the previously approved project.

### Telephone

The modified project proposed development of the project site with land uses similar to those previously evaluated. Therefore, it was determined that the current telephone service provider would be able to serve the modified project.

### Cable

It was determined that the modified project may interfere with television reception in the project vicinity as multi-story hotels or other tall structures are developed. Implementation of the previously required mitigation measures would have lessened the impact to a level considered less than significant.

## **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

### Water Service

The modified project was determined to generate less demand for water when compared to that analyzed in the 1999 IS/MND, due to recent conservation efforts that have been implemented since 1999 and the use of revised water use factors based on actual historic usage rates. No new significant impacts or substantially worse impacts were identified beyond what was previously evaluated would occur related to water facilities or water supply.

### Wastewater Service

The projected wastewater flow from the modified project based on current entitlements would be less than what was analyzed in the 1999 IS/MND. It was determined that because the Anaheim GardenWalk project is included in the City's sewer system master plans and because the modified project would not exceed the wastewater generation assumptions for the Anaheim GardenWalk project as evaluated in the 1999 IS/MND, no new impacts were identified.

### Storm Drainage

The currently-approved project analyzed by the 2011 Addendum is substantially similar to the previously evaluated project in the 1999 IS/MND, with the entire site being developed. The Proposed Actions do not change the physical configuration of the previously-approved project. Therefore, the impervious surface area associated with project development is the same. It was determined that the Project Actions would not create a new significant impact on storm drainage facilities or a substantial increase in the severity of previously identified effects.

### Solid Waste

Consistent with previous environmental analyses and according to OC Waste & Recycling, the Orange County landfill system would have adequate landfill capacity to accommodate the proposed project (Keith 2011). In addition, the proposed project would comply with federal, State and local statutes and regulations related to solid waste. Thus, it was determined that the modified Anaheim GardenWalk project would not result in a significant impact related to solid waste.

### Electricity

The modified project would develop the project site with land uses similar to those previously evaluated. Therefore, it was determined that the demand for electricity would not be anticipated to be substantially different than the previously approved project.

### Natural Gas

The modified project would develop the project site with land uses similar to those previously evaluated. Therefore, it was determined that the demand for natural gas would not be substantially different than the previously approved project.

### Telephone

The modified project would develop the project site with land uses similar to those previously evaluated. Therefore, it was determined that the demand for telephone service would not be substantially different than the previously approved project.



## Cable

Consistent with previous environmental analyses, the 2011 analysis determined the modified project has the potential to interfere with television reception in the project vicinity as multi-story hotels or other tall structures are developed. Implementation of the previously required mitigation measures would lessen the impact to a level considered less than significant. Therefore, it was determined that the demand for cable television service would not be substantially different than the previously approved project.

### **4.8.2 PROJECT ENVIRONMENTAL REVIEW**

#### **Would the project:**

**a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

The Anaheim GardenWalk project includes the development of a variety of visitor-serving uses, such as hotels, restaurants, retail uses, bars/night clubs, and entertainment uses. The sewage and wastewater from these uses would be discharged into the City's sewer system and conveyed to the Reclamation Plant No. 1 in Fountain Valley. No pre-treatment is required for the wastewater from the Anaheim GardenWalk project since the proposed land uses would not (1) process any industrial wastewater; (2) involve dewatering or groundwater clean up; (3) directly discharge sewage effluent; and (4) engage in other activities that would generate wastewater requiring treatment beyond what is provided at Orange County Sanitation District (OCSD) Treatment Plant No. 1.

Future food service establishments shall provide on-site treatment (such as grease traps and grinders) as part of the permit conditions from OCSD. Other land uses or activities that may generate wastewater requiring special treatment shall comply with OCSD's Wastewater Discharge Regulations.

Thus, the wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board would not be exceeded by the Project Actions. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

**b) Require or result in the construction of new water or wastewater treatment facilities (including sewer (waste water) collection facilities) or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**d) Have sufficient water supplies available to serve the project (including large-scale developments as defined by Public Resources Code Section 21151.9 and described in Question No. 20 of the Environmental Information Form) from existing entitlements and resources, or are new or expanded entitlements needed?**

**e) 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?**

## Water Demand

As shown in Table 11, below, the currently-approved project, which would not be changed by the Project Actions, would create a smaller demand for water when compared to that analyzed in the 1999 IS/MND. Due to the reduced demand, adequate water supply would be available based on the 1999 IS/MND analysis. The reduction in water demand is due to recent conservation efforts that have been implemented since 1999 and revised water use factors developed in consultation with the City of Anaheim Public Utilities Department and based on actual historic usage rates; therefore, no new significant impacts or substantially worse impacts beyond what was previously evaluated would occur related to water facilities or water supply. Furthermore, as demonstrated in the Project Water Demand and Regional Supply Update prepared by Psomas in March 2013 (included as Appendix B to this Addendum), the City's water supply situation has actually improved since 1999, and there are no changed circumstances that would negatively impact the ability to supply water to the GardenWalk Project. Accordingly, as concluded by Psomas, the City has a more than adequate water supply to serve the Anaheim GardenWalk Project, as well as other development, both in the short term and in decades to come.

**TABLE 11  
WATER DEMAND**

Land Use	Area	Water Use Factor	Average Annual Demand (gpd)
<b>Net Total for Approved Pointe Anaheim</b>			<b>648,142</b>
<b>Currently-Approved Project</b>			
Hotel <sup>a</sup>	4 hotels 1,628 rooms	125 gpd/unit <sup>b</sup>	203,500
Retail	248,033 sf	0.195 gpd/sf <sup>b</sup>	48,367
Restaurant	163,988 sf	1.0 gpd/sf <sup>b</sup>	163,988
Entertainment	130,475 sf	0.12 gpd/sf <sup>c</sup>	15,657
Night Club/Bar	47,769	1.0 gpd/sf <sup>d</sup>	47,769
<b>Total</b>			<b>479,281</b>
<b>Change from Approved Density</b>			<b>-168,861</b>
sf: square feet; gpd: gallons per day			
a Includes hotel accessory uses.			
b PSOMAS 2009			
c BonTerra Consulting 2006			
d In order to account for a higher water use factor associated with night club/bar uses than other typical entertainment uses, the restaurant water use factor was applied.			

## Wastewater Generation

Consistent with the technical analysis prepared for the 2006 Addendum, the existing and planned sewer infrastructure, although capable of handling more flow at present, has been planned for buildout of the proposed project and any additional flow would push the system beyond capacity at project buildout (BonTerra Consulting 2006). Therefore, additional wastewater volume beyond that previously evaluated and planned for cannot be accommodated. As shown in Table 12, Wastewater Production, the projected wastewater flow related to development of the proposed project based on current entitlements would be less than what was analyzed in the 1999 IS/MND. Because the Anaheim GardenWalk project is included in the City's sewer system master plans and because the previously-approved project would not exceed the wastewater generation assumptions for the Anaheim GardenWalk project as evaluated in the 1999 IS/MND, no new significant impacts or substantially worse impacts

beyond that previously evaluated would occur with the Proposed Actions. Implementation of the mitigation measures identified below would continue to reduce any impacts to less than significant levels.

**TABLE 12  
WASTEWATER PRODUCTION**

Land Use	Area	Wastewater Generation Factor	Average Annual Generation (gpd)
<b>Net Total for Approved Pointe Anaheim</b>			<b>531,785</b>
<b>Currently-Approved Project</b>			
Hotel <sup>a</sup>	4 hotels 1,628 rooms	100 gpd/unit <sup>b</sup>	162,800
Retail	248,033 sf	0.156 gpd/sf <sup>b</sup>	38,693
Restaurant	163,988 sf	0.8 gpd/sf <sup>b</sup>	131,190
Entertainment	130,475 sf	0.1 gpd/sf <sup>c</sup>	13,047
Night Club/Bar	47,769 sf	0.8 gpd/sf <sup>d</sup>	38,215
<b>Total</b>			<b>383,945</b>
<b>Change from Approved Density</b>			<b>-147,840</b>
sf: square feet; gpd: gallons per day			
<sup>a</sup> Includes hotel accessory uses.			
<sup>b</sup> CH2M Hill 2009			
<sup>c</sup> BonTerra Consulting 2006			
<sup>d</sup> In order to account for a higher wastewater production factor associated with night club/bar uses than other typical entertainment uses, the restaurant wastewater generation factor was applied.			

**c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

The physical configuration of the currently-approved project is substantially similar to the previously evaluated project in the 1999 IS/MND with the entire site being developed. Therefore, the impervious surface area associated with project development is the same. The Project Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

**f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

**g) Comply with Federal, State, and local statutes and regulations related to solid waste?**

Table 13 provides an estimate of solid waste generation associated with the Anaheim GardenWalk development. As shown, the Anaheim GardenWalk project at buildout is expected to generate 12,261 pounds of solid waste per day (2,238 tons per year).

**TABLE 13  
SOLID WASTE GENERATION**

Land Use	Area	Solid Waste Generation Factor	Average Annual Generation
<b>Currently-Approved Project</b>			
Hotel <sup>a</sup>	4 hotels 1,628 rooms	4 lbs/room/day <sup>b</sup>	6,512 lbs/day
Retail	248,033 sf	2.5 lbs/1,000 sf/day <sup>b</sup>	620 lbs/day
Restaurant	163,988 sf	0.005 lbs/sf/day <sup>b</sup>	820 lbs/day
Entertainment	130,475 sf	3.12 lbs/100 sf/day <sup>c</sup>	4,070 lbs/day
Night Club/Bar	47,769 sf	0.005 lbs/sf/day <sup>b</sup>	239 lbs/day
<b>Total</b>			<b>12,261 lbs/day</b>
sf: square feet; lbs: pounds			
<sup>a</sup> Includes hotel accessory uses.			
<sup>b</sup> CalRecycle 2009			
<sup>c</sup> CalRecycle 2009			

Consistent with previous environmental analyses and according to OC Waste & Recycling, the Orange County landfill system would have adequate landfill capacity to accommodate the proposed project (Keith 2011). In addition, the Anaheim GardenWalk Project would comply with federal, State and local statutes and regulations related to solid waste. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

**h) Result in a need for new systems or supplies, or substantial alterations related to electricity?**

The Proposed Actions would develop the project site with land uses similar to those previously evaluated in the 1999 IS/MND. Therefore, the demand for electricity is not anticipated to be substantially different than that evaluated in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

**i) Result in a need for new systems or supplies, or substantial alterations related to natural gas?**

The Proposed Actions would develop the project site with land uses similar to those previously evaluated in the 1999 IS/MND. Therefore, the demand for natural gas is not anticipated to be substantially different than that evaluated in the 1999 IS/MND. The availability of natural gas is based upon conditions of gas supply and the regulations set forth by the California Public Utilities Commission (CPUC 2010). Therefore, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

**j) Result in a need for new systems or supplies, or substantial alterations related to telephone service?**

The proposed project would develop the project site with land uses similar to those previously evaluated in the 1999 IS/MND. Therefore, the demand for telephone service is not anticipated to be substantially different than that evaluated in the 1999 IS/MND. The Proposed Actions would

not create a new significant impact or a substantial increase in the severity of previously identified effects.

**k) Result in a need for new systems or supplies, or substantial alterations related to television service/reception?**

Consistent with previous environmental analyses, the Proposed Actions have the potential to interfere with television reception in the project vicinity as multi-story hotels or other tall structures are developed. Implementation of the previously required mitigation measures will lessen the impact to a level considered less than significant. Additionally, the demand for cable television service is not anticipated to be substantially different than the previously approved project. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

**Mitigation**

***Water Service***

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to issuance of each building permit; and to be implemented prior to final building and zoning inspections, among the water conservation measures to be shown on plans and implemented by the property owner/developer shall include the following:
  - a. Use of low-flow sprinkler heads in irrigation system
  - b. Use of waterway re-circulation systems
  - c. Low-flow fittings, fixtures, and equipment, including low flush toilets and urinals
  - d. Use of self-closing valves on drinking fountains
  - e. Use of reclaimed water for irrigation and wash-down when it becomes available
  - f. Continuation of the existing cooling tower re-circulation system
  - g. Use of efficient irrigation systems such as drip irrigation and automatic systems which use moisture sensors
  - h. Low-flow shower heads in hotels
  - i. Water-efficient ice machines, dishwashers, clothes washers, and other water-using appliances
  - j. Use of irrigation systems primarily at night when evaporation rates are lowest
  - k. Provide information to the public in conspicuous places regarding water conservation
  - l. Use of water-conserving landscape plant materials, as appropriate
  - m. Use of vacuum and other equipment to reduce the use of water for wash-down of exterior areas
2. Prior to each final zoning and building inspection, the property owner/developer shall submit a certified water audit for landscape irrigation to the Public Utilities Systems Department, Electric Services Administration, Resource Efficiency Division, for review and approval.

3. Prior to issuance of each building permit, the property owner/developer shall comply with the adopted Anaheim Resort Water Facilities Fee Program (Rule 15E of the Water Utilities Rates, Rules and Regulations per Resolution No. 95R-140, effective September 1, 1995), as may be amended by the City.
4. Prior to issuance of building permits; and prior to final building and zoning inspections, the water backflow equipment and any other large water system equipment shall be shown on plans to the satisfaction of the Public Utilities Department, Water Utility Division, in either underground vaults or behind the Setback Realm area in a manner fully screened from all public streets and alleys; and the facilities will be installed in accordance with the plans.
5. Prior to approval of the Water System Improvement Plan, property owner/developer shall enter into an agreement recorded against the property with the City of Anaheim, to the satisfaction of the Utilities Department and City of Anaheim Attorney's Office, to guarantee the property owner/developer's participation in water system improvements necessitated by the project. The agreement shall contain provisions requiring the property owner/developer to pay or cause to be paid its fair share funding for said improvements and/or construct said improvements, if determined to be necessary by the Utilities Department, with reimbursement by other beneficiaries in accordance with the Utility Rates, Rules, and Regulations. Costs shall include the payment for consultant/contractor services for the preliminary engineering, soils analysis, right-of-way acquisition, demolition, construction and inspection, and any other related expenses. Further, the property owner/developer shall submit an engineering report and phasing plan for review and approval by the Utilities Department setting forth the extent and timing of the water system improvements necessitated by the project for use in implementing the agreement. The property owner/developer shall at all times perform its obligations as set forth in said agreement.

### **Wastewater Service**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project after the Proposed Actions.

1. Prior to each final building and zoning inspection, the owner/developer shall comply with the Sewer Impact and Improvement Fee Program for the South Central City Area (per Ordinance No. 5490 and Resolution No. 95R-60 dated April 18, 1995, as may be amended by the City). This SCASDS Fee Program applies to the sewer discharge generated above the rate from the building footprints existing prior to the demolition of building on the project site (in 2003) and up to the maximum of 639,000 peak gpd. This Fee Program does not apply and mitigate the need of the reverse sewer line in Gene Autry Way.
2. Prior to issuance of the first building permit; to be implemented prior to final building and zoning inspection, a report documenting sewer capacity shall be submitted for review and approval. Prior to the first final building and zoning inspection, either a reverse-flow public sewer line shall be constructed in Gene Autry Way from a point east of the I-5/Anaheim Boulevard to State College Boulevard or other improvement(s) to the sewer system shall be made to accommodate the sewage flow in excess of that projected from the land uses permitted by The Disneyland Resort Specific Plan within the boundaries of Anaheim GardenWalk, which cannot be accommodated by current capacity.

Line sizing and implementation of this measure will be as follows:

- a. Analyze the Anaheim GardenWalk sewer flows with the City's updated Basin 8 model (now known as the Combined Central Anaheim Master Plan) to determine local sewer impacts and downstream impacts to the Gene Autry Way sewer system.
- b. Determine the size and limits of a new public sewer in Gene Autry Way, east of Interstate 5, to intercept and redirect flows from the ASAMLUP tributaries.
- c. Coordinate all analysis, findings, and conclusions for approval with the City of Anaheim.
- d. The property owner/developer shall be responsible for funding this improvement.

### **Storm Drains**

The following mitigation measure from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to issuance of each building permit, the property owner/developer shall comply with the Storm Drain Impact and Improvement Fee Program for the South Central City Area (per Ordinance No. 5491 and Resolution No. 95R-61 dated April 18, 1995, as may be amended by the City); or, the City may enter into alternative financing arrangements with the property owner/developer prior to approval of the first Grading Plan.

### **Solid Waste**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to the first final zoning and building inspection, the property owner/developer shall submit project plans to the Director of Maintenance for review and approval to ensure that the plans comply with AB 939, the Solid Waste Reduction Act of 1989, as implemented by the City of Anaheim, the County of Orange Integrated Waste Management Plan, and the City of Anaheim Integrated Waste Management Plan.
2. Prior to the first final zoning and building inspection; and to be implemented during Project operations a Solid Waste Management Plan shall be submitted for review and approval by the property owner/developer to ensure that the project plans comply with AB 939, as administered by City of Anaheim, and the County's and City's Integrated Waste Management Plans. Waste management mitigation measures that shall be taken to reduce solid waste generation shall include:
  - a. Detailing the locations and design of solid waste and recyclables storage and collection facilities.
  - b. Complying with all Federal, State, and City regulations for hazardous material disposal.
  - c. Participating in the City of Anaheim's voluntary "Recycle Anaheim" program or other substitute program as may be developed by the City.

In order to meet the requirements of the Solid Waste Reduction Act of 1989 (AB 939), the property owner/developer shall implement numerous solid waste reduction programs including, but not limited to, the following:

- a. Facilitating paper recycling by providing chutes or convenient locations for sorting and recycling bins.
- b. Facilitating cardboard recycling (especially from retail areas) by providing adequate space and centralized locations for collection and baling.
- c. Facilitating glass recycling (especially from restaurants) by providing adequate space for sorting and storing.
- d. Providing trash compactors for non-recyclable materials, whenever feasible, to reduce the total volume of solid waste and the number of trips required for collection.
- e. Prohibition of curbside pick-up within the Anaheim GardenWalk project.
- f. Recycling of landscape green waste.

### **Electricity**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to issuance of each building permit, the property owner/developer shall submit plans showing that each of the project's buildings will comply with the State Energy Conservation Standards for New Residential and Nonresidential Buildings (Title 24, Part 6, Article 2, California Code of Regulations).
2. Prior to issuance of each building permit for tenant improvements; and to be implemented prior to each final building and zoning inspection, in order to conserve energy, the property owner/developer shall implement numerous energy saving practices in compliance with Title 10, which may include the following:
  - a. Consultation with the City energy-conservation experts for assistance with energy-conservation design features.
  - b. Use of high-efficiency air conditioning systems controlled by a computerized management system including features such as a variable air volume system, a 100-percent outdoor air economizer cycle, sequential operation of air conditioning equipment in accordance with building demands, isolation of air conditioning to any selected floor or floors.
  - c. Use of electric motors designed to conserve energy.
  - d. Use of special lighting fixtures such as motion sensing light switch devices and compact fluorescent fixtures in place of incandescent lights.
  - e. Use of T8 lamps and electronic ballast. Metal halide or high-pressure sodium for outdoor lighting and parking lots.
3. Prior to issuance of the first building permit (submittal of conduit plans); to be implemented prior to final building and zoning inspection, the property owner/developer shall install electrical and communication conduit and substructures within the development site to provide for electrical distribution to serve the various uses within the development.



4. Prior to issuance of the first building permit for Area A and Area B, the property owner/developer shall pay fees in accordance with Anaheim's Electric Rates, Rules & Regulations for installation of backbone cables, switches and related facilities to provide electrical distribution to the development site.
5. Prior to issuance of each building permit, the property owner/developer shall pay fees in accordance with Anaheim's Electric Rates, Rules and Regulations for electrical commercial/industrial services for specific uses within the development site.

### **Natural Gas**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to issuance of each building permit, the property owner/developer shall submit plans which shall ensure that buildings are in conformance with the State Energy Conservation Standards for nonresidential building (Title 24, Part 6, Article 2, California Administrative Code).
2. Prior to each final building and zoning inspection, the property owner/developer shall implement a program (The Southern California Gas Company has developed several programs which are intended to assist in the selection of the most energy-efficient water heaters and furnaces) to reduce the demand on natural gas supplies. Proof of this program shall be submitted to the Planning Department in the form of a letter documenting compliance.

### **Telephone**

As there will be no significant impacts to telephone service created by development of the project, no mitigation is required.

### **Cable**

The following mitigation measure from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to issuance of the first building permit for Area A, a pre-project study of area television reception shall be undertaken by the property owner/developer to determine baseline conditions; and six months after topping out of each building over 75 feet in height, a follow-up study of area television reception shall be undertaken immediately by the property owner/developer. If the City of Anaheim determines that the proposed project creates a significant impact on broadcast television reception at local residences, a signal booster or relay system shall be installed on the roof of the tallest project building to restore broadcast television reception to its original condition as soon as practicable.

## **4.9 AESTHETICS**

### **4.9.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

#### **Disneyland Resort Specific Plan EIR No. 311**

The visual analysis for EIR No. 311 determined that implementation of SP92-1 would be visually consistent with the existing land uses. Shade and shadow analyses determined that any impacts related to shade and shadow were insignificant.

#### **1999 Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The 1999 IS/MND reported that development of the Pointe Anaheim project would include uses that would improve the aesthetic character of the area without creating any significant shade or shadow impacts.

#### **2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The modified Pointe Anaheim project proposed density and land uses similar to those proposed as part of the original Pointe Anaheim project (as evaluated in the 1999 IS/MND). These were determined to be visually consistent with the existing land uses. It was determined for the original Pointe Anaheim project that building heights would not exceed the maximum allowable height (according to zoning); therefore, no impacts related to shade and shadow would occur.

#### **2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The Anaheim GardenWalk project proposed similar land uses as those evaluated for the Pointe Anaheim project. The proposed uses would not exceed the maximum allowable height as determined by zoning; therefore, the modified project would not result in any significant impacts related to shade and shadow. Additionally, the uses proposed as part of the Anaheim GardenWalk project were visually comparable to those surrounding the site and those previously proposed by the Pointe Anaheim project.

#### **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, the modified project would alter the mix of land uses within the RDE component of the Anaheim GardenWalk project but not within the overall project envelope. No additional construction would occur beyond what was previously evaluated and approved for the project site. Therefore, it was determined that no new impacts related to degradation of the existing visual character or quality of the site and its surroundings or the creation of a new source of substantial light or glare would occur.

### **4.9.2 PROJECT ENVIRONMENTAL REVIEW**

**Would the project:**

- a) Have a substantial adverse effect on a scenic vista?**
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway or local scenic expressway, scenic highway, or eligible scenic highway?**

The project site and surrounding area are located within a highly urban portion of the City that does not contain any scenic vistas or resources and is not visible from State and local scenic

highways. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?**
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

The Proposed Actions do not involve any physical modifications to the Anaheim GardenWalk as currently entitled. All current and future tenants of the Anaheim GardenWalk project would be required to comply with the design guidelines and standards set forth in *The Disneyland Resort Specific Plan* and analyzed previously in EIR No. 311 and the 1999 IS/MND. No additional construction is proposed beyond what was previously evaluated and approved for the project site. Therefore, no new impacts related to degradation of the existing visual character or quality of the site and its surroundings or creation of a new source of substantial light or glare would occur.

Overall, the Proposed Actions will result in a project that remains consistent with the project as analyzed in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) would not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the aesthetics analysis provided in the 1999 IS/MND.

### **Mitigation**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project after the Proposed Actions.

1. Prior to approval of the Final Site Plan; shown on plans submitted for building permits; and to be implemented prior to final building and zoning inspections, the property owner/developer shall submit plans, which illustrate that all mechanical equipment and trash areas for the subject buildings will be screened from adjacent public streets.
2. Prior to approval of the first building permit in Area A and in Area B, the property owner/developer shall submit a landscape and irrigation plan in conformance with the landscape plan submitted as part of the Final Site Plan(s) for the Area. This plan shall be prepared by a licensed landscape architect. The landscape plan shall include a phasing plan for the installation and maintenance of landscaping.
3. On-going during project operation, the property owner/developer shall participate in a landscape assessment and maintenance district for any properties owned by the owner/developer, as adopted for the Anaheim Resort.
4. Prior to submittal of each Final Site Plan, if the height of any building onsite is higher than shown on the conceptual plans/exhibits submitted in connection with

- Conditional Use Permit No. 4078, the property owner/developer shall submit a shade and shadow analysis to the Planning Department for review and approval demonstrating that the proposed structure(s) would not create significant shade and shadow impacts on adjacent land uses. A significant shade and shadow impact would occur when outdoor active areas (e.g., eating areas along Harbor Boulevard, hotel/motel swimming pool areas, etc.) or structures that include sensitive uses (e.g., residences) have windows that normally receive sunlight are covered by shadows for more than 50 percent of the sunlight hours. If the analysis identifies shade and/or shadow impacts would occur and the building setback, architectural massing and landscape requirements provisions set forth in Section 5.0, Design Plan of the Anaheim Resort Specific Plan, do not function as feasible mitigation measures, additional technical review of the structure(s) will be required. The height of all structures shall not exceed the maximum height permitted by The Disneyland Resort Specific Plan.
5. Prior to issuance of the first building permit in Area A and in Area B, the property owner/developer shall submit plans which detail the outdoor and, when applicable, indoor lighting system. The systems shall be designed and maintained in such a manner as to conceal light sources to the extent feasible to minimize light spillage and glare to the adjacent uses. The plans shall be prepared and signed by a licensed electrical engineer, with a letter from the engineer stating that, in the opinion of the engineer, this requirement has been met.

#### **4.10 HYDROLOGY AND WATER QUALITY**

##### **4.10.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

###### **Disneyland Resort Specific Plan EIR No. 311**

EIR No. 311 determined that despite storm water runoff increases related to the development of SP92-1, compliance with NPDES permit requirements and implementation of Best Management Practices (BMPs) would reduce any impacts to groundwater and surface hydrology to less than significant levels. Additionally, the project site was found to be located outside the 100-year floodplain. No significant impacts were projected with implementation of mitigation measures.

###### **Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The 1999 IS/MND reported that the Pointe Anaheim project would develop uses that would not significantly impact site groundwater and surface hydrology.

###### **2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The modified Pointe Anaheim project proposed development of similar land uses on the same site as the original project evaluated in the 1999 IS/MND; therefore, no new impacts would occur.

###### **2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The Anaheim GardenWalk project proposed to develop the 29.1-acre site with land uses similar to those previously evaluated. As the entire site was approved for development previously, it was determined that there would not be an increase in the amount of impervious surface area associated with development of the modified project.

## **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, implementation of the modified project would not increase impervious surfaces beyond what was previously analyzed in EIR No. 311 and referenced in the 1999 IS/MND. Also, the proposed drainage system, as analyzed in the previous environmental documents, would not be altered with implementation of the proposed project. The site is located within Flood Zone X 500, which is between the 100-year and 500-year flood limits (flooding below 1 foot) and outside of the 100-year floodplain. The site is located within the inundation area for Prado Dam but the threat of flooding from dam failure is low. The potential for inundation of the site by seiche from nearby water bodies is also low. The project would not change or create flood and inundation hazards on site. It was determined that impacts would be less than significant, consistent with the 1999 IS/MND.

### **4.10.2 PROJECT ENVIRONMENTAL REVIEW**

**Would the project:**

- a) **Violate any water quality standards or waste discharge requirements?**
- b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**
- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**
- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**
- e) **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?**
- f) **Otherwise substantially degrade water quality?**
- k) **Substantially degrade water quality by contributing pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling, or storage, delivery areas, loading docks or other outdoor work areas?**
- l) **Substantially degrade water quality by discharge which affects the beneficial uses (i.e., swimming, fishing, etc.) of the receiving or downstream waters?**

The project area is considered urbanized and would have similar impacts to groundwater and surface hydrology assumed in EIR No. 311 which was incorporated by reference into the 1999 IS/MND. Consistent with previous environmental analyses, implementation of the Proposed Actions would not increase impervious surfaces beyond what was previously analyzed as part of EIR No. 311. As discussed in Section 4.8, the Proposed Actions would not

increase the demand for water supply beyond what was previously identified and evaluated. Therefore, no impacts related to groundwater levels would occur. Furthermore, the proposed drainage system, as analyzed in the previous environmental documents, would not be altered with implementation of the proposed project. Compliance with NPDES permit requirements and implementation of BMPs would reduce impacts to groundwater and surface hydrology to less than significant levels. As a result, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects related to groundwater and surface hydrology.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

Similar to the analysis in the 1999 IS/MND, the proposed project site is located within Flood Zone X 500, which is between the 100-year and 500-year flood limits (flooding below 1 foot) and outside of the 100-year floodplain. Therefore, because the project site is in the same location, a new significant impact or a substantial increase in the severity of previously identified effects would not be created in relation to the 100-year flood hazard area from the Proposed Actions.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Figure 5.5-5 of the Anaheim General Plan and Zoning Code Update EIR No. 330 identifies that the project site is located within the flood impact zone associated with the Prado Dam, which is located over 17 miles northeast of the project site. Although the project site is located within the designated flood impact zone, the actual threat of flooding is low due to the extensive development and natural features that exist between the dam and the project site, including several freeways, the Santa Ana River, and portions of the Santa Ana mountain range which would act to block, reduce, or slow the risk of flooding. Additionally, the Prado Dam is subject to annual safety inspections to ensure that the dam is safe, performing as intended, and is not developing problems (DWR 2010). Therefore, impacts associated with the risk of loss, injury or death involving flooding would be less than significant. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

- j) Inundation by seiche or mudflow?**

Consistent with the analysis provided in the 1999 IS/MND, the nearest water body continues to be the Anaheim Barber City Channel, located approximately 1.25 miles west of the project site, and the Santa Ana River Channel, located approximately 2 miles east of the project site. Due to the development that exists between these water bodies and the project site, the potential for inundation by seiche is low and does not represent a significant impact. Additionally, the site is located within a developed area with limited topography and limited exposed soil that would be subject to erosion; therefore, the project site would not be subject to mudflow. As a result, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

Overall, the Proposed Actions would be consistent with the project as analyzed in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) would not propose substantial changes; (2) would not

have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the Hydrology and Water Quality analysis provided in the 1999 IS/MND.

### **Mitigation**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project after the Proposed Actions.

1. Prior to approval of a grading plan; and, implementation during Project construction and operation, the property owner/developer shall submit a Master Drainage and Runoff Management Plan (MDRMP) for review and approval and pay the required South Central Area Master Plan of Drainage (SCAMPD) storm drain fees. The Master Plan shall include, but not be limited to, the following items:
  - a. Backbone storm drain layout and pipe size, including supporting hydrology and hydraulic calculations for storms up to and including the 100-year storm.
  - b. A delineation of the improvements to be implemented for control of project-generated drainage and runoff.
  - c. Detailed assessment of existing water quality, potential water quality impacts, and a description of proposed measures to maintain water quality to the extent required by the National Pollutant Discharge Elimination System (NPDES) and its regulations, including the following:
    - (1) Incorporation of structural and nonstructural City-controlled Best Management Practices (BMPs). BMPs shall, to the extent permitted by law, include, but are not limited to, containment of masonry and paint wastes on the construction site; proper disposal of vehicle fuel and maintenance wastes; disposal of trash and debris; prohibiting water wash down of paved areas (both during and after construction unless allowed by the NPDES permit); and education/training for construction workers on these practices. Engineering details, maintenance procedures, and funding responsibilities of these BMPs shall also be described.
    - (2) Incorporation of measures to comply with applicable actions to be identified by the RWQCB in conformance with the State Water Resources Control Board (SWRCB) statewide water quality control plan for inland surface waters, adopted April 11, 1991.
    - (3) Description of a water quality monitoring program to monitor water quality during and subsequent to construction and to evaluate the effectiveness of BMPs. The water quality monitoring program shall identify: (1) the person/agency responsible for implementing the program, (2) sources of pollutants in runoff (e.g., nuisance flows from development areas, irrigation flows), (3) specific types of pollutants expected in runoff that will be monitored (e.g., total suspended solids, phosphorous, lead), (4) water quality sampling stations that are representative of runoff from the sources identified

- above, (5) sampling program methodology, including devices to be used and frequency and duration of sampling, (6) method for evaluating data collected from a sampling program, including threshold standards for determining effectiveness of BMPs, and (7) additional measures, if necessary, to increase the effectiveness of the BMPs to the threshold standards identified in C(1) above.
2. Prior to issuance of each building permit, the property owner/developer shall submit landscaping and irrigation plans and an Irrigation Management Program. This landscape plan shall include a maintenance program to control the use of fertilizers and pesticides, and an irrigation system designed to minimize surface runoff and over-watering. Additionally:
    - a. The landscape plans shall be prepared and certified by a licensed landscape architect. The landscape architect shall submit plans in accordance with Anaheim's Landscape Water Efficiency Ordinance and Guidelines.
    - b. The Irrigation Management Program shall specify methods for monitoring the irrigation system and shall be designed by an irrigation engineer (plans to be submitted in accordance with the Specific Plan). The system shall ensure that irrigation rates do not exceed the infiltration of local soils and that the application of fertilizers and pesticides do not exceed appropriate levels of frequencies.
    - c. The landscape and irrigation plans shall be developed to be consistent with the provisions of the Specific Plan, which require that the maximum annual water allowance for the project not exceed 80 percent of the mean annual evapotranspiration, or that the landscape irrigation system include water-conserving features such as low-flow irrigation heads, automatic irrigation scheduling equipment, flow sensing controls, rain sensors, soil moisture sensors, and other water-conserving equipment. In addition, all irrigation systems shall be designed so that they will function properly with reclaimed water, if it should become available.
  3. On-going during Project operations, the property owner/developer shall provide for the following: cleaning of all paved areas not maintained by the City of Anaheim including, but not limited to, private streets and parking lots on not less than a monthly basis. Using water to clean streets, parking lots, and other areas shall be allowed on a periodic basis if allowed in the applicant's NPDES permit. Nightly washdown shall be allowed where advisable to maintain safe and sanitary working conditions, if allowed in the property owner/developer's and City's NPDES permit. Flushing debris, residue, and sediment down the storm drains shall conform to the property owner/developer's NPDES requirements. Property owner/developer agrees that material deposited in City storm drains shall not be in violation of the City's NPDES permit.
  4. Prior to each final building and zoning inspection, the property owner/developer shall submit a letter from a landscape architect stating that landscape materials and irrigation systems have been installed as specified in the approved landscaping and irrigation plans. Any modifications to the landscape plan shall be specifically approved by the Planning Department.
  5. To reduce the project's demand on potable water, the property owner/developer shall install water lines on-site so that reclaimed water may be used for landscape



- irrigation and other purposes to be installed with the project water mains; and to be connected if reclaimed water becomes available.
6. On-going during grading operations, the property owner/developer shall implement standard practices from all applicable codes and ordinances to prevent erosion.
  7. Prior to issuance of each grading permit, the property owner/developer shall obtain required NPDES construction storm permits from the State Water Resources Control Board, if applicable. Copies of the Notice of Intent or permits, as applicable, shall be submitted to the City Engineer.

#### **4.11 AGRICULTURE AND FOREST RESOURCES**

##### **4.11.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

The previous environmental documents, including EIR No. 311, the 1999 IS/MND and the two previous addenda (2001 and 2006) to the 1999 IS/MND, did not provide specific analyses of agriculture and forest resources.

##### **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, the project site is not designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance (FMMP 2010) nor is the site zoned for agricultural use. In addition, the project site is not in agricultural use or under a Williamson Act contract.

##### **4.11.2 PROJECT ENVIRONMENTAL REVIEW**

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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

**Would the project:**

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**
- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**
- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**
- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

**e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

Data from the State of California Department of Conservation, Farmland Mapping and Monitoring Program, indicates that the project site contains no land that is designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance (FMMP 2010) or zoned for agricultural use. In addition, the project site is not in agricultural use or under Williamson Act contracts and no such designated land is nearby. Therefore, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects related to agricultural resources.

Since the project site is in an urban area, no changes would result in conversion of farm or forest land to non-agricultural or non-forest uses. The project site is not considered to be farmland of significance or land in agricultural use. The project site is not defined as forest land according to Section 12220(g) of the *California Public Resources Code*, which defines forest land as “land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits,” nor is it zoned for Timberland Production as defined by Section 51104(g) of the *California Government Code*. No additional construction is proposed beyond what was previously evaluated and approved for the project site. Therefore, no new impacts related to agricultural and forest resources would occur. Although the CEQA questions listed above related to forest resources were not on the checklist when the original project MND was prepared (i.e., the 1999 IS/MND), there are no environmental impacts associated with this issue, and therefore, this does not preclude the use of an addendum to the previous document.

Overall, the Proposed Actions would be consistent with the project as analyzed in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) would not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the agriculture and forest resources analysis provided in the 1999 IS/MND.

**Mitigation**

No mitigation measures are required.

**4.12 BIOLOGICAL RESOURCES**

**4.12.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

The previous environmental documents, including EIR No. 311, the 1999 IS/MND and the two previous addenda (2001 and 2006) to the 1999 IS/MND, did not provide specific analyses of biological resources.

## **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, the reallocation/redistribution of RDE uses would not involve new development beyond that analyzed in the 1999 IS/MND. Specifically, it was determined that the modified project would not create biological resource impacts related to habitat modification, effects on riparian habitat or sensitive natural communities, federally protected wetlands, migratory wildlife corridors, or native wildlife nursery sites.

### **4.12.2 PROJECT ENVIRONMENTAL REVIEW**

Would the project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**
- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Services?**
- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**
- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**
- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**
- f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?**

The Proposed Actions do not involve any physical modifications to the Anaheim GardenWalk as currently entitled and development would be limited to the same site boundary as previously evaluated in the 1999 IS/MND. As discussed in Section 3.0, Project Background and Description, a portion of the site has been developed with a variety of RDE uses. The remainder of the project site has been subject to earth movement associated with construction activities; therefore, implementation of the proposed project would not impact biological resources. Specifically, the Proposed Actions would not create impacts related to habitat modification, effects on riparian habitat or sensitive natural communities, federally protected wetlands, migratory wildlife corridors, or native wildlife nursery sites. The Proposed Actions would not conflict with local policies or ordinances protecting biological resources or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan since no habitat, wetlands, or corridors are present on the project site or nearby. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects related to biological resources.

Overall, the Proposed Actions would be consistent with the project as analyzed in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) would not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the biological resources analysis provided in the 1999 IS/MND.

### **Mitigation**

No mitigation measures are required.

## **4.13 GEOLOGY AND SOILS**

### **4.13.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

#### **Disneyland Resort Specific Plan EIR No. 311**

Analysis of potential impacts related to earth resources in EIR No. 311 revealed that the project would expose people to seismic risk typical of Southern California. Such a risk was considered less than significant with implementation of project mitigation measures.

#### **Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The 1999 IS/MND reported that development of the Pointe Anaheim project would develop uses that would require excavation of the site material. However, the excavation of the project site would not be expected to result in significant adverse impacts with implementation of project mitigation measures.

#### **2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The modified Pointe Anaheim project was proposed for development within the same site boundary as the previously evaluated project in the 1999 IS/MND; therefore, the same area was found to be subject to impacts. The modified project was determined to be substantially similar to the original Pointe Anaheim project so no new impacts were identified.

#### **2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The Anaheim GardenWalk project proposed development in a similar manner on the 29.1-acre site previously evaluated; therefore, the same area would be subject to the same impacts as previously analyzed.

#### **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

No changes related to local geologic conditions have occurred since the 1999 IS/MND was prepared. Therefore, impacts related to the exposure of people or structures to geologic and seismic-related hazards were determined to be the same for the modified project. Also, it was determined that no additional ground disturbance beyond what was previously evaluated would occur and no structures beyond what was previously analyzed are proposed for construction.

#### 4.13.2 PROJECT ENVIRONMENTAL REVIEW

Would the project:

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**
  - i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
  - ii) **Strong seismic ground shaking?**
  - iii) **Seismic-related ground failure, including liquefaction?**
  - iv) **Landslides?**

Seismic risk at the project site was comprehensively analyzed as part of the previous environmental documentation and nothing has changed related to local geologic conditions. Construction associated with the Anaheim GardenWalk project has historically occurred in a manner consistent with City and State codes and mitigation measures. All future development will comply with applicable mitigation measures as detailed below; therefore, impacts related to exposure of people or structures to seismic-related hazards would be the same for the proposed project. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

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

Due to the nature of the project and the location of the site within a relatively flat and developed area, the Anaheim GardenWalk Project is not anticipated to result in substantial erosion or loss of topsoil. Furthermore, construction activities would be performed pursuant to the current National Pollutant Discharge Elimination System (NPDES) permit requirements as discussed in more detail in Section 4.10, Hydrology and Water Quality. No additional ground disturbance beyond what was previously evaluated would occur. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**
- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Consistent with previous environmental analyses, surface loading and other stresses can cause soils to settle. Because the earth materials underlying the site have relatively high densities, it is anticipated that for structures associated with the proposed project, estimated settlements would be minimal, causing no significant adverse impacts. Furthermore, no structures beyond what was previously analyzed are proposed for construction. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

- 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?**

As with the previously analyzed projects, the Proposed Actions would not involve the use of septic tanks or alternative wastewater disposal systems. Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. Overall, the Proposed Actions would be consistent with the project as analyzed in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) would not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the geology and soils analysis provided in the 1999 IS/MND.

### **Mitigation**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to approval of each grading plan, the property owner/developer shall submit a thorough soils and geological report for the area to be graded, based on proposed grading and prepared by an engineering geologist and geotechnical engineer. The report shall comply with Title 17 of the Anaheim Municipal Code.
2. Prior to issuance of each building permit, the property owner/developer shall submit for review and approval detailed foundation design information for the subject buildings, prepared by a civil engineer, based on recommendations by a geotechnical engineer.
3. Prior to issuance of each foundation permit, the property owner/developer shall submit a report prepared by a geotechnical engineer for review and approval which shall investigate the subject foundation excavations to determine if soft layers are present immediately beneath the footing site and to ensure that compressibility does not underlie the footing.
4. Prior to issuance of each building permit, the property owner/developer shall submit plans showing that the proposed structure has been analyzed for earthquake loading and designed according to the most recent seismic standards in the Uniform Building Code adopted by the City of Anaheim.
5. Prior to issuance of each grading permit (for Import/ Export Plan) and prior to issuance of demolition permit (for Demolition Plan) for Area B, the property owner/developer shall submit Demolition and Import/Export Plans. The plans shall include identification of offsite locations for material export from the project and options for disposal of excess material. These options may include recycling of materials onsite, sale to a soil broker or contractor, sale to a project in the vicinity or transport to an environmentally cleared landfill, with attempts made to move it within Orange County. The property owner/developer shall be encouraged to offer recyclable building materials, such as asphalt or concrete for sale or removal by private firms or public agencies for use in construction of other projects, if not all can be reused on the project site.

## **4.14 HAZARDS AND HAZARDOUS MATERIALS**

### **4.14.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

#### **Disneyland Resort Specific Plan EIR No. 311**

EIR No. 311 concluded that impacts associated with the potential release of hazardous materials would be reduced to a level considered less than significant with implementation of the recommended mitigation measures.

#### **Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The 1999 IS/MND reported that a portion of the project site could contain hazardous materials, as identified in the *Phase I Environmental Site Assessment* (ESA) prepared by Northwest Envirocon, Inc. in 1998. However, implementation of the proposed mitigation would reduce all impacts associated with hazardous materials to levels considered less than significant.

#### **2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The modified Pointe Anaheim project proposed development of the same project site with similar land uses; therefore, the impacts would remain the same and the identified mitigation measures would continue to reduce impacts to less than significant levels.

#### **2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The Anaheim GardenWalk project proposed development of the same 29.1-acre project site with land uses similar to those proposed by the original Pointe Anaheim project. Due to the generally similar nature of the two projects, no new impacts were identified.

#### **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, structures on the eastern portion of the project site have been demolished but the western portion of the site (Area B) includes structures that utilize hazardous materials onsite as noted in previous analysis for this Project. Implementation of identified mitigation measures in the 1999 IS/MND would reduce impacts related to hazardous materials to a less than significant level.

A review of federal, state, and local databases showed there were no identified hazardous materials sites on the project site (EDR 2010). Nearby listed sites would not pose a hazard to the project site.

It is expected that incidental use of materials categorized as hazardous would occur during construction and operations associated with the project. All future construction and operation of the Anaheim GardenWalk project would be in compliance with all applicable federal, State, and local laws and regulations regarding hazardous materials and wastes. The project would not interfere with an emergency response plan or emergency evacuation plan and would not be subject to wildland fire risks.

#### 4.14.2 PROJECT ENVIRONMENTAL REVIEW

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**
- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

A Phase I ESA was prepared by Northwest Envirocon, Inc. in 1998. A portion of the site was identified to contain hazardous materials as discussed further under question d, below. Consistent with the analysis contained in the 1999 IS/MND, the potential for people, specifically construction workers, to be exposed to hazardous materials is considered a significant impact; however, implementation of applicable mitigation measures from EIR No. 311 and the 1999 IS/MND (identified below) would reduce this impact to a less than significant level. Therefore, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

Although there are no industrial uses onsite requiring regular transport, use, and disposal of hazardous materials, there is expected to be incidental use of materials categorized as hazardous during construction and operation associated with the project. These include paints, solvents, certain cleaners and other corrosive materials. The use of these materials is required to comply with all regulations governing their use. All future construction and operation of the Anaheim GardenWalk project would be in compliance with all applicable federal, State, and local laws and regulations regarding hazardous waste, including the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Waste Control Act, and the California Accidental Release Prevention Program. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

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

The Anaheim GardenWalk Project is not located within ¼-mile of an existing or proposed school; the nearest school is Paul Revere Elementary School, which is located approximately 0.4 mile northeast of the project site. Therefore, the Proposed Actions would not result in hazardous emissions or require the handling of hazardous materials in proximity to nearby schools. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

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

As stated previously, a Phase I ESA was prepared for the Pointe Anaheim project. The results of the Phase I ESA identified the following environmental conditions that could potentially impact the proposed project site:

- A Chevron gasoline station formerly occupied at the northwestern corner of the project site.



- Two light industrial structures on the site (1731-1741 and 1751-1755 South Clementine Street).
- Suspect asbestos-containing materials (ACMs) that were identified in all of the inspected older existing buildings during on-site observations.
- Potential lead-based paints (LBP) (based upon the building age).

Because structures that existed on the eastern portion of the project site (Area A) at the time of the Phase I ESA have since been demolished and construction of the Anaheim GardenWalk RDE component and the related parking structure has taken its place, potential impacts related to the eastern portion of the site are not a concern for this project. The western portion of the project site (Area B) continues to exist as was described in the Phase I ESA; therefore, identified impacts still exist.

No further environmental risks or recognized environmental conditions indicating the presence of hazardous conditions were observed. According to a recent review of federal, state, and local databases, no identified hazardous materials sites are located on the project site (EDR 2010). According to the database search, the nearest listed sites and their clean-up status include the following:

- Former Katella Car Wash, 350 Katella Avenue. This was the site of a leaking underground gasoline storage tank discovered in 1991 where the soil was affected. The site was subject to remediation and monitoring. The case was closed in 1996 and does not pose a hazard to the project site.
- Former Anaheim Fire Station #3, 1680 Clementine Street. This was the site of a leaking underground diesel storage tank discovered in 1998 where the soil was affected. The affected soil was cleaned up and the case was closed in 1998 and does not pose a hazard to the project site.
- Chevron, 1801 Harbor Boulevard. This was the site of a leaking underground gasoline storage tank discovered in 1998 where the soil was affected. The site was subject to remediation and monitoring. The case was closed in 1999 and does not pose a hazard to the project site. Several other underground storage tanks exist on the site and do not pose a hazard to the project site.
- Mobil, 1800 Harbor Boulevard. This was the site of a leaking underground gasoline storage tank discovered in 1990 where the underlying aquifer was affected. The site was subject to remediation and monitoring. The case was closed in 1998 and does not pose a hazard to the project site. Several other underground storage tanks exist on the site and do not pose a hazard to the project site.
- This was also the site of an accidental gasoline spill (approximately five gallons) which was reported in 1993 when a customer drove off with the nozzle in the tank. The surface spill was cleaned-up and no further contamination was noted. The case was closed in 1998 and does not pose a hazard to the project site.
- Unocal, 1779 Harbor Boulevard. This was the site of a leaking underground gasoline storage tank discovered in 1965 where the soil was affected. Due to the historic nature of the reported leak, details are limited; however, the case was closed in 1986. Therefore, the site does not pose a hazard to the project site.

Consistent with the analysis contained in the 1999 IS/MND, the potential for people to be exposed to hazardous materials during future construction associated with the hotels or Area B is considered a significant impact. With implementation of identified mitigation measures,

impacts related to hazardous materials would be reduced to a less than significant level. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

- e) For a project located within an airport land use plan (Los Alamitos Armed Forces Reserve Center or Fullerton Municipal Airport), would the project result in a safety hazard for people residing or working in the project area?**
- f) For a project within the vicinity of a private airstrip, heliport or helistop, would the project result in a safety hazard for people residing or working in the project area?**

The project site is not within an adopted Airport Land Use Plan or located in the vicinity of a private airstrip, heliport, or helistop. No new impacts are anticipated.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

According to the *City of Anaheim General Plan's Safety Element* (May 2004), the City has an emergency preparedness plan that complies with State law and that interfaces with other cities and counties in Southern California. Project implementation would neither impair implementation of nor interfere with an emergency response plan or emergency evacuation plan because there would be no changes to local roadways or the circulation network and no significant increased density will occur at the site. Additionally, with implementation of mitigation measures identified in Section 4.1 of this Addendum, traffic associated with the proposed project would not create roadway segment or intersection deficiencies that would affect an emergency response or evacuation plan. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

The project site is located within an urban, developed area and would not be subject to wildland fire risks. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects.

Overall, the Proposed Actions would result in a project that is consistent with the project as analyzed in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) would not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the hazards and hazardous materials analysis provided in the 1999 IS/MND.

## **Mitigation**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project with the Proposed Actions.

1. Prior to approval of the first grading plan or issuance of the first demolition permit for Area B, whichever occurs first, investigation for the presence of cryptic tanks using geophysical methods shall be conducted in the subject area for the property owner/developer by a qualified environmental professional in the areas of former service stations and those areas known or thought to have been formerly occupied by USTs and where tank removal has not been verified prior to excavation or grading in these areas.

Soil sampling or a soil organic vapor survey may be required if soil sampling results are not available or indicate contamination is present above regulatory guidelines. If warranted, subsurface investigation and sampling shall be undertaken in these areas, and appropriate remediation measures developed, if necessary, before demolition, excavation, or grading takes place in these areas.

2. Prior to removal of underground tanks, a permit shall be obtained from the Environmental Protection Section of the Fire Department for removal of underground tanks by the property owner/developer. During removal of the underground storage tank, a representative from the Fire Department, Environmental Protection Section, shall be onsite to direct soil sampling.
3. On-going during remediation, remediation activities conducted on behalf of the property owner/developer of surface or subsurface contamination not related to USTs shall be overseen by the Orange County Health Department. Information on subsurface contamination from an underground storage tank shall be provided to the Public Utilities Department, Water Services Administration, Environmental Services.
4. Prior to approval of the first grading plan or issuance of the first demolition permit, whichever occurs first, the property owner/developer shall submit a plan for review and approval by the Fire Department, which details procedures that will be taken if a previously unknown UST or other unknown hazardous materials or waste is discovered onsite.
5. Prior to relocation of any transformers within the Project boundaries that may contain PCBs which are being moved or relocated as part of project development, the transformers shall be tested by the property owner/developer for PCBs.
6. Prior to approval of a grading plan in Area B, a subsurface investigation and sampling of Area B, if needed, shall be undertaken by a qualified environmental professional for the property owner/developer to the satisfaction of the Public Utilities Department, Water Services Administration, Environmental Services, to determine if the former Chevron station's USTs and/or business practices have environmentally impacted the subject property.
7. On-going during demolition in Area B, appropriate disposal of lead and other hazardous materials to landfill shall be required in compliance with all applicable federal, state, and local regulations, depending on waste characterization. The State of California requires that all waste streams be characterized based on Waste

Extraction Tests (WET), such as total Soluble Threshold Limit Concentrations (STLC), to determine appropriate disposal facility and procedures.

8. On-going during demolition and construction, in the event that hazardous waste, including asbestos, is discovered during site preparation or construction, the property owner/developer shall ensure that the identified hazardous waste and/or hazardous material are handled and disposed of in the manner specified by the State of California Hazardous Substances Control Law (Health and Safety Code, Division 20, Chapter 6.5), according to the requirements of the California Administrative Code, Title 30, Chapter 22, and the Uniform Fire Code, Article 87.

#### **4.15 CULTURAL RESOURCES**

##### **4.15.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

###### **Disneyland Resort Specific Plan EIR No. 311**

EIR No. 311 concluded that no impacts to cultural, historic, or prehistoric resources were expected to occur from development of SP92-1. However, implementation of the required mitigation measures would ensure that if any cultural resources were discovered during grading or project development, potential impacts would be mitigated to a level considered less than significant.

###### **Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The 1999 IS/MND reported that no cultural resources are known to exist on site and implementation of the required mitigation measures would reduce any potential impacts to a level considered less than significant.

###### **2001 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

Evaluation of the modified Pointe Anaheim project, proposed for development on the same site as the original Pointe Anaheim project, also determined that no known cultural resources exist on site. No new impacts would occur with the modified project.

###### **2006 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

Due to the generally similar nature of the Anaheim GardenWalk project and the approved Pointe Anaheim project, combined with the fact that both projects were proposed on the same project site, no new impacts to Cultural Resources were anticipated.

###### **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, no historic (archaeological) or prehistoric (paleontological) cultural resources, including no evidence of human remains, were identified in previous studies for the site. The reallocation/redistribution of RDE uses associated with the proposed project would not involve additional ground disturbance beyond what was evaluated and approved in the previous environmental documents. Therefore, the same area would be subject to impacts and no new impacts related to cultural resources would occur. Additionally, on April 19, 2011, the City of Anaheim sent out letters to seven local Native American tribe representatives pursuant to the requirements of Senate Bill 18, notifying the tribe representatives of the proposed project and inviting comment. As of May 2011, the City had not received any

response. It was determined that, the modified project would be consistent with the project analyzed in the 1999 IS/MND.

#### 4.15.2 PROJECT ENVIRONMENTAL REVIEW

Would the project:

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines and/or identified on the Qualified Historic Structures list of the Anaheim Colony Historic District Preservation Plan (July 20, 1999)?**

The Proposed Actions do not involve any physical modifications to the Anaheim GardenWalk as currently entitled. No additional ground disturbance would occur beyond what was evaluated and approved in the previous environmental documents; therefore, the same area would be subject to impacts and no new impacts related to cultural resources would occur. Specifically, there are no designated or eligible historical resources in the project area. As a result, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects related to cultural resources would occur.

- b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?**
- c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**
- d) **Disturb any human remains, including those interred outside of formal cemeteries?**

A records search conducted for the Disneyland Resort Specific Plan area and the Anaheim Resort Specific Plan area, prepared by the California Archaeological Information Center at the University of California, Los Angeles (UCLA), Institute of Archaeology in May of 1991, identified no historic (archaeological) or prehistoric (paleontological) cultural resources, including no evidence of human remains, within the study area. Due to the highly urbanized nature of the immediate project area since the original survey in 1991 and because no additional construction is proposed beyond what was previously evaluated and approved for the project site, the Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects related to cultural resources. Additionally, on April 19, 2011, the City of Anaheim sent out letters to seven local Native American tribe representatives pursuant to the requirements of Senate Bill 18, notifying the tribe representatives of the proposed project and inviting comment. The City did not receive any response. Because the Proposed Actions do not involve any amendments to the specific plan and do not involve any physical modifications to the Anaheim GardenWalk Project, as currently entitled, additional Native American Consultation is not required. Overall, the Proposed Actions would be consistent with the project as analyzed in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) would not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures which are considerably

different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the cultural resources analysis provided in the 1999 IS/MND.

### **Mitigation**

The following mitigation measures from Mitigation Monitoring Program No. 004a would remain applicable to the Anaheim GardenWalk Project after the Proposed Actions.

1. Prior to approval of each grading plan, the property owner/developer shall submit a letter identifying the certified archaeologist that has been hired to ensure that the following actions are implemented:
  - a. The archaeologist must be present at the pre-grading conference in order to establish procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of artifacts if potentially significant artifacts are uncovered. If artifacts are uncovered and determined to be significant, the archaeological observer shall determine appropriate actions in cooperation with the property owner/developer for exploration and/or salvage.
  - b. Specimens that are collected prior to or during the grading process will be donated to an appropriate educational or research institution.
  - c. Any archaeological work at the site shall be conducted under the direction of the certified archaeologist. If any artifacts are discovered during grading operations when the archaeological monitor is not present, grading shall be diverted around the area until the monitor can survey the area.
  - d. A final report detailing the findings and disposition of the specimens shall be submitted to the City Engineer. Upon completion of the grading, the archaeologist shall notify the City as to when the final report will be submitted.
2. Prior to approval of each grading plan, the property owner/developer shall submit a letter identifying the certified paleontologist that has been hired to ensure that the following actions are implemented:
  - a. The paleontologist must be present at the pre-grading conference in order to establish procedures to temporarily halt or redirect work to permit the sampling, identification, and evaluation of fossils if potentially significant paleontological resources are uncovered. If artifacts are uncovered and found to be significant, the paleontological observer shall determine appropriate actions in cooperation with the property owner/developer for exploration and/or salvage.
  - b. Specimens that are collected prior to or during the grading process will be donated to an appropriate educational research institution.
  - c. Any paleontological work at the site shall be conducted under the direction of the certified paleontologist. If any fossils are discovered during grading operations when the paleontological monitor is not present, grading shall be diverted around the area until the monitor can survey the area.
  - d. A final report detailing the findings and disposition of the specimens shall be submitted. Upon completion of the grading, the paleontologist shall notify the City as to when the final report will be submitted.

## **4.16 MINERAL RESOURCES**

### **4.16.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS**

The previous environmental documents, including EIR No. 311, the 1999 IS/MND, and the two previous addenda (2001 and 2006) to the 1999 IS/MND, did not provide specific analyses of mineral resources.

#### **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

The project site is not located in an area designated as a Mineral Resource Zone (MRZ) or Regionally Significant Aggregate Resources Area. According to the 2011 Addendum, because no additional excavation beyond what was previously evaluated would occur, it was determined that the modified project would not create a new significant impact over what was analyzed in the 1999 IS/MND.

### **4.16.2 PROJECT ENVIRONMENTAL REVIEW**

**Would the project:**

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

According to the *City of Anaheim General Plan's Green Element* (May 2004), the project is not located in an area designated as an MRZ or Regionally Significant Aggregate Resources Area. Because no additional excavation beyond what was previously evaluated would occur, the project would not result in the loss of any mineral resource. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. Overall, the Proposed Actions would be consistent with the project as analyzed in the 1999 IS/MND. The Proposed Actions would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the CEQA Guidelines, the Proposed Actions (1) would not propose substantial changes; (2) would not have circumstantial changes when the project is undertaken; and (3) would bring about no new information of substantial importance which would (a) create new significant impacts, (b) increase the severity of previously examined effects, (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures which are considerably different from those analyzed in the previous documents. For these reasons, there are no major revisions required to the Mineral Resources analysis provided in the 1999 IS/MND.

#### **Mitigation**

No mitigation measures are required.

## 4.17 GREENHOUSE GAS EMISSIONS

### 4.17.1 SUMMARY OF PREVIOUS ENVIRONMENTAL ANALYSIS

Prior to the 2011 Addendum, previous environmental documents, including EIR 311, the 1999 IS/MND, and the 2001 and 2006 addenda to the 1999 IS/MND, did not provide specific analyses of greenhouse gas (GHG) emissions. Nonetheless, “information on the effect of greenhouse gas emissions on climate change” does not constitute “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 IS/MND was adopted.” (See *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal. App. 4th 515, 531-32 [rejecting claim that such information triggered the need for a supplemental EIR, and explaining that such information was known “long before the City approved the 1994 EIR” at issue].)

To the contrary, limiting greenhouse gas (“GHG”) emissions to combat climate change has been a governmental goal since the late 1970s. Indeed, as explained by the United States Supreme Court in *Massachusetts v. EPA* (2007) 549 U.S. 497, “In the late 1970's, the Federal Government began devoting serious attention to the possibility that carbon dioxide emissions associated with human activity could provoke climate change. In 1978, Congress enacted the National Climate Program Act, 92 Stat. 601, which required the President to establish a program to ‘assist the Nation and the world to understand and respond to natural and man-induced climate processes and their implications,’ [citation]. President Carter, in turn, asked the National Research Council, the working arm of the National Academy of Sciences, to investigate the subject. The Council's response was unequivocal: ‘If carbon dioxide continues to increase, the study group finds no reason to doubt that climate changes will result and no reason to believe that these changes will be negligible. . . . A wait-and-see policy may mean waiting until it is too late.’” (*Id.* at 507–508.)

In 1987, Congress enacted the Global Climate Protection Act for the purpose of “establish[ing] a national climate program that will assist the Nation and the world to understand and respond to natural and man-induced climate processes and their implications.” (15 USC § 2902.) The act required the establishment of various programs to further climate change research. (15 USC § 2904(d).)

In 1988, the United Nations created the Intergovernmental Panel on Climate Change (IPCC) to provide scientific information regarding climate change to policymakers. In 1992, 154 nations, including the United States, entered into the United Nations Framework Convention on Climate Change (UNFCCC), a nonbinding agreement under which industrialized countries pledged to work to reduce greenhouse gas (GHG) emissions. Five years later, in 1997, the parties to the UNFCCC adopted the Kyoto Protocol, which set binding GHG reduction targets for 37 industrialized countries and the European Community, with the objective of reducing their collective omissions by 5% below 1990 levels during the “commitment period” of 2008-2012.

Further, as noted by the court in *Citizens for Responsible Equitable Environmental Development v. City of San Diego*, *supra*, 196 Cal. App. 4th 515, by 1990, the potential impacts of GHG emissions were already the subject of litigation, with the “Natural Resources Defense Council (NRDC) argu[ing] ‘increase in fossil fuel combustion . . . will . . . lead to a global increase in temperatures, causing a rise in sea level and a decrease in snow cover that would damage the shoreline, forests, and agriculture of California.’” (*Id.* at 531, quoting *City of Los Angeles v. National Highway Traffic Safety Administration* (D.C. Cir. 1990) 286 U.S. App.D.C. 78.)



Thus, by the 1990s, California's local government agencies were well aware of the importance of monitoring and limiting GHG emissions when approving projects. Since GHG impacts were well known at the time the 1999 IS/MND was adopted (and indeed, in 1993, when EIR No. 311 was certified), information regarding the potential of the Anaheim GardenWalk Project to impact climate change does not constitute "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 IS/MND was adopted," and thus, does not trigger the need for any further environmental review. (See *Citizens for Responsible Equitable Environmental Development v. City of San Diego*, *supra*, 196 Cal. App. 4th at 531-32.) Nonetheless, in order to be conservative and to provide as much information to the public as possible, an analysis of GHG emissions related to the Anaheim GardenWalk Project is included herein.

### **2011 Addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration**

According to the 2011 Addendum, the modified project would result in a reduction of approximately 5,000 MTCO<sub>2</sub>e/year in GHG emissions than the estimates for the 1999 IS/MND project, a reduction of approximately 6.6 percent. Because modified project's GHG emissions would be less than would occur with the project anticipated in the 1999 IS/MND, there would be no new impact. Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings and the Title 24 California Green Building Standards Code are enforced by the City, and adherence to these standard requirements for construction and operations would ensure that the modified project would comply with both of these regulations. Also, implementation of the mitigation measures from Mitigation Monitoring Program No. 004a by the modified project would reduce GHG emissions through reduced vehicle miles traveled, reduction of water use, and improved energy efficiency. Thus, it was determined that the modified project would be consistent with AB 32, and would not conflict with an applicable plan, policy, or regulation of State, regional, or local agencies.

#### **4.17.2 PROJECT ENVIRONMENTAL REVIEW**

Effective March 18, 2010, the State has adopted amendments to the CEQA Guidelines requiring the analysis and mitigation of the effects of GHG emissions in CEQA documents

#### **Would the project:**

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

As discussed in Section 3.0, Project Background and Description, the Project Actions would not change the currently-approved development. The currently-approved development includes land uses that have been reallocated, as compared with the original project configuration evaluated in the 1999 IS/MND. Construction and operational activities associated the currently-approved development were previously evaluated in prior environmental documents. Therefore in accordance with current SCAQMD recommended practice, construction GHG emissions are not evaluated independently for significance, but are amortized over the lifetime of the project, usually taken as 30 years, and included with operational emissions (SCAQMD 2008). Thus, in development projects with substantial building area and vehicle trip generation, construction emissions become a minor contributor to long-term GHG emissions.

Operational GHG emissions include the direct emissions from vehicle trips and natural gas use and the indirect emissions resulting from the off-site generation of electricity used on site and used to obtain, transport, and treat water used on site. Operational GHG emissions for the proposed project were estimated using the latest version of CalEEMod. Land use sizes were

taken from the respective project descriptions. Vehicle emission inputs to the model were based on the average daily trip data shown in Table 8 in Section 4.2, Air Quality. Model default values were used for electricity and natural gas consumption. Indoor and outdoor water use data were taken from Tables 11 and 12 in Section 4.8, Utilities and Service Systems. As shown in Table 14, implementation of the currently-approved development would result in a reduction of approximately 5,000 MTCO<sub>2</sub>e/year in GHG emissions than estimated for the 1999 IS/MND project configuration, a reduction of approximately 6.6 percent. The principal sources of reduced GHG emissions are vehicle operations and reduced water use. Because the Proposed Actions would result in GHG emissions that would be less than would occur with the project anticipated in the 1999 IS/MND, there would be no impact.

**TABLE 14  
ESTIMATED ANNUAL GHG EMISSIONS**

Source	GHG Emissions - MTCO <sub>2</sub> e/year		
	1999 IS/MND	Proposed Actions	Increase/ (Decrease)
Vehicle emissions	49,943	44,960	(4,983)
Electricity	18,169	18,099	(70)
Natural gas	5,667	6,101	434
Water	1,930	1,550	(380)
<b>Total</b>	<b>75,709</b>	<b>70,710</b>	<b>(4,999)</b>

Source: BonTerra 2011.

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

There are numerous State plans, policies and regulations adopted for the purpose of reducing GHG emissions. The principal overall State plan and policy is Assembly Bill (AB) 32, the *California Global Warming Solutions Act of 2006*. The quantitative goal of AB 32 is to reduce GHG emissions to 1990 levels by 2020. Statewide plans and regulations such as GHG emissions standards for vehicles (AB 1493), the Low Carbon Fuel Standard, and regulations requiring an increasing fraction of electricity to be generated from renewable sources are being implemented at the statewide level; therefore, compliance at the project level is not addressed. Therefore, the Proposed Actions do not conflict with those plans and regulations.

The regulations, plans, and polices adopted for the purpose of reducing GHG emissions that are directly applicable to the Anaheim GardenWalk Project include the Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings and the Title 24 California Green Building Standards Code. These codes are enforced by the City, and adherence to standard requirements for construction and operations would ensure that the project would comply with both of these regulations.

Implementation of the mitigation measures from Mitigation Monitoring Program No. 004a for the Anaheim GardenWalk Project, as described in the Mitigation section below, would provide GHG emission reductions through reduced vehicle miles traveled, reduction of water use, and improved energy efficiency. Some of these reductions would be in addition to the vehicle, electricity use, and water use reductions quantified in response a). Thus, the Proposed Actions are consistent with AB 32, and it can be concluded that the Proposed Actions would not conflict with an applicable plan, policy, or regulation of State, regional, or local agencies. This impact is less than significant.

The analyses of issues a) and b) above demonstrate that there would be no new significant environmental effects in accordance with CEQA Guidelines Section 15162(a)(2).

**Mitigation**

The following mitigation measures are stated previously throughout this document as applicable to the proposed project and would also reduce vehicle GHG emissions or GHG emissions associated with energy use: mitigation measures 6, 7, 9, 13, 14, and 15 from Section 4.1 Transportation/Traffic; measures 2, 4 and 5 from Section 4.2, Air Quality; and measures 1 from the water subsection, measure 2 from the solid waste subsection, measures 1 and 2 from the electricity subsection, and measures 1 and 2 from the natural gas subsection of Section 4.8, Utilities and Service Systems.

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## **SECTION 5.0 SUMMARY OF FINDINGS**

As demonstrated throughout this document, the Proposed Actions would not result in any impacts are considered to be new significant impacts or impacts that are substantially worse than those analyzed in previous environmental documentation for the Anaheim GardenWalk Project. Because the Proposed Actions would not meet any of the criteria identified in Section 15162 of the CEQA Guidelines requiring preparation of a subsequent document, an addendum to the Pointe Anaheim Initial Study and Mitigated Negative Declaration is the appropriate document type for the Proposed Actions. In addition, this document further demonstrates that the Proposed Actions would not result in any impacts that are considered to be new significant impacts or impacts that are substantially worse than the original configuration of the project evaluated in the 1999 IS/MND. This further confirms that an addendum is adequate to serve as the required environmental documentation for the Proposed Actions.

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**APPENDIX A**

**TRAFFIC ANALYSIS UPDATE VERIFICATION MEMORANDUM**





## Memorandum

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**To:** Jennifer Marks, BonTerra Consulting      **From:** Janet Harvey, Iteris  
**Date:** February 13, 2013      **Job Number:** 17-J13-1702  
**Re:** Anaheim GardenWalk Project Addendum to the Pointe Anaheim Initial Study/Mitigated  
Negative Declaration Traffic Analysis Update Verification Memorandum

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The purpose of this memorandum is to verify that the traffic analysis prepared for the 2011 Addendum to the Anaheim GardenWalk project is still valid with two (2) Proposed Actions related to the project. These Actions are:

1. an amendment (Amendment No. 3) to the Second Amended and Restated Development Agreement No. 99-01 to defer the commencement of the construction of two hotels (the "Hotels") by up to 18 months, and to allow the developer to phase construction of the Hotels; and
2. an amendment to the existing Economic Assistance Agreement for the Hotels to increase the amount of economic assistance provided to the project

The Proposed Actions do not include any proposed change to the physical characteristics of the currently-entitled GardenWalk Project, as evaluated in the 2011 Addendum. The only change would be the anticipated timing of the construction of the Hotels.

The following is a summary of text from the 2011 traffic study, which has been verified as still valid for the current Project Actions. It should be noted that vehicle trips associated with the hotel component are very low compared to the trips from other land uses included within the Project.

### Existing Conditions

The project study area includes the same 13 intersections identified by City of Anaheim staff that were analyzed in the 1999 Pointe Anaheim IS/MND and that have been analyzed in addenda subsequent to the original Project 1999 IS/MND. The study area also includes the signalized project driveway on Disney Way (referred to as intersection 14), which was included in the 2011 Addendum to the 1999 Pointe Anaheim IS/MND. The locations of the study intersections and the existing intersection lane configurations are illustrated in Exhibit 1, Existing Lane Configurations. The existing PM peak hour intersection turning movement volumes are illustrated in Exhibit 2, Existing Intersection Volumes.

Intersection operations can be characterized in terms of LOS, which varies from LOS A, which represents uncongested free-flow conditions, to LOS F, which represents over-capacity, jammed conditions. As specified in the City of Anaheim traffic impact study guidelines, intersection levels of service calculations were conducted using the ICU method, which assigns an ICU value between 0.00 and 1.00 to each intersection based on its capacity and the volume of traffic traveling through it. The City of Anaheim and the County of Orange Growth Management Program (GMP) have established LOS D (ICU value of 0.90) as the lowest acceptable level of service for peak hour operating conditions on local arterial streets. The Orange County



Congestion Management Program (CMP) specified LOS E (ICU value of 1.00) as the lowest acceptable level of service for an intersection on the CMP highway network.

Table 1 shows year 2010 LOS calculated from the 2010 traffic counts. As shown, all of the study intersections are shown to operate at LOS B or better.

**TABLE 1  
2010 ICU SUMMARY**

Intersection	2010 Conditions	
	Weekday PM	
	ICU	LOS
1. Harbor Boulevard and Ball Road	0.63	B
2. Harbor Boulevard and I-5 NB Ramp	0.48	A
3. Harbor Boulevard and I-5 SB Ramp	0.30	A
4. Harbor Boulevard and Disney Way	0.36	A
5. Harbor Boulevard and Katella Avenue	0.54	A
6. Clementine Street and Disney Way	0.20	A
7. Clementine Street and Katella Avenue	0.52	A
8. I-5 SB Ramps and Disney Way	0.21	A
9. Anaheim Boulevard and Disney Way	0.43	A
10. Anaheim Boulevard / Haster Street and Katella Avenue	0.51	A
11. Haster Street and Orangewood Avenue	0.62	B
12. I-5 SB Ramps and Katella Avenue	0.50	A
13. I-5 NB Ramps and Katella Avenue	0.46	A

**Future No Project Conditions**

The future 2015 no-project conditions are those that would occur under the "1999 IS/MND Project ", and will be referred to as "No Project". Traffic volumes for the year 2015 were developed from data provided by the City of Anaheim using the Anaheim Traffic Analysis Model (ATAM). Because the 2011 Addendum made comparisons in the transportation analysis comparing forecast traffic conditions with the project as currently configured to those that would prevail under the 1999 IS/MND, the same methodology that was used to forecast traffic volumes from the ARSP were modified to establish 2015 no-project traffic volumes that include Anaheim GardenWalk as originally approved.

According to the current project construction schedule, it is expected that project buildout would not occur until 2017, 2 years after the traffic volume horizon year. This analysis required a verification in order to be used as the appropriate data. In the 2015 traffic forecasts, the intersection with the highest level of service was projected to operate at LOS C, with a V/C ratio of 0.80. This means that the intersection is projected to operate at 80 percent capacity. The traffic would need to increase by 11 percent in order for any intersection to be forecasted to operate at a level of service deemed unacceptable by the City. With a current traffic growth rate of 1 percent per year, traffic will not increase enough to cause any significant or cumulative impacts to any of



the study intersections by 2017. Therefore, traffic volumes will remain within the acceptable range established by the City, and the 2015 calculations are adequate for this analysis.

Similar to the 2011 Addendum, 2015 No Project volumes were developed by subtracting traffic volumes that would be generated by the Anaheim GardenWalk 2006 Addendum project from the 2015 turning movement volumes analyzed in DSEIR No. 340 and then adding the 1999 Pointe Anaheim IS/MND project trip volumes. The 2015 No Project PM peak hour turning movement volumes are illustrated in Exhibit 3, Year 2015 No Project Weekday 5:00 PM–6:00 PM Peak Hour Volumes. The resulting 2015 No Project intersection levels of service are indicated in Table 2. As shown in this table, all of the study intersections are projected to operate at a satisfactory level of service.

**TABLE 2  
YEAR 2015 NO PROJECT ICU SUMMARY**

Intersection	Year 2015 No Project	
	Weekday PM	
	ICU	LOS
1. Harbor Boulevard and Ball Road	0.74	C
2. Harbor Boulevard and I-5 NB Ramp	0.62	B
3. Harbor Boulevard and I-5 SB Ramp	0.39	A
4. Harbor Boulevard and Disney Way	0.54	A
5. Harbor Boulevard and Katella Avenue	0.75	C
6. Clementine Street and Disney Way	0.32	A
7. Clementine Street and Katella Avenue	0.76	C
8. I-5 SB Ramps and Disney Way	0.33	A
9. Anaheim Boulevard and Disney Way	0.61	B
10. Anaheim Boulevard / Haster Street and Katella Avenue	0.75	C
11. Haster Street and Orangewood Avenue	0.81	D
12. I-5 SB Ramps and Katella Avenue	0.68	B
13. I-5 NB Ramps and Katella Avenue	0.63	B
14. Project Driveway on Disney Way	0.41	A

**Trip Generation**

As noted above, the Proposed Actions (i.e. the amendments to Development Agreement No. 99-01 and the existing Economic Assistance Agreement) do not include any proposed change to the physical characteristics of the currently-entitled development, but relate merely to the timing of construction and financing of the hotel portion of the previously-approved project. Moreover, as indicated below, the vehicle trips associated with the hotel component are very low compared to the trips associated with other land uses included in the GardenWalk Project.



Since this current action does not propose any changes to land uses, only the timing of the construction of the Hotels, the buildout project trip generation would be the same as under existing entitlements, as analyzed in the 2011 Addendum.

The GardenWalk Project contains a mix of land uses that will share a consolidated parking facility, resulting in “internal” trips which will be made between the land uses of the project without the use of automobiles. In addition, because of the project’s location within The Anaheim Resort, many trips to/from the Anaheim GardenWalk Project will be made by persons visiting other attractions or by persons traveling past the site between those attractions and other hotels/motels in the project area.

The methodology used to calculate the project’s trip generation is based on rates published by the Institute of Transportation Engineers (Trip Generation, 8th Edition, hereafter referred to as the “ITE”). The proposed RDE entitlements were classified to different land uses as defined by the ITE. The gross vehicle trips are calculated based on application of the ITE trip generation rates to the square footage of land use or number of hotel rooms or movie theater seats.

Tables 3 and 4 show the gross vehicle trip generation calculations for the two areas of the project site. The gross vehicle trips were then adjusted to reflect trip reductions due to walking, transit, pass-by, and internal trips. The trip reductions calculated for each land use category for walking, transit, pass-by and internal trips are shown in Tables 5 and 6.

**TABLE 3  
AREA A GROSS VEHICLE TRIP GENERATION WEEKDAY PM PEAK HOUR**

Land Use	Quantity		Inbound		Outbound		Total Trips
			Rate	Trips	Rate	Trips	
<b>Retail</b>							
Shopping Center	133,683	Sq Ft	1.83	245	1.90	254	499
<b>Dining</b>							
Quality Restaurant	123,372	Sq Ft	5.02	619	2.47	305	924
High-Turnover Restaurant	24,816	Sq Ft	6.58	163	4.57	113	276
<b>Entertainment</b>							
Night Club/Bar	47,769	Sq Ft	7.48	357	3.86	184	541
Live Theater	900	Seats	0.01	9	0.01	9	18
Multiplex Movie Theater	2,165	Seats	0.03	65	0.05	108	173
Bowling	47,665	Sq Ft	1.24	59	2.30	110	169
Outdoor Restaurant	11,000	Sq Ft	7.48	82	3.86	42	124
<b>Total R/D/E</b>			<b>3.48</b>	<b>1,599</b>	<b>2.45</b>	<b>1,125</b>	<b>2,724</b>
Hotel	1,266	Rooms	0.18	228	0.24	304	532
<b>Total Area A Gross Trips</b>				<b>1,827</b>		<b>1,429</b>	<b>3,256</b>
Note: Rates are per 1000 Sq Ft. Rates obtained from <i>ITE Trip Generation Manual</i> , 8th Edition.							





**TABLE 4  
AREA B GROSS VEHICLE TRIP GENERATION WEEKDAY PM PEAK HOUR**

Land Use	Quantity		Inbound		Outbound		Total Trips
			Rate	Trips	Rate	Trips	
<b>Retail</b>							
Shopping Center	114,350	Sq Ft	1.83	209	1.90	217	426
<b>Dining</b>							
Quality Restaurant	10,902	Sq Ft	5.02	55	2.47	27	82
High-Turnover Restaurant	4,898	Sq Ft	6.58	32	4.57	22	54
<b>Total R/D/E</b>	<b>130,150</b>	<b>Sq Ft</b>	<b>2.27</b>	<b>296</b>	<b>2.04</b>	<b>266</b>	<b>562</b>
Hotel	362	Rooms	0.18	65	0.24	87	152
<b>Total Area B Gross Trips</b>				<b>361</b>		<b>353</b>	<b>714</b>
Note: Rates are per 1000 Sq Ft. Rates obtained from <i>ITE Trip Generation Manual</i> , 8th Edition.							

**TABLE 5  
AREA A NET VEHICLE TRIP GENERATION WEEKDAY PM PEAK HOUR**

Land Use	Gross Vehicle Trips Total	Walk/Transit		Internal		Passby		Net Vehicle Trips		
		In	Out	In	Out	In	Out	In	Out	Total
Retail	499	19	43	167	84	15	32	44	95	139
Dining	1,200	107	84	353	80	64	51	257	203	<b>460</b>
Entertainment	1,025	82	41	24	182	47	23	419	208	<b>627</b>
Hotel	532	32	7	16	255	0	0	180	41	<b>222</b>
<b>Total</b>	<b>3,256</b>	<b>241</b>	<b>175</b>	<b>560</b>	<b>601</b>	<b>126</b>	<b>106</b>	<b>901</b>	<b>547</b>	<b>1,448</b>
Note: Totals may not exactly match the sum of values due to rounding.										

**TABLE 6  
AREA B NET VEHICLE TRIP GENERATION WEEKDAY PM PEAK HOUR**

Land Use	Gross Vehicle Trips Total	Walk/Transit		Internal		Passby		Net Vehicle Trips		
		In	Out	In	Out	In	Out	In	Out	Total
Retail	426	44	41	34	53	33	31	99	92	191
Dining	136	3	7	76	20	2	4	7	17	24
Entertainment	0	0	0	0	0	0	0	0	0	0
Hotel	152	9	2	5	73	0	0	51	12	63
<b>Total</b>	<b>714</b>	<b>56</b>	<b>50</b>	<b>114</b>	<b>146</b>	<b>35</b>	<b>35</b>	<b>157</b>	<b>122</b>	<b>279</b>
Note: Totals may not exactly match the sum of values due to rounding.										

Table 7 shows vehicle trip generation for the currently-entitled project (which would be unchanged by the Proposed Actions) for the two areas of the project site (Areas A and B) and compares the build out values to those used in the 1999 Pointe Anaheim IS/MND. The total PM peak hour vehicle trip generation of the



Proposed Actions is estimated as 1,727 trips (1,058 inbound and 669 outbound). As shown in Table 7, the Proposed Actions would generate about the same number of inbound peak hour trips and about 19 percent fewer outbound peak hour trips; therefore, no new impact related to trip generation would occur for this time period.

**TABLE 7  
VEHICLE TRIP GENERATION SUMMARY (PM PEAK HOUR)**

	Weekday PM Peak Hour Vehicle Trips		
	In	Out	Total
<b>Proposed Actions<sup>1</sup></b>			
Area A	901	547	1,448
Area B	157	122	279
Project Totals	1,058	669	1,727
<b>1999 Pointe Anaheim IS/MND</b>			
Project Totals	1,058	827	1,885
<b>Difference</b>	0	-158	-158
<b>Percentage Change</b>	0%	-19%	-8%

<sup>1</sup> Trip generation associated with the proposed project is consistent with the project as evaluated in the 2011 Addendum.

**Vehicle Trip Distribution**

The general characteristics of the project as a mixed-use RDE and hotel project have not changed since the 2011 Amendment; therefore, the project trip distribution is the same as what was analyzed in the 2011 Addendum. Anticipated project trip distribution is illustrated in Exhibit 4, Project Trip Distribution.

**Future Conditions With Currently Configured Project**

The project trips for the Proposed Actions were assigned to the roadway network using the trip distribution percentages shown in Exhibit 4. The 2015 with Project PM peak hour turning movement volumes are illustrated in Exhibit 5, Year 2015 With Project Weekday 5:00 PM–6:00 PM Peak Hour Volumes. The intersection operating conditions were determined using ICU methodology and are shown in Table 8, and includes a comparison of levels of service of the No Project numbers with the Proposed Actions.



**TABLE 8  
YEAR 2015 WITH PROJECT ICU SUMMARY**

Intersection	2015 No Project		2015 With Proposed Actions		Change In ICU	Impact
	Weekday PM					
	ICU	LOS	ICU	LOS		
1. Harbor Boulevard and Ball Road	0.74	C	0.74	C	0.00	No
2. Harbor Boulevard and I-5 NB Ramp	0.62	B	0.61	B	-0.01	No
3. Harbor Boulevard and I-5 SB Ramp	0.39	A	0.38	A	-0.01	No
4. Harbor Boulevard and Disney Way	0.54	A	0.53	A	-0.01	No
5. Harbor Boulevard and Katella Avenue	0.75	C	0.75	C	0.00	No
6. Clementine Street and Disney Way	0.32	A	0.32	A	0.00	No
7. Clementine Street and Katella Avenue	0.76	C	0.74	C	-0.02	No
8. I-5 SB Ramps and Disney Way	0.33	A	0.33	A	0.00	No
9. Anaheim Boulevard and Disney Way	0.61	B	0.60	A	-0.01	No
10. Anaheim Boulevard / Haster Street and Katella Avenue	0.75	C	0.74	C	-0.01	No
11. Haster Street and Orangewood Avenue	0.81	D	0.80	C	-0.01	No
12. I-5 SB Ramps and Katella Avenue	0.68	B	0.68	B	0.00	No
13. I-5 NB Ramps and Katella Avenue	0.63	B	0.63	B	0.00	No
14. Project Driveway on Disney Way	0.41	A	0.38	A	-0.03	No

**Late Evening Analysis**

The 1999 IS/MND and the 2011 Amendment included an analysis of intersection operations during the 7–8 PM hour because trip generation for movie theaters is considerably higher during that hour than during the PM peak commute hour. Because the Proposed Actions would not increase the amount of space devoted to entertainment uses, there would be no change in the 7–8 PM weekday hour trip generation. Table 9 shows the net trip generation for the two areas of the project site during the 7–8 PM weekday hour.



**TABLE 9  
NET VEHICLE TRIP GENERATION WEEKDAY  
LATE EVENING HOUR (7–8 PM)**

Land Use	Gross Vehicle Trips Total	Walk/Transit		Internal		Passby		Net Vehicle Trips		
		In	Out	In	Out	In	Out	In	Out	Total
<b>AREA A</b>										
Retail	492	19	42	166	83	14	32	42	95	137
Dining	1,572	157	115	387	94	94	69	377	277	654
Entertainment	1,489	139	49	35	205	79	28	707	249	955
Hotel	558	34	8	17	266	0	0	191	43	234
<i>Area A Subtotal</i>	<i>4,111</i>	<i>348</i>	<i>214</i>	<i>606</i>	<i>648</i>	<i>187</i>	<i>128</i>	<i>1,316</i>	<i>664</i>	<i>1,980</i>
<b>AREA B</b>										
Retail	421	40	38	44	62	30	29	91	86	177
Dining	188	8	10	85	28	5	6	20	24	45
Entertainment	0	0	0	0	0	0	0	0	0	0
Hotel	160	10	2	5	76	0	0	55	12	67
<i>Area B Subtotal</i>	<i>769</i>	<i>58</i>	<i>51</i>	<i>134</i>	<i>167</i>	<i>35</i>	<i>35</i>	<i>166</i>	<i>123</i>	<i>288</i>
<b>Project Total</b>	<b>4,880</b>	<b>406</b>	<b>265</b>	<b>740</b>	<b>815</b>	<b>222</b>	<b>163</b>	<b>1,482</b>	<b>787</b>	<b>2,268</b>
Note: Totals may not exactly match the sum of values due to rounding.										

Table 10 compares the late evening trip generation between the currently-configured project (which would be unchanged by the Proposed Actions) and the project as previously evaluated in the 1999 IS/MND. As shown in the table, the Proposed Actions would generate more trips during the late evening hour (7–8 PM) when compared to the analysis in the 1999 IS/MND. Table 11 shows the 2015 with project weekday late evening hour (7–8 PM) intersection levels of service; and the assessment of the potential impact of project traffic volumes indicates that the 14 project intersections are all projected to operate at LOS B or better during the 7–8 PM hour. Therefore, despite the increase in trips generated, no new significant impact or substantially worse impact beyond what was previously identified would occur.



**TABLE 10  
VEHICLE TRIP GENERATION SUMMARY (7–8 PM HOUR)**

	Weekday PM Peak Hour Vehicle Trips		
	In	Out	Total
<b>Proposed Actions<sup>1</sup></b>			
Area A	1,316	664	1,980
Area B	166	123	288
Project Totals	1,482	787	2,268
<b>1999 IS/MND</b>			
Project Totals	1,731	432	2,163
<b>Difference</b>	-299	355	105
<b>Percentage Change</b>	-14.4%	45%	4.7%
Trip generation associated with the Proposed Actions is consistent with the project as evaluated in the 2011 Addendum.			

**TABLE 11  
YEAR 2015 WITH PROPOSED ACTIONS LATE EVENING ICU SUMMARY**

Intersection	Year 2015 With Proposed Actions	
	Weekday PM	
	ICU	LOS
1. Harbor Boulevard and Ball Road	0.60	A
2. Harbor Boulevard and I-5 NB Ramp	0.50	A
3. Harbor Boulevard and I-5 SB Ramp	0.32	A
4. Harbor Boulevard and Disney Way	0.48	A
5. Harbor Boulevard and Katella Avenue	0.61	B
6. Clementine Street and Disney Way	0.28	A
7. Clementine Street and Katella Avenue	0.65	B
8. I-5 SB Ramps and Disney Way	0.29	A
9. Anaheim Boulevard and Disney Way	0.51	A
10. Anaheim Boulevard / Haster Street and Katella Avenue	0.62	B
11. Haster Street and Orangewood Avenue	0.66	B
12. I-5 SB Ramps and Katella Avenue	0.56	A
13. I-5 NB Ramps and Katella Avenue	0.52	A
14. Project Driveway on Disney Way	0.50	A
Note: No significant impact due to change in ICU from without project conditions.		



### Late Night Analysis

The traffic analyses prepared for the 2006 and 2011 addenda included a late night analysis of the project entrance on Disney Way during the 10–11 PM hour. During this hour, heavy volumes of traffic have been documented on Disney Way associated with traffic exiting the Disneyland Resort. Eastbound traffic exiting The Disneyland Resort traveling toward the I-5 freeway crosses the path of traffic entering the Anaheim GardenWalk via the left turn onto the project driveway from Disney Way. For that reason, the level of service at this project access point was evaluated for late night traffic conditions.

Recently, Disneyland Resort’s Toy Story parking lot has opened on Harbor Boulevard, and the World of Color nighttime attraction at Disney California Adventure Park has begun operating. Therefore, an analysis of the potential impact of Anaheim GardenWalk traffic on late-night traffic operations at the project entrance on Disney Way was conducted for the 2011 Addendum. Hourly machine traffic counts were conducted over a Friday night to determine the hour of highest traffic volumes on Disney Way, which was confirmed to be the 10–11 PM hour. Table 12 shows the net late night trip generation for the two areas of the project site.

**TABLE 12  
NET VEHICLE TRIP GENERATION WEEKDAY LATE NIGHT HOUR (10–11 PM)**

Land Use	Gross Vehicle Trips Total	Walk/Transit		Internal		Passby		Net Vehicle Trips		
		In	Out	In	Out	In	Out	In	Out	Total
<b>Area A</b>										
Retail	108	4	9	38	18	3	7	8	21	<b>29</b>
Dining	758	7	114	235	36	4	69	17	275	<b>292</b>
Entertainment	1,387	90	103	20	75	51	59	460	528	<b>988</b>
Hotel	646	39	16	18	263	0	0	222	88	<b>310</b>
<b>Area A Subtotal</b>	<b>2,899</b>	<b>140</b>	<b>243</b>	<b>311</b>	<b>393</b>	<b>58</b>	<b>134</b>	<b>708</b>	<b>911</b>	<b>1,619</b>
<b>Area B</b>										
Retail	93	6	8	21	14	5	6	14	19	<b>33</b>
Dining	86	0	10	33	11	0	7	0	25	<b>25</b>
Entertainment	0	0	0	0	0	0	0	0	0	<b>0</b>
Hotel	185	11	8	6	52	0	0	63	45	<b>109</b>
<b>Area B Subtotal</b>	<b>364</b>	<b>17</b>	<b>27</b>	<b>60</b>	<b>76</b>	<b>4</b>	<b>13</b>	<b>76</b>	<b>91</b>	<b>166</b>
<b>Total</b>	<b>3,263</b>	<b>157</b>	<b>270</b>	<b>371</b>	<b>469</b>	<b>62</b>	<b>147</b>	<b>784</b>	<b>1,002</b>	<b>1,785</b>
Note: Totals may not exactly match the sum of values due to rounding.										

Table 13 compares the late night trip generation of the Anaheim GardenWalk project as previously evaluated in the 2011 Addendum, with that from the project after the Proposed Actions. As shown in the table, the proposed project would not generate any additional trips during the late night hour (10–11 PM) when compared to the analysis in the 2011 Addendum; and the assessment of the potential impact of project traffic volumes indicates that the project driveway on Disney Way is projected to operate at LOS A with an ICU value



of 0.34 during the 10–11 PM hour of a weekday in year 2015. Therefore, no new significant impact or substantially worse impact beyond what was previously identified would occur.

**TABLE 13  
VEHICLE TRIP GENERATION SUMMARY (10–11 PM)**

	Weekday Late Night Hour Vehicle Trips		
	In	Out	Total
<b>Project With Proposed Actions</b>			
Area A	708	911	1,619
Area B	76	91	166
Project Totals	784	1,002	1,785
<b>2011 Addendum</b>			
Project Totals	784	1,002	1,785
<b>Difference</b>	0	0	0
<b>Percentage Change</b>	0%	0%	0%

**Peak Arrival Analysis**

According to the traffic analysis prepared for the 2011 Addendum, the peak hour of arrivals at the Anaheim GardenWalk was determined to be during the Friday 7-8 PM hour, which would remain true if the Proposed Actions are taken, since they would not change the currently-approved project. Table 14 shows the comparison of net trip generation for the project site during the Saturday 12–1 PM hour, the Saturday 2–3 PM hour and the Friday 7–8 PM hour.

**TABLE 14  
NET VEHICLE TRIP GENERATION COMPARISONS  
FOR DIFFERENT TIME PERIODS**

Time Period	Net		
	In	Out	Total
Weekday 5–6 PM peak hour	1,057	669	<b>1,726</b>
Saturday 12–1 PM hour	919	695	<b>1,614</b>
Saturday 2–3 PM hour	1,023	517	<b>1,539</b>
Friday 7–8 PM hour	1,880	890	<b>2,770</b>
Source: Iteris 2011			

A queuing analysis was conducted to determine the queue lengths in the westbound left turn pockets on Disney Way at Clementine Street and at the project entrance. The length of the westbound turn pocket at the intersection of Disney Way and Clementine Street is 250 feet, and at the intersection of Disney Way and the project entrance it is 230 feet. The results show that the 95th percentile queue lengths in these turn pockets



will be 96 feet and 228 feet, respectively. Therefore, the storage length at these left turn pockets during the Friday 7–8 PM hour is adequate and no impact would occur. As shown in Table 14, the Friday 7–8 PM hour represents the worst case scenario in terms of trip generation which also means it represents the worst case scenario for vehicle queuing at the intersection of Disney Way and Clementine Street.

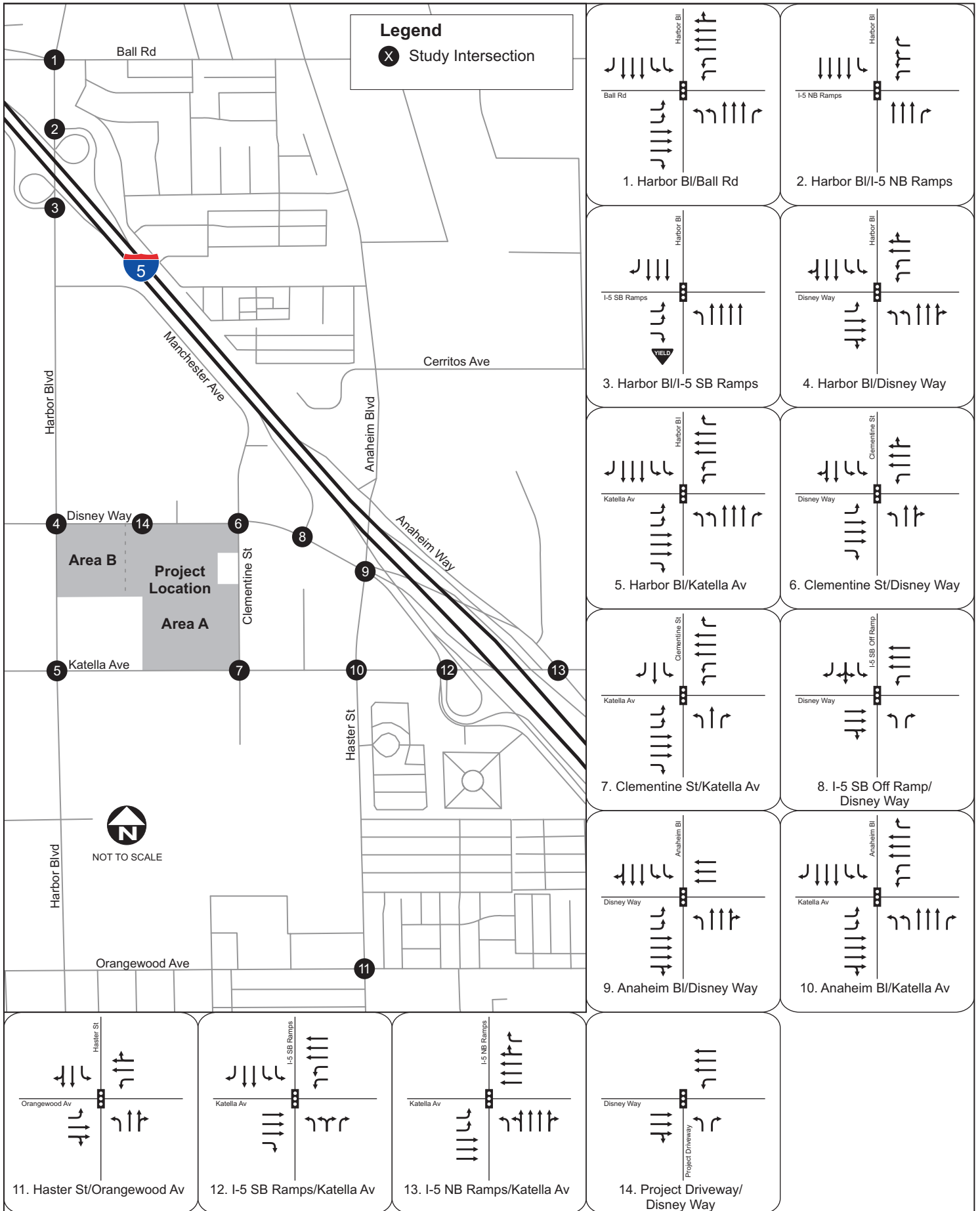
### **Summary**

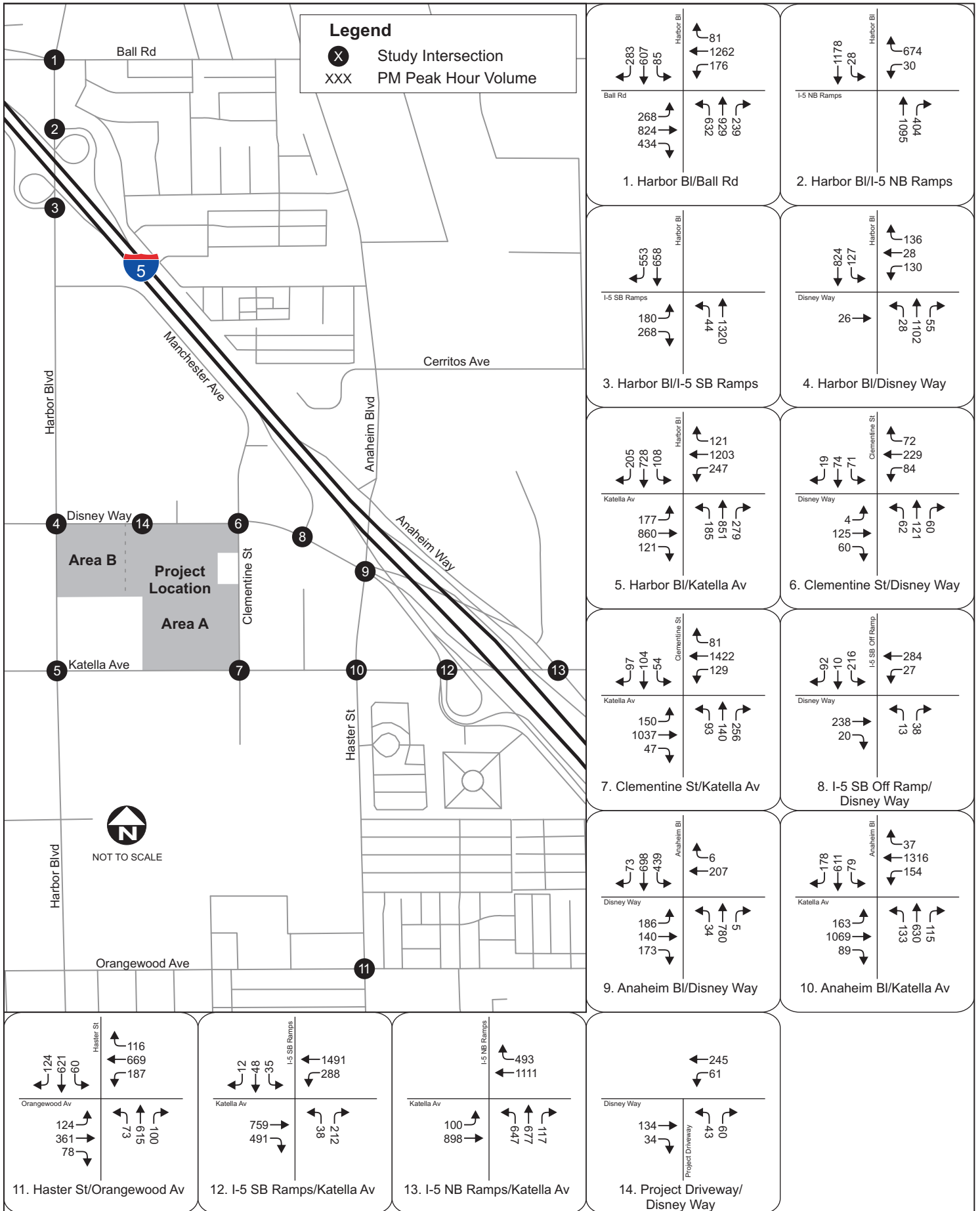
The Proposed Actions do not include any proposed change to the physical characteristics of the currently-entitled GardenWalk Project, as evaluated in the 2011 Addendum. The only change would be the anticipated timing of the construction of the Hotels.

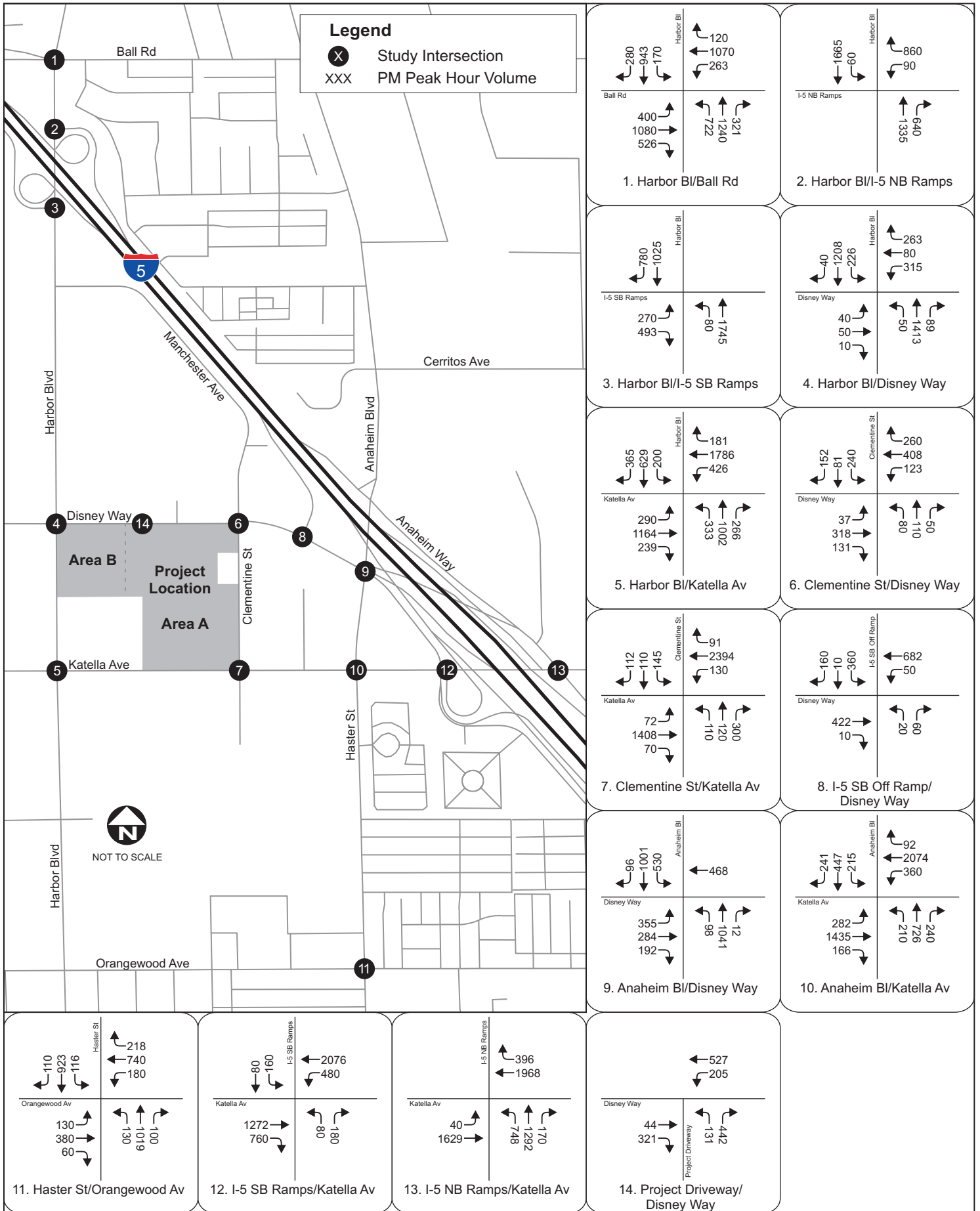
The 2011 traffic study is still valid under the Proposed Actions, and no new impacts are projected to occur.

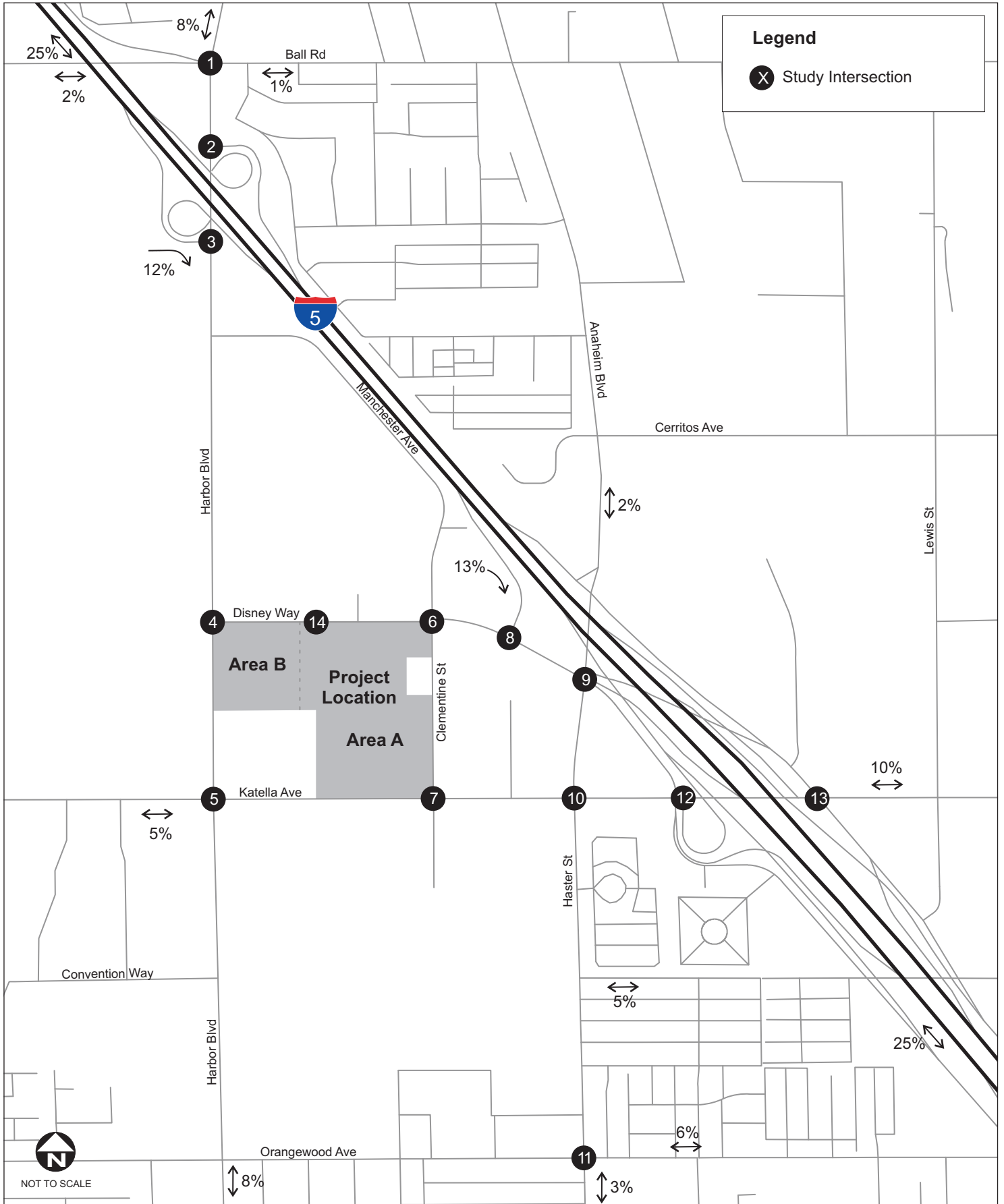
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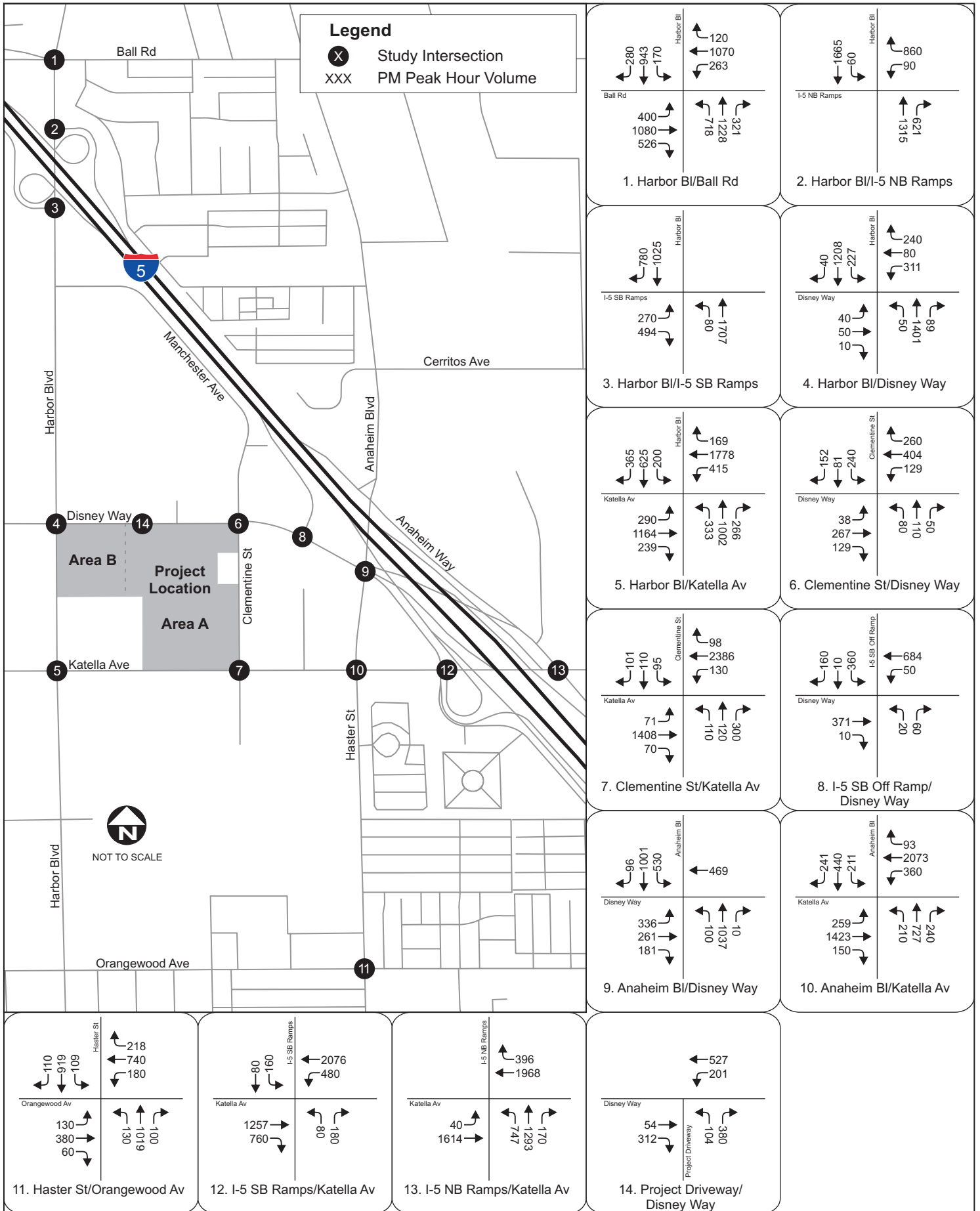














**APPENDIX B**  
**WATER SUPPLY MEMORANDUM**





**MEMORANDUM**

To: Susan Kim, City of Anaheim  
From: Michael D. Swan, PE  
Date: March 27, 2013  
Subject: Project Water Demand and Regional Supply Update  
GardenWalk Project, City of Anaheim



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The purpose of this memorandum is to provide analysis in support of the conclusion made in the Addendum to the Pointe Anaheim Initial Study/Mitigated Negative Declaration, Anaheim GardenWalk Project by BonTerra Consulting, March 27, 2013 (Addendum), that expected water demand attributed to the proposed GardenWalk project (as fully described in the previously referenced Addendum and summarized below) would be less than previously analyzed in the 1999 IS/MND and, furthermore, that the proposed project does not trigger additional analysis pursuant to CEQA Guidelines Section 15162.

The GardenWalk project makes up a small portion of the Disneyland Resort Specific Plan (DRSP), one of three specific plans that govern development within The Anaheim Resort, along with the Anaheim Resort Specific Plan (ARSP) and the Hotel Circle Specific Plan. Since its original approval in 1999, the GardenWalk project has been modified several times. The most recent modifications were approved on August 16, 2011.

The City of Anaheim (City) has received a request to amend the Economic Assistance and Development Agreements related to the construction of two hotels within the GardenWalk project (termed the "proposed GardenWalk project" in this memorandum). The proposed amendments do not make any changes to the development intensity currently approved for the GardenWalk project.

Project Demands

The proposed GardenWalk project water demands are less than the water demands of the project originally approved in 1999 and analyzed by the Pointe Anaheim Initial Study/Mitigated Negative Declaration. Further, based on our review, the total projected demand from the proposed GardenWalk project of 479,281 gallons per day or 536 acre-feet per year (*see* Table 11 from Addendum) was accounted for in overall growth demands used in both the City's 2010 Urban Water Management Plan (UWMP) prepared by Malcolm Pirnie, June 2011, adopted by the City Council on June 7, 2011, and the ARSP Water Supply Assessment (WSA) prepared by Psomas and adopted by the City Council on December 18, 2012. Both the ARSP WSA and the City's 2010 UWMP, which included the demand for this project, concluded there were sufficient water supplies from local groundwater and imported water to meet the future demands within the City's water service area, including demands of the proposed GardenWalk project.

### City Demands

To project the City's water demand, the 2010 UWMP utilized a base year (fiscal year 2010) demand of 70,060 acre-feet (AF) and projected a demand of 72,400 AF for 2015, which equates to an increase of approximately 3.3% over the 5-year period. The actual demand in fiscal year 2010 was 66,929 AF. Therefore, compared to actual demands the 2015 demand projection in the UWMP is an increase of approximately 8 % over the 5-year period or annual demand increases of approximately 1.5% per year compounded. Comparative to 2010 fiscal year demand, demands over the past two fiscal years actually decreased to 64,397 AF in 2011 and then increased slightly to 64,510 AF in 2012. Overall the actual 2012 fiscal year City demand was down by 3.6% over the 2010 fiscal year demand despite increases in development.

As predicted in the UWMP, ARSP WSA, and other City water supply planning documents (such as the Platinum Triangle WSA adopted by the City in October, 2010), the City is becoming much more efficient with its water usage and overall water usage in the City has been reduced even while development within the City has increased. For example, when Metropolitan Water District of Southern California (Metropolitan) implemented its Water Supply Allocation Plan in fiscal year 2010, the City managed to remain below allocation level through its water conservation efforts. Additionally, City demands remained relatively constant in 2011, the year immediately following Metropolitan's lifting of their Allocation Plan.

Although the economic downturn has played a role in reduction in water use, it appears that a portion of this water conservation has become permanent in the City. This is likely due to the fact that hardware such as low and ultra-low flush toilets has been and is being installed, landscape has been and is being altered, and irrigation systems have been and are being retrofitted, etc. Lifestyles have also been and are continuing to be altered due to the heightened awareness to conserve water.

The City is continuing its water conservation programs and is currently in the process of developing a Water Use Efficiency Master Plan to evaluate and invest in a cost-effective and sustainable water conservation programs. This plan will provide a portfolio of key measures and projects to implement to ensure compliance with the State's Water Conservation Act of 2009 (SBx7-7), which mandates a 20% reduction in urban per capita water use by the year 2020 through greater conservation and the use of recycled water.

Therefore, the demand projections included in the City's 2009 ARSP WSA and 2010 UWMP, based on the several prior fiscal years' demands, likely are overstated and conservative, making the conclusion of a reliable water supply for the GardenWalk Project and the City even more concrete.

### Regional Water Supply Update

The ARSP WSA, dated November 2009, relied on the latest regional water supply projections available at the time. Some of these sources included information from the California Department of Water Resources (DWR) and Metropolitan. Because Metropolitan's supply projections from their 2005 Regional Urban Water Management Plan and 2007 Integrated Resources Plan Implementation Report (IRP) were somewhat dated, the WSA made certain

assumptions regarding imported water supply available to Metropolitan, primarily from the State Water Project (SWP). Based on preliminary information regarding the SWP supply, Metropolitan's 2007 IRP estimated that SWP supplies could be reduced by up to 22 percent. And as a result, the WSA assumed these supplies were reduced by that percentage. In order to evaluate more stringent reductions in the SWP supply due to unforeseen conditions, the WSA also evaluated alternative scenarios where SWP supplies were reduced by 35 percent and 40 percent. In all scenarios, the supply for the City including the proposed ARSP project (which included proposed water for the project analyzed in the Addendum) was deemed reliable.

Since the preparation of the ARSP WSA, DWR finalized their State Water Project Delivery Reliability Report 2009, dated August 2010, Metropolitan's Board of Directors approved their 2010 Regional Urban Water Management Plan (RUWMP), and the Anaheim City Council adopted the 2010 UWMP. The DWR SWP Delivery Reliability Report 2009 included the most current assumptions on environmental species restrictions and climate change, and Metropolitan's 2010 RUWMP and Anaheim's UWMP reflects this information as well as updates all of their other supply source information and regional demand projections within their service area.

The 2010 Metropolitan RUWMP and the 2010 Anaheim UWMP both reflect surplus water supply out to 2035 for all normal, single dry and multiple dry year scenarios. Anaheim's UWMP used the supply assumptions included in Metropolitan's RUWMP and groundwater supply from the Orange County Groundwater Basin, which is being managed by Orange County Water District (OCWD). OCWD establishes the Basin Production Percentage (BPP) each water year, based on groundwater conditions, availability of imported water supplies, ideal precipitation, Santa Ana River runoff, and basin management objectives. In essence, the BPP represents the amount of groundwater each local producer is allowed to pump as a percentage of its total water demand without being subject to an additional assessment.

The 2009 ARSP WSA assumed the BPP for long range planning was set at 67% and the 2010 UWMP assumed the BPP was conservatively set at 65% over the next 25 years. Since 2010, OCWD has set the BPP at 65% for fiscal year 2011/12 and 68% for 2012/13, and staff is recommending it be set at 70% for 2013/14, which is to go before the OCWD Board of Directors for approval in April 2013. In January 2013, OCWD's Board of Directors approved a resolution affirming that it is the goal of OCWD to develop the necessary supplies and facilities to achieve and maintain a 75% BPP by fiscal year 2015/16.

Since preparation and adoption of the referenced Metropolitan and City UWMPs and WSAs, the 2011 DWR SWP Delivery Reliability Report dated June 2012 has been published. The estimates in this report for water supply deliveries are not significantly different from those in the 2009 Report with average annual delivery estimates for existing conditions (Year 2011) 2% greater, and the estimated amount for future conditions (2031) 1% less.

Therefore, the supply available to the City is within the ranges assumed in the November 2009 ARSP WSA and the 2010 UWMP, so the conclusions of a reliable water supply remain valid.

In other words, the evidence contained in the documents discussed above indicates the City has a more than adequate water supply to serve the proposed GardenWalk project as well as other development in the short term and in decades to come. Aside from the “improvement” of the water supply situation in the City of Anaheim since 1999, there are no changed circumstances that would preclude the ability to supply water to the project. Additionally, lifestyles have been altered and technology has improved (e.g., more efficient irrigation systems, low flush toilets and Title 24 improvements). Therefore, the City can amply provide water to the GardenWalk and other projected development for decades into the future.

Note: All of the documents cited herein are relied on in the preparation of this memorandum and incorporated by reference as if included as full.