

“EXHIBIT 1”

Findings of Fact and Statement of Overriding Considerations for the:

City of Yorba Linda 2021-2029 Housing Element Implementation Programs

State Clearinghouse No. 2022040574

Lead Agency

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Lead Agency Discretionary Permits

General Plan Amendment
Zoning Code Amendment

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1.0 INTRODUCTION AND PURPOSE

The City Council of the City of Yorba Linda (the “City Council”) in approving the 2021-2029 Housing Element Implementation Programs (the “Project”) makes the Findings described below. The Findings are based upon the entire record before the City Council, as described in Subsection 1.3 below, including the Program Environmental Impact Report (“PEIR”) prepared for the Project with the City of Yorba Linda (the “City”) acting as lead agency under the California Environmental Quality Act (“CEQA”).

Hereafter, the Notice of Preparation (“NOP”), Notice of Availability (“NOA”), Draft PEIR, Technical Studies, and Final PEIR (containing responses to public comments on the Draft PEIR and textual revisions to the Final PEIR), will be referred to collectively herein as the “EIR” unless otherwise specified.

1.1 FINDINGS REQUIRED UNDER CEQA

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The statute also provides that the procedures required by CEQA are “intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or lessen such significant effects.” Finally, Section 21002 indicates that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate described in Public Resources Code Section 21002 is implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. The second finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. The third finding is that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Guidelines, §15091.) Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.”

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1.2 PROJECT SUMMARY

1.2.1 SITE LOCATION

The Project encompasses the entire City of Yorba Linda, which is located in northeast portion of Orange County, California. The City is located approximately 38 miles southeast of City of Los Angeles and 12 miles north of City of Santa Ana. It is bounded by the cities of Corona to the east, Brea to the north, Placentia to the west and southwest, and Anaheim to the south. Chino Hills State Park is located to the north. Regional access to the City is provided by primarily via State Routes 90 (SR-90), which runs north-south through the center of the City, and 91 (SR-91), which runs east-west along the southern boundary of the City. Local access is provided by various arterial highways that intersect the City, including Yorba Linda Boulevard and Bastanchury Road.

1.2.2 PROJECT OVERVIEW

To fulfill its share of regional housing needs, the Project requires a General Plan Amendment and Amendments to the Zoning Code and Zoning Map to implement the Project. The General Plan Amendment would revise the Land Use Element to update the text and maps consistent with the proposed zoning. Amendments to the Zoning Code include modification to the text and maps to rezone 27 opportunity sites, including applicable planned development zones, and adoption of housing overlay zones (Affordable Housing Overlay, a Congregational Land Overlay, and a Mixed-Use Housing Overlay) consistent with the Housing Element. The Project is intended to cover all implementation programs outlined in the Housing Element Section V (C), Housing Programs 1–23. Future housing development facilitated by the Project would be subject to discretionary permits and would occur as market conditions allow or at the discretion of the individual property owners. Future housing development facilitated by the Project would result in a total net potential of 2,410 dwelling units. The total net potential represents maximum total capacity of rezone sites, as opposed to 2,100 units of realistic development capacity.

1.2.3 PROJECT OBJECTIVES

The fundamental purpose and goal of the Project is to ensure compliance with State housing law and implementation of the City of Yorba Linda 2021-2029 Housing Element. The project objectives for the proposed Project are listed below:

1. Implementation of the 2021-2029 Housing Element Implementation Programs to provide adequate housing sites and assist in the provision of affordable housing.
2. Allow the City of Yorba Linda to comply with State housing laws including compliance with the Regional Housing Needs Assessment (RHNA) targets.
3. Remove governmental constraints to housing investment.
4. Promote fair and equal housing opportunities

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1.2.4 CITY OF YORBA LINDA ACTIONS COVERED BY THE PEIR

The following discretionary and administrative actions are required of the City to implement the Project. The PEIR prepared for the Project covers all discretionary and administrative approvals which may be needed to construct or implement the Project, whether or not they are explicitly listed below.

- General Plan Amendments 2022-01 and 2022-02
- Zoning Code Amendments 2022-01 and 2022-02

1.2.5 APPROVALS FROM OTHER AGENCIES

The California Public Resource Code (§ 21104) requires that all EIRs be reviewed by responsible and trustee agencies (see also CEQA Guidelines Section 15082 and Section 15086(a)). As defined by CEQA Guidelines Section 15381, “the term ‘Responsible Agency’ includes all public agencies other than the Lead Agency that have discretionary approval power over the project.” A “Trustee Agency” is defined in CEQA Guidelines Section 15386 as “a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.”

The anticipated agencies expected to use the PEIR are described below. However, the PEIR can be used by any Trustee Agency or Responsible Agency, whether identified in the PEIR or not, as part of their decision-making processes in relation to the proposed Project.

Public Agency	Approvals and Decisions
City of Yorba Linda	
Planning Commission	<ul style="list-style-type: none"> • Provide recommendation to the City Council regarding whether to certify the Project’s PEIR. • Provide recommendations to the City Council regarding whether to approve: <ul style="list-style-type: none"> ○ General Plan Amendments ○ Amendments to the Zoning Code
City Council	<ul style="list-style-type: none"> • Certify the Project’s PEIR and adopt the Mitigation Monitoring and Reporting Program and Findings and Statement of Overriding Considerations. • Approval or Adoption of: <ul style="list-style-type: none"> ○ General Plan Amendments ○ Amendments to the Zoning Code
Responsible Agencies – Approvals and Permits	
California Department of Housing and Community Development (HCD)	<ul style="list-style-type: none"> • Demonstrate compliance with 2021-2029 Housing Element
California Department of Fish and Wildlife (CDFW)	<ul style="list-style-type: none"> • Section 1602 Permit
United States Army Corps of Engineers (ACOE)	<ul style="list-style-type: none"> • Section 404 Permit
Yorba Linda Water District (YLWD)	<ul style="list-style-type: none"> • Approvals for construction of water infrastructure and connection to water distribution and wastewater system.
Regional Water Quality Control Board (RWQCB)	<ul style="list-style-type: none"> • Issuance of a Construction Activity General Construction Permit.

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Public Agency	Approvals and Decisions
	<ul style="list-style-type: none"> • Issuance of a National Pollutant Discharge Elimination System (NPDES) Permit. • Issuance of a Section 401 Permit pursuant to the Clean Water Act
Southern California Gas Company and Southern California	<ul style="list-style-type: none"> • Issuance of approvals necessary for the installation of new SoCalGas and SCE facilities/connections to service the Project.
South Coast Air Quality Management District	<ul style="list-style-type: none"> • Issuance of permits that allow for the construction and operation of the proposed Project.
Trustee Agencies – Approvals and Permits	
Native American Heritage Commission	<ul style="list-style-type: none"> • Ensuring California Native American tribes have accessibility to ancient Native American cultural resources on public lands overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act.

1.3 **ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

The City conducted an extensive environmental review of the Project to ensure that the City’s decision makers and the public are fully informed about the potential significant environmental effects of the Project; to identify ways that environmental damage can be avoided or significantly reduced; and to prevent significant, avoidable damage to the environment by requiring changes in the Project using mitigation measures which have been found to be feasible. To do this, the City, acting as lead agency under CEQA, undertook the following:

A. 2021-2029 Housing Element Public Participation and Process

- In October 2020, the City Council and Planning Commission conducted a joint workshop to kick off the Housing Element update. At this meeting, staff introduced the creation of a new City website (<https://www.ylhousingelementupdate.com>) that would be dedicated to providing an overview of the Housing Element process, frequently asked questions, allow for citizen input on potential housing sites and to provide comments, and to announce future events related to the Housing Element;
- The City released a Housing Element survey for residents to provide input on what they see as the most important housing needs and to provide feedback on their preference in relation to various policy questions. The survey was posted on the City’s website for approximately four months, with a link advertised in the City’s eNews, on the City’s website, and on the City’s social media accounts (i.e., Facebook, Instagram, Twitter);
- The City distributed a survey targeted towards the City’s senior citizens to solicit feedback about their perceived housing needs. This survey was posted on the City’s website, published in the eNews, emailed to the Parks & Recreation distribution list of approximately 2,200 people

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55 years and older, and hard copies were distributed at the Senior Center in March and April 2021 during the Senior Lunch Program, the drive-thru grocery program, recreational classes and the coffee socials. The City also collected contact information for any residents requesting to be informed about housing information in the future;

- In January 2021, the City hosted a meeting with its local religious congregations to discuss the Housing Element update and to present the concept of a congregational housing overlay to allow for housing to be built on religious sites pursuant to AB 1851. All 37 religious congregations were invited to participate in this event and 12 of the 37 religious congregations were represented at this meeting;
- On February 24, March 24, April 28, June 9, July 14, and July 28, 2021, the City’s Planning Commission conducted workshops focusing on the development of the Housing Element sites inventory. The public was notified through the City’s eNews, on the City’s website, on the City’s social media accounts, through published advertisements in the newspaper, and emailed to all individuals requesting to stay informed of the process. In June 2021, City staff conducted a stakeholder meeting with property owners of all previously identified potential candidate housing sites at the Yorba Linda Community Center. Over 250 invitations were sent out and nearly 100 individuals participated in the meeting. Dozens of individual follow-up meetings with property owners were conducted to discuss their specific sites. Furthermore, the City’s Traffic Commission discussed the Housing Element at their April 22 and September 29, 2021 meetings;
- After all of this effort and public outreach, on August 3, 2021, the City Council discussed the draft Housing Element sites inventory prior to submitting the draft Housing Element to HCD for review. The public was notified through the City’s eNews, on the City’s website, on the City’s social media accounts, through published advertisements in the newspaper, and emailed to all individuals requesting to stay informed of the process;
- On August 27, 2021, the draft Housing Element was made available on the City’s website. The public was notified of its availability through the City’s eNews, on the City’s website, on the City’s social media accounts, through published advertisements in the newspaper, and emailed to all individuals requesting to stay informed of the process. The City received comments back from HCD on October 26, 2021, and made substantive changes to the Housing Element;
- On December 8, 2021, the City resubmitted its revised draft Housing Element to HCD, and made the document available to the public for review and comment and advertised this effort through the City’s eNews, on the City’s website, on the City’s social media accounts, through published advertisements in the newspaper, and emailed to all individuals requesting to stay informed of the process;
- On January 12, 2022, the Planning Commission conducted a public hearing recommending that the City Council approve the final Housing Element;

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- On February 1, 2022, the City Council conducted a public hearing on the Housing Element; however, HCD had informed the City that it had some minor revisions for the Housing Element and recommended that the City Council postpone adoption of the Housing Element until it could make those refinements. The Council continued the public hearing until February 9, 2022. On February 4, 2021, the City received a second review letter from HCD and made the refinements requested by HCD. On February 7, 2022, the City posted its revised Housing Element onto the City’s website and made the document available to the public for review and comment;
- On February 9, 2022, the City Council conducted its public hearing on the Housing Element and adopted the Housing Element prior to the State deadline of February 11, 2022. On February 10, 2022, the City submitted its adopted Housing Element to HCD for review;
- On April 8, 2022, HCD determined that the City’s 2021-2029 Housing Element was substantially complying with State Housing Element law.

B. CEQA Review

- Circulated a Notice of Preparation (NOP) to the California Office of Planning and Research (the “State Clearinghouse”), Responsible Agencies, Trustee Agencies, and other interested parties on April 29, 2022 for a 30-day review period between April 29, 2022 and May 30, 2022;
- Held a publicly noticed PEIR Scoping Meeting at City Hall, located at City of Yorba Linda Community Center, Imperial Room at 4501 Casa Loma Avenue, Yorba Linda, CA 92886 on May 23, 2022, to solicit comments from the public on the environmental issue areas that should be analyzed in the PEIR;
- Sent a Notice of Completion (NOC) and copies of the Draft PEIR to the California Office of Planning and Research, State Clearinghouse, on June 1, 2022;
- Mailed a Notice of Availability (NOA) to all Responsible Agencies, Trustee Agencies, the Orange County Clerk, other interested parties, and organizations; and electronically mailed to individuals who had previously requested the Notice to inform recipients that the Draft PEIR was available for a 45-day review period beginning on June 1, 2022, and ending on July 15, 2022;
- Published the NOA in The Yorba Linda Star, which is the newspaper of general circulation in the area affected by the Project, on June 2, 2022;
- Made an electronic copy of the Draft PEIR available on the City’s website;
- Prepared responses to comments on the Draft PEIR received during the 45-day comment period on the Draft PEIR, which have been included in the Final PEIR;

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- Mailed notice of the NOA, Planning Commission, and City Council Hearings to all property owners within a 2,000-foot radius of the housing opportunity sites and all occupants within a 300-foot radius of the housing opportunity sites.
- On June 29, 2022, the Planning Commission conducted a public hearing to receive public testimony with respect to General Plan Amendment 2022-01, General Plan Amendment 2022-02, Zoning Code Amendment 2022-01, and Zoning Code Amendment 2022-02 as part of the consideration of the adopted Housing Element implementation programs included therein;
- On June 29, 2022, the Planning Commission, at a regular public meeting, considered and decided to recommend to the City Council the approval of General Plan Amendment 2022-01, General Plan Amendment 2022-02, Zoning Code Amendment 2022-01, and Zoning Code Amendment 2022-02, subject to compliance, as applicable, with the requirements of Yorba Linda Right-to-Vote Amendment (Measure B), in furtherance of the implementation programs included in the Housing Element;
- Sent individual responses to all public agencies, organizations, and individuals who submitted comments the Draft PEIR on July 22, 2022; and
- On August 2, 2022, the City Council, at a regular public meeting, considered and approved a resolution certifying the Final PEIR for the City of Yorba Linda 2021-2029 Housing Element Implementation Programs (including General Plan Amendment 2022-01, General Plan Amendment 2022-02, Zoning Code Amendment 2022-01, and Zoning Code Amendment 2022-02 to Implement Programs 8 – 11 from the Housing Element) as adequate and complete, approving certain findings and facts in support of findings and statement of overriding considerations, and adopting a mitigation monitoring and reporting program.

All the documents identified above and all the documents which are required to be part of the record pursuant to Public Resources Code §21167.6(e) are on file with the City of Yorba Linda, 4845 Casa Loma Avenue, Yorba Linda, CA 92886. Questions should be directed to Rocio Lopez, Senior Planner.

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2.0 ENVIRONMENTAL IMPACTS AND FINDINGS

The PEIR was prepared by T&B Planning, Inc., an independent, professional consulting firm hired by the City of Yorba Linda and working under the supervision and direction of the Planning staff. The professional qualifications and reputation of the PEIR Consultant, the supervision and direction of the PEIR Consultant by City staff, the thorough and independent review of the Draft PEIR and Final PEIR, including comments and responses by City staff, and the review and careful consideration of the Final PEIR by the City Council, including comments and responses, all conclusively show that the Final PEIR is the product of and reflects the independent judgment and analysis of the City as the Lead Agency.

Based on the NOP, Technical Appendix A to the Draft PEIR, and the responses of the NOP, the PEIR analyzed 11 potential areas where significant environmental impacts could result from implementation of the Project; these environmental topics were analyzed in the PEIR and include: air quality, biological resources, energy, greenhouse gas emissions, land use and planning, noise, public services, recreation, transportation, tribal cultural resources, and wildfire.

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3.0 ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The City Council hereby finds that the following potential environmental impacts associated with the implementation of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

3.1 AESTHETICS

3.1.1 THRESHOLD A

Impact Statement: The Project would not have a substantial effect on a scenic vista.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 5.4.1 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantive Evidence**

The City affords a variety of views of scenic landscapes and built environments. The Puente and Chino Hills are visible to the north from much of the City. One of the most important ridgelines is known as Telegraph Canyon, located within the Chino Hills State Park to the north of Yorba Linda. Development in accordance with the Project would allow for intensification of residential development on 27 opportunity sites in the City.

The City has Multi-Family Design Guidelines to provide upfront direction to the development community regarding the desired quality and character of multi-family development. The Affordable Housing Overlay (AHO) would allow sites to increase height limits (3 stories) in exchange for providing 20% affordable units and the Mixed-Use Housing Overlay (MUO) would allow development of a maximum of 4 stories in height. The Congregational Lands Overlay (CLO) will also only allow 3 stories in height.

Future development would be subject to Design Review, the goals and policies in the City’s General Plan and would be required to comply with the provisions of the City’s Municipal Code inclusive of the Zoning Code, including general development standards and sign regulations. These standards regulate the features of buildings and streets that affect the public realm and help guide the physical development of any development project within the City’s boundaries. Specifically, the goals and policies of the Conservation Element are intended to preserve the City’s visual character, and maintain natural views into and out of the City. In addition, all development or reuse activities would be subject to the restrictions imposed by City’s Municipal Code (Chapters 18.10 and 18.16) and the goals and policies included in the City’s General Plan (Goal CN-1; Policies CN-1.1, CN-1.2, Goal CN-3; Policies CN-3.1, CN-3.2, Goal LU-4, Policies LU-4.1, LU-4.2, Goal LU-8, Policies LU-8.1, LU-8.2, Goal LU-9, Policies LU-9.1, LU-9.2, LU-9.3; see Section 3.6.7 of this PEIR). With mandatory compliance to applicable rules, regulations, goals and policies, impacts would be less than significant. (PEIR, pp. 5-6 – 5-7)

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3.1.2 THRESHOLD B

Impact Statement: The Project would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 5.4.1 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts with respect to Threshold b; therefore, no mitigation is required.

☐ **Substantive Evidence**

The City of Yorba Linda General Plan EIR concluded that there are no State, County, or locally designated scenic highways in the City. Historical or aesthetically significant trees are protected by Chapter 16.08 of the City’s Municipal Code. (City of Yorba Linda, 2016b)

The housing opportunity sites are not located within or near any officially designated state scenic highway. The nearest officially designated state scenic highway is State Route 91 (SR-91), approximately 0.3 miles south of the City’s boundary. (Caltrans, 2020) Additionally, there is a portion of SR-91 that is designated as Eligible that runs along the southeastern City boundary; however, this portion is not visible from the housing opportunity sites or surrounding areas due to intervening developments. As such, the Project would not damage scenic resources within a State scenic highway, and impact would be less than significant. (PEIR, p. 5-7)

3.1.3 THRESHOLD C

Impact Statement: The Project would not, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 5.4.1 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantive Evidence**

According to CEQA Guidelines Section 15387, urban areas mean a central city or group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. According to the 2010 Census Urbanized Area Reference Map, the Project is located within an urbanized area. (US Census, 2010)

Implementation of the Project would rezone 27 sites and establish housing overlay zones to allow for an additional 2,410 residential units throughout the City. The sites subject to a rezone have been selected to present minimal conflict with the surrounding zoning designations and would be subject to the restrictions imposed by City’s Municipal Code and the goals and policies included in the City of

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Yorba Linda General Plan and 2021-2029 Housing Element (Goal CN-1, Policies CN-1.1, CN-1.2, Goal CN-3, Policies CN-3.1, CN-3.2, Goal LU-4, Policies LU-4.1, LU-4.2, Goal LU-8, Policies LU-8.1, LU-8.2, Goal LU-9, Policies LU-9.1, LU-9.2, LU-9.3). Accordingly, with mandatory compliance to applicable rules, regulations, goals and policies, impacts would be less than significant. (PEIR, pp. 5-7 – 5-8)

3.1.4 THRESHOLD D

Impact Statement: The Project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 5.4.1 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ **Substantive Evidence**

Sources of light and glare within the housing opportunity sites include building lighting (interior and exterior) and materials (e.g., glass, reflective materials), security, signage, and parking area lighting. These sources are mostly associated with the residential, commercial, and industrial uses located throughout the housing opportunity sites. Other sources of nighttime light and glare include street lights and vehicular traffic, as well as recreational uses. Additionally, there is ambient lighting from surrounding communities and roadways.

Future development and/or redevelopment activities throughout the housing opportunity sites would generate new sources of light and glare that could affect day or nighttime views in the City and surrounding communities. Sources of light and glare from new development or redevelopment would include street lighting and building illumination, security lighting, nighttime traffic, sign illumination, and lighting during with construction activities and potential glare from building and site improvement materials. Because most development would occur in currently developed portions of the City and would be required to comply with existing requirements to control lighting (Municipal Code Chapter 18.10.110), impacts are expected to be less than significant. (PEIR, p. 5-8)

3.2 AGRICULTURAL AND FORESTRY RESOURCES

3.2.1 THRESHOLD A

Impact Statement: The Project would not the Project 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.

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☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 5.4.2 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantive Evidence**

The City of Yorba Linda General Plan EIR concluded that there are two areas within the City and its Sphere of Influence that are agriculturally significant. The first parcel is located just east of Lakeview Avenue and south of Buena Vista Avenue and is designated Unique Farmland. The second parcel is located just north of the Santa Ana River near Featherly Regional Park and is designated as a mixture of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. The General Plan EIR determined that the General Plan Update would not change the land use designation for these parcels and no impact would occur. (City of Yorba Linda, 2016b)

The Project housing opportunity sites do not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. According to the California Department of Conservation (DOC) “California Important Farmland Finder,” majority of the City is designated as “Urban and Built-up Land”. (DOC, 2018) Thus, the Project would not convert mapped farmland to nonagricultural use and no impact would occur. (PEIR, pp. 5-8 – 5-9)

3.2.2 THRESHOLD B

Impact Statement: The Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 5.4.2 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantive Evidence**

The City of Yorba Linda General Plan EIR concluded that the City does not have agricultural General Plan or zoning land use designations and no properties in the City are under a Williamson Act contract. Therefore, no impact would occur. (City of Yorba Linda, 2016b)

As shown in the City’s Zoning Map, the City of Yorba Linda does not have land zoned for agricultural use (City of Yorba Linda, 2019). Additionally, there are no Williamson Act contracts in the City. Therefore, the Project would not conflict with existing zoning for agriculture use or a Williamson Act contract and no impact would occur. (PEIR, p. 5-9)

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3.2.3 THRESHOLD C

Impact Statement: The Project would not 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)).

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 5.4.2 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantive Evidence**

Similar to agricultural zoning, the City does not have any land zoned for forest land, timberland, or timberland zoned Timberland Production (City of Yorba Linda, 2019). Therefore, the Project would not conflict with existing zoning or cause the rezoning of forest land, timberland, or timberland zoned Timberland Production and no impact would occur. (PEIR, p. 5-9)

3.2.4 THRESHOLD D

Impact Statement: The Project would not result in the loss of forest land or conversion of forest land to non-forest use.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 5.4.2 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ **Substantive Evidence**

There is no forest land in the City. Therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest use and no impact would occur. (PEIR, p. 5-9)

3.2.5 THRESHOLD E

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold e are discussed in detail in Section 5.4.2 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold e; therefore, no mitigation is required.

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☐ Substantive Evidence

The City of Yorba Linda General Plan EIR concluded that the City contains two pieces of agricultural land, both of which are currently being used as such. It determined that the General Plan update would not alter the existing conditions in the City such that this land would specifically be converted to other uses. No impacts would occur. (City of Yorba Linda, 2016b)

There are no agricultural or forest resources within the housing opportunity sites. Therefore, the Project would not 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. No impact would occur from implementation of the Project. (PEIR, p. 5-10)

3.3 AIR QUALITY

3.3.1 THRESHOLD C

Impact Statement: The Project would not expose sensitive receptors to substantial pollutant concentrations related to CO concentrations or “hot spots.”

☐ Findings

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.1.6 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ Substantive Evidence

The Project would not result in potentially adverse CO concentrations or “hot spots.” Further, detailed modeling of Project-specific CO “hot spots” is not needed to reach this conclusion. An adverse CO concentration, known as a “hot spot”, would occur if an exceedance of the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm were to occur.

It has long been recognized that CO hotspots are caused by vehicular emissions, primarily when idling at congested intersections. In response, vehicle emissions standards have become increasingly stringent in the last twenty years. Currently, the allowable CO emissions standard in California is a maximum of 3.4 grams/mile for passenger cars (there are requirements for certain vehicles that are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of increasingly sophisticated and efficient emissions control technologies, CO concentration in the SCAB is now designated as attainment.

To establish a more accurate record of baseline CO concentrations affecting the SCAB, a CO “hot spot” analysis was conducted in 2003 for four busy intersections in Los Angeles at the peak morning and afternoon time periods. This “hot spot” analysis did not predict any violation of CO standards. For example, 8.4 ppm 8-hr CO concentration measured at the Long Beach Boulevard/Imperial Highway intersection (highest CO generating intersection within the “hot spot” analysis), only 0.7 ppm was attributable to the traffic volumes and congestion at this intersection; the remaining 7.7 ppm were

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due to the ambient air measurements at the time the 2003 AQMP was prepared. In contrast, an adverse CO concentration, known as a “hot spot”, would occur if an exceedance of the state one-hour standard of 20 parts per million (ppm) or the eight-hour standard of 9 ppm were to occur.

The ambient 1-hr and 8-hr CO concentration within the Project study area is estimated to be 4.5 ppm and 3.1 ppm, respectively (data from South Central Los Angeles County station for 2020). Therefore, even if the traffic volumes for the Project were double or even triple of the traffic volumes generated at the Long Beach Boulevard/Imperial Highway intersection, coupled with the on-going improvements in ambient air quality, the Project would not be capable of resulting in a CO “hot spot” at any study area intersections.

Furthermore, the Bay Area Air Quality Management District (BAAQMD) concluded that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour (vph)—or 24,000 vph where vertical and/or horizontal air does not mix—in order to generate a significant CO impact. The busiest intersection evaluated was that at Wilshire Blvd and Veteran Ave., which has a daily traffic volume of approximately 100,000 vehicles per day and AM/PM traffic volumes of 8,062 vph and 7,719 vph respectively. The 2003 AQMP estimated that the 1-hour concentration for this intersection was 4.6 ppm; this indicates that, should the daily traffic volume increase four times to 400,000 vehicles per day, CO concentrations ($4.6 \text{ ppm} \times 4 = 18.4 \text{ ppm}$) would still not likely exceed the most stringent 1-hour CO standard (20.0 ppm).

Therefore, CO “hot spots” are not an environmental impact of concern for the Project. Localized air quality impacts related to mobile-source emissions would therefore be less than significant. Based on the foregoing analysis, the Project would result in less-than-significant impacts related to the creation of CO Hot Spots. (PEIR, pp. 4.1-17 – 4.1-19)

3.3.2 THRESHOLD D

Impact Statement: The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 4.1.6 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ **Substantive Evidence**

Land uses generally associated with odor complaints include agricultural uses (livestock and farming), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities. The Project does not contain land uses typically associated with emitting objectionable odors.

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Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed Project’s (long-term operational) uses. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant.

During operation, it is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the solid waste regulations. The Project would also be required to comply with South Coast AQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the Project operations would be less than significant. (PEIR, p. 4.-19)

3.4 BIOLOGICAL IMPACTS

3.4.1 THRESHOLD D

Impact Statement: The Project would not 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.

☐ Findings

Potential impacts of the Project related to Threshold d are discussed in detail in Section 4.2.4 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ Substantial Evidence

The City is entirely developed and is mostly surrounded by developed urban uses. The housing opportunity sites contain trees, the majority of which are ornamental. However, future development undertaken in accordance with the Project would also be required to comply with the Migratory Bird Treaty Act (MBTA), which implements the United States’ commitment to four treaties with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. The USFWS administers permits to take migratory birds in accordance with the MBTA. Adherence to the required MBTA regulations would ensure that if construction occurs during the breeding season, appropriate measures would be taken to avoid impacts to nesting birds. Therefore, the Project would not 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. Impacts would be less than significant. (PEIR, pp. 4.2-11 – 4.2-12)

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3.4.2 THRESHOLD E

Impact Statement: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

☐ **Findings**

Potential impacts of the Project related to Threshold e are discussed in detail in Section 4.2.4 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold e; therefore, no mitigation is required.

☐ **Substantial Evidence**

The General Plan EIR found that there are no applicable Orange County ordinances or policies such as tree preservation that would be affected by any development in that area and impacts would be less than significant. Additionally, trees in the City of Yorba Linda are protected under the City’s Municipal Code Chapter 16.08 (Tree Preservation), which regulates the planting, maintenance, and removal of trees in the City. Future development under the Project may involve the removal of existing trees. However, future development would be required to comply with the provisions of the City’s Municipal Code identified above. Therefore, implementation of the Project would not conflict with local policies or ordinances protecting trees and impacts would be less than significant. (PEIR, p. 4.2-12)

3.4.3 THRESHOLD F

Impact Statement: The Project would 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.

☐ **Findings**

Potential impacts of the Project related to Threshold f are discussed in detail in Section 4.2.4 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold f; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that the Cielo/Esperanza Focus Area is adjacent to the Orange County Central-Coastal Natural Communities Conservation Plan and Habitat Conservation Plan (NCCP/HCP); however, CEQA documentation prepared for projects within this Focus Area have not identified impacts to conservation goals and policies. Any new development in this focus area would also be subject to Mitigation Measure BIO-1, which requires that a sensitive species survey be conducted in any area of new growth in order to determine potential impacts and identify required mitigation. Therefore, the General Plan EIR determined that with the implementation of mitigation measure MM BIO-1, impacts would be less than significant. (City of Yorba Linda, 2016b)

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The City Yorba Linda is a participating jurisdiction to the Orange County Central-Coastal NCCP/HCP. (CDFW, 2019) However, the housing opportunity sites are not located within the boundaries of the NCCP/HCP. Therefore, the Project would not conflict with the provisions of approved local, or state habitat conservation plan or natural community conservation plan and no impact would occur. (PEIR, p. 4.2-12)

3.5 CULTURAL RESOURCES

3.5.1 THRESHOLD A

Impact Statement: The Project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 5.4.3 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda Citywide Historic Property Survey: Historic Context and Survey Report identifies historical resources throughout the City. There are 3 properties are listed on the NRHP, 3 properties which appear eligible for the National Register of Historic Places (NRHP) as an individual property, 1 district is eligible for the NRHP, 1 district that qualifies as a City of Yorba Linda Local Historic District, and 26 properties that appear to be individually eligible for the Local Historical Register. None of the properties listed or eligible for listing in the NRHP are included within the housing opportunity sites. Further, no sites within the Project are included as appearing eligible for the Local Historical Register (City of Yorba Linda, 2016b, Table 5.5-1). Accordingly, impacts would be less than significant. (PEIR, p. 5-10)

3.5.2 THRESHOLD B

Impact Statement: The Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 5.4.3 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that results of the Sacred Lands File search through the Native American Heritage Commission (NAHC) did not indicate any known Native American cultural resources from the NAHC archives within the City and its Sphere of Influence. All

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of the focus areas, except for Cielo/Esperanza, are primarily developed or have been previously developed or disturbed. Environmental Impact Reports done for potential development within the Cielo/Esperanza Focus Area concluded that there is a low likelihood of archaeological resources in the area. Although archaeological resources are not anticipated to occur within these areas, there is the potential for unknown or undiscovered resources to occur. Therefore, future development anticipated by the General Plan Update could indirectly result in impacts to previously unknown archaeological resources through construction activities. (City of Yorba Linda, 2016b)

A potentially significant impact would occur if a known or unknown archaeological resource were removed, altered, or destroyed as a result of the proposed development. The great majority of the City is developed with urban uses where ground has been previously disturbed by construction of those uses. However, archaeological resources could still be present in soils that have been previously disturbed and the City’s General Plan includes a number of policies to protect archaeological resources, including the following:

- Policy HR-2.5 requires avoiding adversely affecting significant archaeological and paleontological resources.
- Policy OR-6.1 Protect significant areas of historical, archaeological, educational or paleontological resources.
- Policy OR-6.2 Ensure the implementation of effective mitigation measures where development may affect historical, archaeological or paleontological resources.
- Policy OR-6.3 Continue to require preparation of archaeological or paleontological reports in areas where there is potential to impact cultural resources.
- Policy OR-6.4 Continue to require an archaeologist be retained to observe grading activities in areas where the probable presence of archaeological or paleontological resources is indicated.
- Policy OR-6.5 Preserve uncovered resources in their natural state, as much as feasible, to assure their conservation and availability for later study.

Further, compliance with City Standard Condition Planning no. 06, which requires that unknown resources be adequately addressed, would ensure that impacts to such resources are less than significant. Additionally, as subsequent infill and redevelopment residential projects occur, any needed Native American consultation would be assessed, and could require additional CEQA analysis in accordance with Section 15162 of the State CEQA Guidelines. (PEIR, pp. 5-10 – 5-11)

3.5.3 THRESHOLD C

Impact Statement: The Project would not disturb any human remains, including those interred outside of formal cemeteries.

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☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 5.4.3 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that no conditions exist that suggest human remains are likely to be found in the City. In the event human remains are encountered during earth removal or disturbance activities compliance with the California Health and Safety Code Section 7050.57.98 would reduce any impact associated with human remains to less than significant levels. (City of Yorba Linda, 2016b)

Due to the level of past disturbance in the City, it is not anticipated that human remains, including those interred outside of formal cemeteries, would be encountered during earth removal or disturbance activities. Thus, discovery of human remains is unlikely during construction due to Project implementation. Pursuant to California Health and Safety Code Section 7050.5, in the unlikely event human remains are encountered during ground-disturbing activities, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Mandatory compliance with these requirements would ensure that impacts to human remains would be less than significant. (PEIR, p. 5-12)

3.6 ENERGY

3.6.1 THRESHOLD A

Impact Statement: The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.3.6 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

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❑ Substantial Evidence

During construction of the 27 sites, both mobile and stationary construction equipment will require energy supplies. Construction equipment, vehicles transporting construction workers, and on-site facilities will require gas and diesel fuels and electrical energy. The amount of energy to be consumed during construction will be limited to the construction period and would be supplied to the site by existing infrastructure. Additionally, construction of the 27 sites would consume minimal quantities of electricity (i.e., temporary use for lighting and small power tools). Future development would be required to comply with best management practices for construction activity, and would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during construction. Therefore, impacts to energy during construction would be less than significant.

The Project will result in 63,832,385 annual VMT and an estimated annual fuel consumption of 2,680,177 gallons of fuel. Fuel would be provided by current and future commercial vendors. Trip generation and VMT generated by the Project are consistent with other multi-family uses of similar scale and configuration, as reflected respectively in the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Ed., 2021); and CalEEMod. As such, Project operations would not result in excessive and wasteful vehicle trips and VMT, nor excess and wasteful vehicle energy consumption compared to similar uses.

Enhanced fuel economies realized pursuant to federal and State regulatory actions, and related transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would likely decrease future gasoline fuel demands per VMT. Location of the Project proximate to regional and local roadway systems tends to reduce VMT within the region, acting to reduce regional vehicle energy demands. The future development in accordance with the Project would be required to construct sidewalks (as appropriate), facilitating and encouraging pedestrian access. Facilitating pedestrian and bicycle access would reduce VMT and associated energy consumption. As supported by the preceding discussions, Project transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

Project building operations activities would result in the consumption of natural gas and electricity. Natural gas would be supplied to the Project by SoCal Gas; electricity would be supplied to the Project by SCE. Project facility operational energy demands are estimated at 8,834,660 kBTU/year of natural gas and 26,767,491 kWh/year of electricity. The Project would allow for conventional residential uses reflecting contemporary energy efficient/energy conserving designs and operational programs. The Project does not propose uses that are inherently energy intensive and the energy demands in total would be comparable to other residential uses of similar scale and configuration.

Lastly, the Project will comply with the applicable Title 24 standards. Compliance itself with applicable Title 24 standards will ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary. (PEIR, pp. 4.3-13 – 4.3-15)

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3.6.2 THRESHOLD B

Impact Statement: The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.3.6 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project will comply with the applicable Title 24 standards which would ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary. As such, development of the proposed Project would support the goals presented in the 2021 Integrative Energy Policy Report.

The Project site is located in an area with proximate access to the Interstate freeway system. The Project area facilitates access and takes advantage of existing infrastructure systems. The Project therefore supports urban design and planning processes identified under the State of California Energy Plan, is consistent with, and would not otherwise interfere with, nor obstruct implementation of the State of California Energy Plan.

The 2019 version of Title 24 was adopted by the California Energy Commission and became effective on January 1, 2020. It should be noted that the analysis herein assumes compliance with the 2019 Title 24 Standards. It should be noted that the CEC anticipates that nonresidential buildings will use approximately 30% less energy and residential buildings will use 53% less energy compared to the prior code (CEC, 2018). The proposed Project would be subject to Title 24 standards.

As previously stated, CCR, Title 24, Part 11: CALGreen is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect on January 1, 2009, and is administered by the California Building Standards Commission. CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2019 California Green Building Code Standards that became effective January 1, 2020. The proposed Project would be subject to CALGreen standards.

The proposed Project would use energy from SCE, which has committed to diversify their portfolio of energy sources by increasing energy from wind and solar sources. No feature of the Project would interfere with implementation of SB 350. Additionally, the Project would be designed and constructed to implement the energy efficiency measures for new residential development and would include several measures designed to reduce energy consumption.

The Project would not conflict with any of the state or local plans. As such, a less than significant impact is expected. (PEIR, pp. 4.3-15 – 4.3-17)

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3.7 GEOLOGY AND SOILS

3.7.1 THRESHOLD A

Impact Statement: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, and/or death involving:

1. 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).
2. Strong seismic ground shaking.
3. Seismic-related ground failure, including liquefaction.
4. Landslides.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 5.4.4 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that compliance with State laws and local ordinances as well as the policies of the General Plan Update are set forth to ensure that adverse effects caused by seismic and geologic hazards (such as strong seismic ground shaking, liquefaction, and landslides) are identified and mitigated, as needed, to protect public health and safety from substantial risks through appropriate engineering practices. (City of Yorba Linda, 2016b)

1. Rupture of a Known Earthquake Fault

The Alquist-Priolo Earthquake Fault Zoning Act (California Public Resources Code Sections 2621 et seq.) was passed to prevent construction of buildings used for human occupancy on the surface of active faults, in order to minimize the hazard of surface rupture of a fault to people and buildings. Before cities and counties can permit development within Alquist-Priolo Earthquake Fault Zones, geologic investigations are required to show that the sites are not threatened by surface rupture from future earthquakes. A fault is considered an active fault if it has had surface displacement within the last 11,000 years. One Alquist-Priolo earthquake fault zone, Whittier-Elsinore Fault Zone, passes through the City and also is within the northern portion of housing opportunity site S5-008.

Future development pursuant to the City of Yorba Linda 2021-2029 Housing Element would be consistent with the City’s adopted Public Health and Safety Element, which contains goals and policies to protect residents from geologic and seismic hazards. Additionally, any future development projects pursuant to the Project would be required to comply with all applicable Building and Safety division requirements, which includes avoiding the siting of housing within 50 feet of an active fault. Further, the City’s Building Code (Yorba Linda Municipal Code, Title 15) requires future development to

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submit an engineering geology report and soils engineering report to identify and mitigate geology conditions and hazards. Compliance with the CBC and City’s Building Code would ensure impacts would be less than significant.

2. *Strong Seismic Ground Shaking*

There are several known active faults in the region, including the Whitter-Elsinore Fault, as well as the San Andreas Fault about 30 miles to the northeast and the Sierra Madre Fault about 20 miles to northwest (City of Yorba Linda, 2016b, pp. 5.6-7). Any major earthquake along these systems will cause seismic ground shaking in the City. Much of the City is on sandy, stony, or gravelly loam formed on the alluvial fan adjacent to the San Gabriel Mountains. This soil is more porous and loosely compacted than bedrock, and thus subject to greater impacts from seismic ground shaking than bedrock.

Development under the Project would expose new structures and residents in the City to seismic ground shaking. Future development would be designed and built in compliance with the California Building Code (CBC). The CBC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock onsite, and the strength of ground motion with specified probability of occurring at the site or in the area. Compliance with the CBC and City’s Building Code would ensure impacts would be less than significant.

3. *Seismic-Related Ground Failure, Including Liquefaction*

There are zones of required investigation for liquefaction in the southern and southwestern parts of the City within a mile of the Santa Ana River, as mapped in the City’s adopted General Plan Public Health and Safety Element (City of Yorba Linda, 2016b, pp. 5.6-9). Future development would be required to have a site-specific geotechnical investigation conducted. The geotechnical investigations for each respective project would evaluate liquefaction potential at the affected project sites and provide any needed recommendations for minimizing hazards from liquefaction and from other seismic ground failure. In addition, development must also comply with seismic safety regulations in the CBC and City’s Building Code. Compliance with the CBC and City’s Building Code would ensure impacts to liquefaction would be less than significant.

4. *Landslides*

Zones of required investigation for earthquake-induced landslides occur in the Chino Hills along the north City boundary and near the west City boundary. Of the 27 housing opportunity sites, one site S5-008 is located within a landslide zone. (City of Yorba Linda, 2016b, pp. 5.6-13) Regardless of the landslide susceptibility, future development pursuant to the Project would be required to have a site-specific geotechnical investigation conducted. The geotechnical investigation for each such project on a site within a zone of required investigation for earthquake-induced landslides would be required to evaluate the potential for such landslides onsite provide any needed recommendations for minimizing hazards. Each project must also comply with seismic safety regulations and requirements regarding slope stability in the CBC and City of Yorba Linda Building Code. Compliance with the CBC and City’s Building Code would ensure impacts would be less than significant. (PEIR, pp. 5-12 – 5-14)

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3.7.2 THRESHOLD B

Impact Statement: The Project would not result in substantial soil erosion or loss of topsoil.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 5.4.4 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

Erosion is the movement of rock and soil from place to place. Erosion occurs naturally by agents such as wind and flowing water; however, grading and construction activities can greatly increase erosion if effective erosion control measures are not used. Common means of soil erosion from construction sites include water, wind, and being tracked offsite by vehicles. The City is in a highly urbanized area and soils have already been disturbed by existing development. Although soils at the housing opportunity sites could experience erosion during construction and development, implementation of the Project would not cause substantial soil erosion.

The State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ (General Construction Permit) contains water quality standards and stormwater discharge requirements applying to construction projects of one acre or more. The General Construction Permit was issued pursuant to the National Pollutant Discharge Elimination System (NPDES) regulations for implementing part of the federal Clean Water Act. The General Construction Permit requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) that identifies the sources of pollution that may affect the quality of stormwater discharges and describes and ensures the implementation of best management practices (BMPs) to reduce the pollutants, including silt and soil, in construction stormwater discharges. Examples of BMPs that are commonly included in SWPPPs are shown in Table 5-2, of the Draft PEIR.

Future development within the Project site would be required to comply with the NPDES permit by preparing and implementing a SWPPP specifying BMPs for minimizing pollution of stormwater with soil and sediment during Project construction. Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. Therefore, impacts related to substantial soil erosion or the loss of topsoil would be less than significant. (PEIR, pp. 5-14 – 5-15).

3.7.3 THRESHOLD C

Impact Statement: The Project would not 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-site or offsite landslide, lateral spreading, subsidence, liquefaction or collapse.

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☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 5.4.4 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that Goal PS-3 of Public Health and Safety Element of the General Plan Update directly addresses concerns related to construction of buildings underlain by unstable soils or of geologic nature such that construction would result in landslides, subsidence, or other negative effects. Specifically, site-specific geologic conditions must be reviewed in all development decisions, known and potential geologic hazards must be monitored, and all engineering and construction activities must be required to mitigate the potential for landslides and other geologic hazards. As a result of these policies, impacts as a result of construction atop unstable ground would be less than significant. (City of Yorba Linda, 2016b)

There are known areas in the City with unstable soils that could result in on- or offsite landslides, lateral spreading, liquefaction, or collapse. Development under the proposed Project may occur on soil that is unstable due to these factors and may result in significant impacts. Development proposing structures for human occupancy would be required to have a geotechnical investigation conducted per CBC Section 1802 and the City’s Building Code. The geotechnical investigation would include site-specific assessment of hazards from subsidence and collapsible soils. Additionally, development along hillside would be required to comply with the standards in Chapter 18.30, Hillside Development, of the City’s Municipal Code. Each project would be required to comply with recommendations in the geotechnical investigation report for that project ensuring that impacts are less than significant. (PEIR, pp. 5-15 – 5-16)

3.7.4 THRESHOLD D

Impact Statement: The Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 5.4.4 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that the General Plan update would not directly subject people or structures to hazards associated with expansive soils because it does not authorize any construction projects. Soils testing to determine expansive characteristics is required for new development, pursuant to the CBC. Mitigation of expansive conditions is also required and must be fully defined in the routine building and grading permit process. The City’s continued compliance with

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State and local regulations would avoid significant impacts to expansive soils. (City of Yorba Linda, 2016b)

Expansive soils shrink or swell as the moisture content decreases or increases; the shrinking can shift, crack, or break structures built on such soils. Expansive soils may be present within the City, and development may be proposed and/or located on expansive soils. However, future development built in accordance with the Project would be required to comply with applicable Building and Safety regulations and the CBC. The geotechnical investigation would be prepared and include site-specific assessment of hazards from the potential for expansive soils. Each project would be required to comply with recommendations in the geotechnical investigation report for that project to ensure there would be no significant risks to life or property due to expansive soils. (PEIR, p. 4.6-16)

3.7.5 THRESHOLD E

Impact Statement: The Project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

☐ **Findings**

Potential impacts of the Project related to Threshold e are discussed in detail in Section 5.4.4 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold e; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that new development that could occur under the General Plan Update would occur in areas that are either connected or would be connected to the Yorba Linda Water District sewer system.

There are existing sewers serving the entire urbanized portions of the City of Yorba Linda. Projects developed in accordance with the Project would include sewer laterals and would not rely on septic tanks or other alternative wastewater disposal systems. Therefore, no impact would occur. (PEIR, p. 5-16)

3.7.6 THRESHOLD F

Impact Statement: The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

☐ **Findings**

Potential impacts of the Project related to Threshold f are discussed in detail in Section 5.4.4 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold f; therefore, no mitigation is required.

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Substantial Evidence

A potentially significant impact would occur if a known or unknown paleontological resource were removed, altered, or destroyed as a result of the proposed development. The great majority of the City is developed with urban uses where ground has been previously disturbed by construction of those uses. However, paleontological resources could still be present in soils that have been previously disturbed. Compliance General Plan Policies HR-2.5 and OR-6.1 through 6.5 with Standard Condition Planning no. 06, which requires that unknown resources be adequately addressed, would ensure that impacts to such resources are less than significant. Additionally, as subsequent infill and redevelopment residential projects occur, any needed Native American consultation would be assessed, and could require additional CEQA analysis in accordance with Section 15162 of the State CEQA Guidelines. (PEIR, pp. 5-16 – 5-17)

3.8 HAZARDS AND HAZARDOUS MATERIALS

3.8.1 THRESHOLD A

Impact Statement: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 5.4.5 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

Substantial Evidence

Construction activities of the Project would involve the use of larger amounts of hazardous materials than would Project operation. Construction activities would include the use of materials such as fuels, lubricants, and greases in construction equipment and coatings used in construction. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would also be short term or one time in nature. Project construction workers would also be trained in safe handling and hazardous materials use.

The use, storage, transport, and disposal of construction-related hazardous materials and waste would be required to conform to existing laws and regulations. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. For example, all spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable state and local regulations for the cleanup and disposal of that contaminant. All contaminated waste encountered would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility. Furthermore, strict adherence to all emergency response plan requirements set forth by the City of Yorba Linda and Orange County Fire Authority (OCFA) would be required through the duration of the Project

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construction. Therefore, hazards to the public or the environment arising from the routine use of hazardous materials during Project construction would be less than significant.

Operation of the future residential uses that would be accommodated under the Project would involve the use of small quantities of hazardous materials for cleaning and maintenance purposes, such as paints, household cleaners, fertilizers, and pesticides. No manufacturing, industrial, or other uses utilizing large amounts of hazardous materials would occur as a result of the Project.

The use, storage, transport, and disposal of hazardous materials by future residents would be required to comply with existing regulations of several agencies, including the California Department of Toxic Substances Control, US Environmental Protection Agency, California Division of Occupational Safety and Health, California Department of Transportation, Orange County Environmental Health Division, and OCFA. Compliance with applicable laws and regulations governing the use, storage, transport, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. Additionally, future residential uses would be constructed and operated with strict adherence to all emergency response plan requirements set forth by the City of Yorba Linda and OCFA.

Therefore, hazards to the public or the environment arising from the routine use, storage, transport, and disposal of hazardous materials during Project operation would not occur. Impacts would be less than significant. (PEIR, p. 5-17 – 5-19)

3.8.2 THRESHOLD B

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 5.4.5 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that transportation of hazardous materials would continue to be limited to SR-91 and to the most direct routes from SR-91 to local delivery sites. The Public Health and Safety Element of the General Plan Update contains measures designed to maintain strict control of the transport of such substances as to ensure public safety. As such, impacts on the likelihood of accidents involving the usage and transport of hazardous materials would be less than significant. (City of Yorba Linda, 2016b)

As discussed under threshold a above, the use and transport of hazardous materials to and from the potential sites during construction and operation would be less than significant. Additionally, the

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Public Health and Safety Element of the General Plan contains measures designed to maintain strict control of the transport of such substances so as to ensure public safety. As such, impacts on the likelihood of accidents involving the release of hazardous materials into the environment would be less than significant. (PEIR, p. 5-19)

3.8.3 THRESHOLD C

Impact Statement: The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 5.4.5 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that although hazardous materials and waste generated from future development may pose a health risk to schools, the disclosure to the Electrical Hazard Detection is required for any business that uses, handles, or stores hazardous materials or waste materials equal to or in excess of the basic quantities Any demolition that would occur as a result of redevelopment that could expose hazardous materials to nearby schools would be required to comply with the regulations of the South Coast Air Quality Management District, the California Health and Safety Code, and Occupational Safety and Health Administration. Compliance with existing regulations would minimize the risks to schools associated with the exposure to hazardous materials, and impacts would be less than significant. (City of Yorba Linda, 2016b)

Development that could be allowed with implementation of the Project does not involve hazardous emissions or handling of substantial amounts of hazardous materials. Substances used for maintenance and landscaping, such common cleaners, solvents, paints, fertilizer, and pesticides, would be subject to all applicable regulations. In addition, subsequent projects would be reviewed for their potential impacts related to hazardous materials issues in accordance with CEQA and OCFA requirements, and an appropriate investigation would be conducted based on the individual circumstances involved. Therefore, no impacts related to this issue are anticipated. (PEIR, pp. 5-19 – 5-20)

3.8.4 THRESHOLD D

Impact Statement: The Project site would not 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 not create a significant hazard to the public or the environment.

“EXHIBIT 1”

Findings

Potential impacts of the Project related to Threshold d are discussed in detail in Section 5.4.5 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

Substantial Evidence

California Government Code Section 65962.5 specifies lists of the following types of hazardous materials sites: hazardous waste facilities; hazardous waste discharges for which the State Water Quality Control Board has issued certain types of orders; public drinking water wells containing detectable levels of organic contaminants; underground storage tanks with reported unauthorized releases; and solid waste disposal facilities from which hazardous waste has migrated. Further evaluation in the PEIR is required to identify whether hazardous materials sites exist on or in the vicinity of the potential sites. The following five databases were reviewed for hazardous material site listings onsite or within 0.25 mile of the potential sites:

- GeoTracker, State Water Resources Control Board
- EnviroStor, Department of Toxic Substances Control
- EnviroMapper, US Environmental Protection Agency
- EJScreen, US Environmental Protection Agency
- Solid Waste Information System (SWIS), California Department of Resource Recovery and Recycling

Based on the results of the database search, there are multiple hazardous material site listings that are listed within 0.25 mile of the housing opportunity sites. These sites consist of primarily closed leaking underground storage tank (LUST) cleanup sites and are located mostly along the SR-91 and Yorba Linda Boulevard. Therefore, these offsite locations will not pose a threat to the Project site. Moreover, none of the housing opportunity sites are identified on any of the databases; therefore, the Project site is not identified as a hazardous materials site pursuant to Government Code Section 65962.5 and the Project will not create a hazard to the public. (PEIR, pp. 5-20 – 5-21)

3.8.5 THRESHOLD E

Impact Statement: The Project site is not within two miles of an airport and the Project site is not identified as within an airport influence area.

Findings

Potential impacts of the Project related to Threshold e are discussed in detail in Section 5.4.5 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold e; therefore, no mitigation is required.

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☐ Substantial Evidence

The nearest public-use airport to the City is the Fullerton Municipal Airport approximately 10 miles to the west. No portion of the City is within an airport land use plan or within two miles of an airport. Thus, implementation of the Project would not result in safety hazards related to aircraft operations and no impact would occur. (PEIR, p. 5-21)

3.9 HYDROLOGY AND WATER QUALITY

3.9.1 THRESHOLD A

Impact Statement: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 5.4.6 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ Substantial Evidence

Construction activities of the future development under the Project would involve demolition, clearing, grading, paving, utility installation, construction, and landscaping activities. Construction activities would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints and solvents, and other chemicals with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of protective or avoidance measures.

Future development under the Project is subject to the requirements of the State Water Resources Control Board’s (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, herein referred to as the “Construction General Permit”. Construction-related water quality impacts would be minimized through compliance with the Construction General Permit, which requires completing a construction site risk assessment to determine appropriate coverage level, filing an NOI with the State Water Resources Control Board, and having a Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer prepare a SWPPP. The SWPPP must include erosion- and sediment control BMPs that would meet or exceed measures required by the determined risk level of the Construction General Permit, in addition to BMPs that control the other potential construction-related pollutants (e.g., nutrients, heavy metals, and certain pesticides, including legacy pesticides). Mandatory adherence to the Construction General Permit and implementation of measures outlined in the SWPPP would ensure that the Project does not violate any water quality standards or waste discharge requirements during construction activities. Therefore, water quality impacts associated with construction activities would be less than significant.

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Buildout under the proposed Project is forecasted to increase residential development by 2,410 units. There is potential that upgrades to the existing storm drain system in the City would be required as result of new development and redevelopment that could occur under the Project. However, the City requires new development and significant redevelopment projects within the City to address storm water quality impacts through incorporation of permanent (post-construction) Best Management Practices (BMPs) in project design. Water Quality Management Plans (WQMPs) are required for private and public new development and significant redevelopment projects. The City requires the project applicant to submit a project WQMP at the project processing and permitting stages. In general, the WQMPs shall follow guidelines set forth in Model WQMP, provided in the Orange County Drainage Area Management Plan. Additionally, the Project would be required to comply with the City’s Municipal Code Section 16.04, Water Quality Control. Compliance with the local standards would ensure water quality impacts associated with operation to be less than significant. (PEIR, pp. 5-21 – 5-22)

3.9.2 THRESHOLD B

Impact Statement: The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the basin.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 5.4.6 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that majority of the development under the General Plan Update would occur in areas that are currently or have previously been developed. Although there is a potential for increase in the amount of impervious surface, it would not be at a large enough scale to affect groundwater recharge in a significant manner. Therefore, impacts would be less than significant. (City of Yorba Linda, 2016b)

Potable water service is provided to the City by the Yorba Linda Water District (YLWD). The YLWD main source of water supply is groundwater from the Orange County Basin. Imported treated and untreated water from Metropolitan Water District of Southern California (MET) through Municipal Water District of Orange County (MWDOC) make up the rest of the District’s water supply. The Yorba Linda Water District is in the process of developing its 2022 Water Master Plan to determine the water supply and infrastructure needs over the next 25 years. The master plan and individual development evaluations will include recommendations for implementing water system improvements to address YLWD’s needs, including those for the Project. YLWD does not anticipate that the Project will substantially deplete or decrease groundwater supplies. (PEIR, pp. 5-22 – 5-23)

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3.9.3 THRESHOLD C

Impact Statement: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 5.4.6 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that there are no existing streams or rivers in this area and General Plan Policy CN-4.5 promotes the retention of local drainage courses. Impacts on erosion and siltation would be less than significant as any new development would also be required to incorporate standard Best Management Practices (BMPs) to prevent such occurrences. Additionally, the Cielo/Esperanza Focus Area could experience new development on undeveloped hillsides and canyons. However, construction in this area, as with all others, would require runoff BMPs to be implemented and would not be of a large enough scale to impact runoff at a level that could lead to flooding or be considered significant.

Furthermore, it is anticipated that the existing storm water drainage system in the City is adequate for the majority of potential development that could take place under the General Plan Update. In the event that a proposed development could generate an increased amount of runoff such that the current system would be unable to accommodate the increased flows, the General Plan Update would require that the drainage system be upgraded which would be funded by development impact fees paid by the developers to the City.

The General Plan Update would involve potential redevelopment in areas that are currently built, as well as an expansion of housing into undeveloped hillsides in the City’s Sphere of Influence. The currently developed areas and undeveloped Cielo/Esperanza Focus Area are not within 100-year flood hazard zones. Therefore, impacts would be less than significant. (City of Yorba Linda, 2016b)

1. *Erosion and siltation;*

The majority of any new development that would occur under the proposed Project would occur in areas that are already developed and as such would not alter the existing course of a stream or river. Although soils in the Project site could experience erosion during construction and development of individual projects pursuant to the Project, implementation of the Project would not cause substantial soil erosion. A SWPPP specifying BMPs for minimizing pollution of stormwater with soil and

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sediment during Project construction would be prepared and implemented. Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. Therefore, impacts related to substantial soil erosion or siltation would be less than significant.

2. *Surface runoff and flooding on or off-site;*

Portions of the City along the Santa Ana River are located within a flood hazard zone. (City of Yorba Linda, 2016b, pp. 5.9-9) Specifically, according to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps, northwestern corner of housing opportunity sites SS6-020, northwestern portion of S6-015 and southern portion of S7-001 are designated as 0.2% annual chance flood hazard, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X); and the southeastern portion of S4-053 is designated as areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies (Zone A). Zone A is identified as a Special Flood Hazard Area and Zone X is identified as a moderate flood hazard area. (FEMA, 2009a; FEMA, 2009b; FEMA, 2009c)

Implementation of the Project may result in an increase in impervious surfaces. However, existing requirements for future development include review by the City Engineer to ensure adequate drainage facilities are provided that meet City design and requirements. Additionally, implementation of the WQMP would reduce runoff from the site and identify BMPs for runoff controls and treatments. Implementation of the Project would not substantially alter the existing drainage pattern, nor is the potential increase in surface runoff anticipated to be substantial. Therefore, impacts related to increase in the rate or amount of surface runoff would be less than significant.

3. *Runoff water and capacity of stormwater drainage systems and sources of polluted runoff;*

Refer to Threshold a and c. In general, the housing opportunity sites drain to the existing storm drain system. Future development would require the study of localized conditions and construction of additional storm drains based on site-specific conditions and proposed development plans. City standards require developed storm flows to be less than or equal to existing storm flows. There is potential that upgrades to the existing storm drain system in the City would be required as result of new development and redevelopment that could occur under the Project. However, as concluded in the General Plan EIR, the cost of such improvements would be offset through the payment of developer fees to the City. (City of Yorba Linda, 2016b, pp. 5.9-12) Therefore, impacts would be less than significant.

4. *Flood flows.*

According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps, northwestern corner of housing opportunity sites SS6-020, northwestern portion of S6-015 and southern portion of S7-001 are designated as 0.2% annual chance flood hazard, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X); and the southeastern portion of S4-053 is designated as areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies (Zone A).

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Zone A is identified as a Special Flood Hazard Area (SFHA) and Zone X is identified as a moderate flood hazard area. (FEMA, 2009a; FEMA, 2009b; FEMA, 2009c)

The City of Yorba Linda has adopted local standards for construction in floodplain areas. Construction within SFHAs is governed by the City’s Municipal Code Chapter 15.12, Flood Damage Protection. Section 15.12.110 sets forth construction requirements for development that would minimize flood hazard risks. With compliance with Federal and local regulatory requirements, impact would be less than significant. (PEIR, pp. 5-23 – 5-25)

3.9.4 THRESHOLD D

Impact Statement: The Project would not result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 5.4.6 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ **Substantial Evidence**

There are four sites within Zone A and Zone X flood hazard zones. Compliance with the City’s Municipal Code Chapter 15.12, Flood Damage Protection, which sets forth construction requirements for development within a SFHA to minimize flood hazard risks. With compliance with Federal and local regulatory requirements, impact would be less than significant. Therefore, impacts related to risk of pollutant release due to inundation from a flooding event would be less significant.

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. The subterranean Yorba Linda Water District reservoir to the west of housing opportunity site S5-008 does not have the potential to create a seiche and is outside of the Alquist-Priolo Fault zone. Therefore, it would not create a significant risk of flooding due to failure or rupture. Although there are no large above ground water tanks in the area that could impact the potential sites, there are dams in the region that could create flooding impacts. The potential sites are not in a dam inundation area (DSOD, 2020). Therefore, there is no risk of pollutant release due to inundation from a seiche. No impact would occur.

A tsunami is a series of ocean waves caused by a sudden displacement of the ocean floor, most often due to earthquakes. The City is approximately 19 miles inland from the Pacific Ocean, outside of the tsunami hazard zone identified by the California Governor's Office of Emergency Services. Therefore, there is no possibility of the City being affected by a tsunami; there is no risk of pollutant release due to inundation from a tsunami. No impact would occur. (PEIR, pp. 5-25 – 5-26)

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3.9.5 THRESHOLD E

Impact Statement: The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

☐ **Findings**

Potential impacts of the Project related to Threshold e are discussed in detail in Section 5.4.6 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold e; therefore, no mitigation is required.

☐ **Substantial Evidence**

Refer to Threshold a. The quality of surface and groundwater is affected by land uses in the watershed and the composition of subsurface geologic materials. Water quality in surface and groundwater bodies is regulated by the State Water Resources Control Board and RWQCB. The City of Yorba Linda is under the jurisdiction of the SARWQCB, which is responsible for implementation of state and federal water quality protection guidelines in the City. SARWQCB implements the Water Quality Control Plan for the Santa Ana River Basin Plan (Basin Plan), a master policy document for managing water quality issues in the region. The City is in the Orange County Basin and the Basin has a Groundwater Basin Master Plan, which is intended to identify projects and programs to enhance basin replenishment, increase the reliability of groundwater resources, improve, and protect groundwater quality, and ensure that the groundwater supplies are suitable for beneficial uses.

The Project would be required to comply with the National Pollutant Discharge Elimination System (NPDES) standards and the City’s Water Quality Control regulations to ensure pollutant loads are minimized for downstream receiving waters. SARWQCB would also require a WQMP to be prepared and implement BMPs for site-specific runoff controls and treatments. Conformance would be ensured during the permitting process with the City’s Community Development Department. Therefore, the Project would not obstruct implementation of applicable plans, and impacts would be less than significant. (PEIR, p. 5-26)

3.10 LAND USE AND PLANNING

3.10.1 THRESHOLD A

Impact Statement: The Project would not physically divide an established community.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.5.5 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

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☐ **Substantial Evidence**

Implementation of the Project would involve the development of vacant land, intensification of existing land uses, and the introduction of new residential land uses on parcels throughout the City. Land use changes proposed within the City are intended to tie into the existing uses and surrounding neighborhoods. Development would occur within existing urban areas and infill sites, which is not expected to divide an established community. Therefore, the implementation of the Project is not anticipated to physically divide an established community and impacts are less than significant. (PEIR, p. 4.5-6)

3.10.2 THRESHOLD B

Impact Statement: The Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.5.5 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

The land use plans, policies, and regulations applicable to the proposed Project include the City’s General Plan and Zoning Code and SCAG’s 2020-2045 RTP/SCS (Connect SoCal). The General Plan Amendments consist of amending the Land Use Element of the General Plan to increase the total residential capacity in the Community Core/Downtown Historical District Area Plan by 181 dwelling units to account for housing opportunity sites S3-024, S3-074, S3-082, and S4-075; in the West Bastanchury Area Plan by 228 dwelling units to account for Site S3-203; amendments to General Plan land use designations as shown in Table 3-2, Housing Opportunity Sites for Rezoning, of the PEIR; and creation of overlay descriptions as land use categories and how each interact with the underlying zones. Although the Project would result in a change to the General Plan land use designations for the housing opportunity sites, these changes would not result in a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or reducing an environmental effect. Accordingly, a less-than-significant environmental impact would result from the Project’s proposed governmental approvals.

Table 4.5-1, General Plan Consistency Analysis, of the PEIR, provides an analysis of the Project’s consistency with all applicable General Plan goals and policies that were adopted for the purpose of avoiding or mitigating an environmental effect. As shown, the Project would not conflict with any of the applicable General Plan goals and policies. Accordingly, the Project would have a less-than-significant impact with respect to a conflict with the City of Yorba Linda General Plan.

Amendments to the Zoning Code consist of amending the Yorba Linda Hills Planned Development to modify Area E from Church to RM standards and allowing 230 dwelling units; amending the West

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Bastanchury Planned Development to modify sites from RM zone and allowing 228 dwelling units; increasing height limit in RM-20 to 40 feet and three stories; zoning designation changes as shown in Table 3-2 of the PEIR; and creation of a new Chapter 18.11 or Chapter 18.17 with the three overlays (Affordable Housing Overlay, a Congregational Land Overlay, and a Mixed-Use Housing Overlay) with all the development standards consistent with the Housing Element. The City’s approval and implementation of Amendments to the Zoning Code would ensure that the Project would be consistent with the Adopted 2021-2029 Housing Element. Based on the foregoing, the Project would have a less-than-significant impact with respect to a conflict with the City of Yorba Linda’s Zoning Ordinance.

SCAG’s Connect SoCal is the applicable SCAG planning document that applies to the Project. Connect SoCal identifies voluntary best practices to approach growth and infrastructure challenges in an integrated and comprehensive way. The Connect SoCal goals are meant to provide guidance for considering proposed project for municipalities throughout the SCAG jurisdictional area within the context of regional goals and policies. As shown in Table 4.5-2, SCAG Connect SoCal Consistency Analysis, of the PEIR, implementation of the Project would not result in an inconsistency with the adopted Connect SoCal. Accordingly, the Project would have a less-than-significant impact with respect to a conflict with the SCAG’s Connect SoCal. (PEIR pp. 4.5-7 – 4.5-31)

3.11 MINERAL RESOURCES

3.11.1 THRESHOLD A

Impact Statement: The Project would not 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.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 5.4.7 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ Substantial Evidence

The City of Yorba Linda General Plan EIR concluded that mineral resources present in the City are petroleum and aggregate materials. However, the General Plan Update would not change land use designation of Oil Production Combining Zone (O). Therefore, the General Plan Update would not preclude ongoing and new oil extraction operations.

With respect to aggregate resources, aggregate resource areas lie along the Santa Ana River to the south of the City and contain sand, gravel, and crushed stone which can be used as construction materials. There are also areas of regionally significant aggregate located east and west of Featherly Regional Park in the City and its Sphere of Influence determined by the State Division of Mines and Geology. The areas have already been developed with land uses which preclude aggregate extraction. Therefore, impacts on mineral resources are considered less than significant. (City of Yorba Linda, 2016b)

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The California Geological Survey (CGS) classifies the regional significance of mineral resources in accordance with the California Surface Mining and Reclamation Act of 1975. The State Geologist is responsible for classifying areas with California that are subject to urban expansion or other irreversible land uses. Furthermore, the State Geologist is also responsible for classifying mineral resource zones (MRZ) to record the presence or absence of significant mineral resources in the State based on CGS data.

Lands designated MRZ-2 are of the greatest importance. Such areas are underlain by demonstrated mineral resources or are located where geologic data indicate that significant measured or indicated resources are present. MRZ-2 areas are “regionally significant.” MRZ-1 are areas where adequate geologic information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence. MRZ-3 indicates areas of undetermined mineral resource significance. MRZ-4 indicates areas where available information is inadequate for assignment to any other MRZ zone.

As depicted in Figure 5.11-1, Oil Production and Mineral Resource Zone, of the General Plan EIR, the majority of the potential sites are not located within these zones. (City of Yorba Linda, 2016b, pp. 5.11-3) Three of the sites are located within the City’s Oil Production Zone (S3-201; S3-210; and S3-203). However, as reflected on the Department of Conservation Well Finder Maps, all oil wells located on these sites are plugged and sealed and have since been developed over (DOC, 2022). Therefore, implementation of the Project would not cause the loss of availability of mineral resources valuable to the region or state, and no impact would occur. (PEIR p. 5-27)

3.11.2 THRESHOLD B

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 5.4.7 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that oil reserves would continue to be protected based on the land use designation placed on these areas and no significant impacts are anticipated. (City of Yorba Linda, 2016b)

The City’s General Plan EIR indicates that oil fields are present in within the City (City of Yorba Linda, 2016b, pp. 5.11-3; City of Yorba Linda, 2016b). Implementation of the Project would not change or impact ongoing oil operations, including oil extraction activities. Development in accordance with the Project would occur would not expand into mineral resource recovery sites or

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currently utilized oil fields. Therefore, the Project would not result in the loss of availability of a locally important mineral resource. No impact would occur. (PEIR p. 5-28)

3.12 NOISE

3.12.1 THRESHOLD A

Impact Statement: The Project would not generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies related to operational off-site traffic noise levels.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.6.5 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Existing (2022) plus Project Conditions analysis determines the Project’s traffic noise impacts under the theoretical scenario where traffic from the Project is added to existing conditions. The Horizon Year (2045) were derived from the Orange County Transportation Analysis Model (OCTAM) Version 5.5 maintained by the Orange County Transportation Authority (OCTA). To develop future traffic forecast volumes in the vicinity of the 27 housing opportunity sites proposed to be rezoned to allow multifamily residential use, changes in population related to each proposed site were added to the OCTAM models and rerun. Details on Horizon Year (2045) methodology are discussed in the Project’s Traffic Analysis (Technical Appendix G of the Draft PEIR).

Existing plus Project conditions realistically would not occur, since the Project will not be fully developed and occupied under Existing conditions. However, as summarized in Table 4.6-7, Existing with Project Traffic Noise Level Increases, of the PEIR, Project traffic noise would not exceed the City’s applicable significance threshold under the Existing with Project traffic conditions. Therefore, the Project’s contribution to off-site traffic noise would be less than significant.

As summarized in Table 4.6-8, Horizon Year (2045) Traffic Noise Levels, of the PEIR, Project traffic noise would not exceed the City’s applicable significance threshold under the Horizon Year (2045) traffic conditions. Moreover, future development would be required to comply with goals and policies of the City’s General Plan and mitigation measure NOI-1 from the City’s General Plan PEIR. Therefore, the Project’s contribution to off-site traffic noise would be less than significant. (PEIR p. 4.6-15 – 4.6-18)

3.12.2 THRESHOLD C

Impact Statement: The Project is not located within vicinity of a private airstrip or airport land use plan, or within two miles of a public airport or public use airport.

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☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.6.5 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project site is not located within two miles of a public airport or within an airport land use plan. The closest airport is the John Wayne Airport, located approximately 13 miles southwest of the City. Therefore, the Project site would not be exposed to excessive noise levels from airport operations and no impact would occur. (PEIR p. 4.6-20)

3.13 POPULATION AND HOUSING

3.13.1 THRESHOLD A

Impact Statement: The Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 5.4.8 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that full buildout of the proposed General Plan Update, would result in a 4.4 percent increase in population growth, would not result in substantial unplanned population growth. In addition, the proposed General Plan Update includes several policies related to housing and population growth that would ensure that the amount of growth upon implementation of the Project would not be significant, and would be managed in such a way so as not to affect the quality of life currently enjoyed in the City. (City of Yorba Linda, 2016b)

Project construction activities would require contractors and laborers. It is anticipated that general construction labor would be available from the local and regional labor pool and would not result in substantial population growth because the construction workers would commute from their respective homes. Additionally, each construction phase (e.g. grading, paving, electrical etc.) requires different skills and specialties, which would be needed for the length of time of that phase. Therefore, the Project’s construction phases would not result in a long-term increase in employment which could induce substantial unplanned population growth from short-term construction activities. Therefore, the Project would not directly or indirectly induce substantial population growth in the City during construction.

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According to SCAG’s Connect SoCal, SCAG projects a 4.1 percent increase in the City from 2016 to 2045, with a population of 70,600 in 2045. However, the City’s General Plan projected a growth in population of approximately 10,752 persons with a current population of 67,367. Therefore, General Plan buildout would result in a total population of 78,119, exceeding the SCAG’s 2045 projections.

Implementation of the Project would allow the construction of new housing of a variety of densities throughout the City. New housing has the potential to induce substantial population growth in the City. Assuming an average household size of 2.94 residents per unit, future housing development facilitated by the Project would result in a total net increase of 2,410 dwelling units, resulting in population growth of approximately 7,085 residents. This is a conservative assumption because a portion of the City’s RHNA allocation was due to overcrowding. Therefore, a portion of the RHNA obligation was derived to meet an existing housing demand rather than projected growth within the City. The State defines an overcrowded housing unit as one occupied by more than 1.01 persons per room (excluding kitchens, porches, and hallways). A unit with more than 1.51 occupants per room is considered severely overcrowded. The incidence of overcrowded housing is a general measure of whether there is an available supply of adequately sized housing units. As shown in Table II-27 of the 2021-2029 Housing Element, the City’s renters experienced more overcrowding conditions than owners (7% for renters versus 1% for owners). Furthermore, as indicated in Section C of the Housing Element, a vacancy rate of five percent for rental housing and two percent for ownership housing is generally considered healthy and suggests that there is a balance between the supply and demand of housing. Although the City’s residential vacancy rate for rental units (five percent) indicates a healthy market, the vacancy rate for ownership units was 0.4 percent, highlighting a pent-up demand for ownership housing.

As of 2021, City has a population of 67,760 (DOF, 2021). Project buildout would result in a total of 74,845 residents. However, this would not result in substantial unplanned growth in the area since 1) SCAG assigned RNHA obligations and would update its RTP/SCS to reflect planned growth consistent with the Housing Element, 2) the planned housing is in response to an existing unmet need, 3) the housing opportunity sites are infill development with adequate nearby infrastructure. Therefore, the Project would not result in substantial unplanned population growth. Impacts would be less than significant. (PEIR pp. 5-28 – 5-29)

3.13.2 THRESHOLD B

Impact Statement: The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Findings

Potential impacts of the Project related to Threshold b are discussed in detail in Section 5.4.8 of the Draft PEIR. This City Council finds that the development of the proposed Project would not result in significant impacts related to Threshold b; therefore, no mitigation is required.

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☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that there are no aspects of the proposed project that would displace existing housing, as there are no land use changes proposed. Therefore, no impact would occur. (City of Yorba Linda, 2016b)

Growth in accordance with the proposed Project is not expected to displace substantial numbers of housing or people. The Project would allow for approximately 2,410 additional residential units. Development under the Project would alter existing land use designations that could result in the displacement of nonconforming housing with new development. However, the Project is not expected to displace a substantial amount of existing housing or people, and it would increase the number of dwelling units and population by allowing higher intensity residential uses. As a result, impacts are less than significant. (PEIR pp. 5-29 – 5-30)

3.14 PUBLIC SERVICES

3.14.1 THRESHOLD A

Impact Statement: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or 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 for any of the public services: Fire Protection; Police Protection; Schools; Parks; or Other Public Facilities.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.7.6 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantial Evidence**

1. *Fire Protection Services*

Implementation of the Project would increase the overall demand on fire protection and emergency services in the City. Project buildout would result in an increase of 2,410 dwelling units, resulting population growth of approximately 7,085 residents. This growth in accordance with the Project is expected to create the typical range of fire and emergency service calls, and would increase call volumes, which impacts response times for emergency and non-emergency services.

Considering the existing firefighting resources available in the City, implementation of the Project is not expected to result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impact. Additionally, future development associated with the Project would occur in an area of the City already served by OCFA; therefore, the Project would not result in an expansion of OCFA’s service area. In the event of an emergency that requires

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more resources than the primary fire stations that serve the area could provide, OCFA would direct resources to the site from other OCFA stations nearby.

Further, the future development would be required to comply with all applicable fire code and ordinances for construction, access, water mains, fire flows, and fire hydrants. For example, site plans would be submitted to OCFA to ensure compliance with OCFA standard conditions, including fire flow requirements based upon the tenant type, building size, and building type. Access to and around structures would meet OCFA and CFC requirements. Compliance with OCFA requirements would ensure adequate provision of resources.

In order to ensure adequate level of fire protection service within the City of Yorba Linda, OCFA typically enters into a Secured Fire Projection Agreement with private developers. Therefore, project applicants for future development would be required to enter into a Secured Fire Protection Agreement with OCFA to address any incremental impacts to fire facilities and services. Because the Project does not include construction of new fire station facilities and does not generate a need for additional facilities, Project-related impacts to fire protection services are evaluated as less than significant.

2. *Police Protection Services*

Buildout of the Project would increase demands for police protection services in the City. During future construction and operation of the Project, the need for police services is expected to grow due to the increase in population and associated potential for additional crime and accidents. Crime and safety issues during construction may include theft of building materials and construction equipment, malicious mischief, graffiti, and vandalism. After construction, the Project is anticipated to generate a typical range of police service calls as similar developments, such as vehicle burglaries, residential thefts, disturbances, and driving under the influence.

The increase in demands on police services resulting from the implementation of the Project would not adversely impact OCSD’s existing resources. There are currently no staffing or equipment deficiencies in the service area. The increase in potential services needed would not require the construction of a new police station or improvements to the existing station that serves the Project site. Implementation of the Project would result in an increase in calls for service; however, OCSD has indicated that this increase would not adversely impact OCSD’s existing resources. OCSD will work closely with the City to determine proper level of law enforcement staffing based on best practices for population and crime statistics.

Moreover, development impact fees will be paid to OCSD to accommodate new demand for police protection services to the Project area. Because the Project does not include construction of new police facilities and does not generate a need for additional facilities, and future development will be required to pay development impacts fees that will provide its fair share of future police needs; increases in demands for police protection resulting from implementation of the Project would not have significant impacts on OCSD services.

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3. *School Services*

As previously discussed, Project buildout would result in an increase of 2,410 dwelling units, resulting population growth of approximately 7,085 residents. The population would lead to an increase in student population, which, in turn, would create additional demand for PYLUSD services and facilities. Table 4.7-4, Projected Student Population, of the PEIR, provides an estimate of the number of K-12 grade level students by school type that would be generated by the Project. The student generation rates are specific to PYLUSD and are based on general citywide single- and multifamily housing developments. Student generation rates are used by school districts to estimate the number of students generated by new development in order to determine whether or not existing school facilities would be adequate for future students.

Table 4.7-4 also calculates the addition of the net new students that could be generated at Project buildout to the current enrollment in order to determine if there would be adequate capacity at schools serving the City. This approach is conservative because student enrollment fluctuates over time. As shown, the Project would generate approximately 1,115 students at buildout, consisting of 534 elementary school students, 247 middle school students, and 334 high school students. There is more than adequate capacity in PYLUSD schools to serve the Project generated students; the Project in combination with current enrollment would leave a remaining capacity of 3,950 total students, including 3,219 elementary students, 659 middle school students, and 72 high school students. Therefore, based on the preceding, impacts from implementation of the Project on school services would not be significant.

Furthermore, as stated previously, two sites S6-020 and S6-015 are within OUSD school district boundaries. These sites have the potential to generate 232 residential units, resulting in 682 residents. Using the generation factors provided in Table 4.7-4, this would result in a total of 315 students—51 elementary school students, 23 middle school students, and 32 high school students—who would attend Running Springs Elementary School, El Rancho Middle School, and Canyon High School. Over the next four years, the projections show that the OUSD is expected to have a net decline of 2,961 TK-12 students. Specifically, OUSD project enrollment for Running Springs Elementary School, El Rancho Middle School, and Canyon High School would be 638 students, 953 students, and 1,730 in 2026, respectively (Davis Demographics & Planning, Inc., 2020). Therefore, there is sufficient capacity to accommodate to serve the Project generated students, and impacts would be less than significant.

4. *Parks*

The additional dwelling units would result in an increase in the number of residents in the City, which could lead to an increase in demand for existing City parks and recreational facilities. The City currently is in a deficit of approximately 32.2 acres of parkland. All residential developments within the City would be required to pay impact fees to offset the cost to expand or construct new park and recreational space and facilities to adequately serve the City’s growing population, which are reinforced in Section 15.56, Park and Recreation Impact Fees, of the City’s Municipal Code. Construction of new park and/or recreational facilities would occur within the housing opportunity sites, which has been analyzed throughout this PEIR, or within land use designations that allow such

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facilities. Therefore, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks or recreational facilities or the need for new or physically altered parks or recreational facilities.

5. *Other Public Facilities*

Project impacts on the YLPL system would include needs for increased staffing, increased collection budget, and increased operating hours. The City has indicated that demand on library services would be incremental and would not require the need for new or expanded physical library facilities, the construction of which could cause a substantial adverse impact. Therefore, impacts to library services would be less than significant. (PEIR, pp. 4.17-17 – 4.7-18)

3.15 RECREATION

3.15.1 THRESHOLD A

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.8.5 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City currently has a current park ratio of 2.52 acres of parkland per 1,000 residents and a deficit of approximately 32.2 acres of parkland. This is less than the City’s target goal of 3 acres of local city parkland (not including joint-use or regional parks) per 1,000 residents. Because of the existing citywide deficit, it is possible that the existing City parks and recreational facilities that would serve future residents would experience increased use that may lead to deterioration over time. Using the City’s goal of 3 acres of local city parkland per 1,000 residents, the net increase in demand for parkland due to the buildout of the Project (7,085 new residents) would be approximately 21.26 acres.

Although the City does not meet its current park ratio requirement, there are approximately 14,770 acres of regional parks and 61.6 acres of joint-use parks that would serve future project residents. As shown in Table 4.8-1, of the PEIR, there are also two planned local parks totaling 15 acres. In addition, the City requires developers to pay impact fees to offset the cost to expand or construct new park and recreational space and facilities to adequately serve the City’s growing population, which are reinforced in the City’s Municipal Code, Section 15.56, Park and Recreation Impact Fees. Therefore, impacts to existing parks and recreational facilities would be less than significant. (PEIR, p. 4.8-8)

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3.15.2 THRESHOLD B

Impact Statement: The Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.8.5 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

Based on the City’s existing availability of parkland, the increase in population by 7,085 residents could result in a need for up to 21.25 acres of parkland. Future residential development would be required to provide adequate parkland or pay in-lieu fees. Since specific residential development projects or recreational facilities have not been identified as this time, potential impacts are addressed at a programmatic level. Generally, future construction of recreational facilities, within the 27 housing opportunity sites and its physical effects have been considered in the impact analyses throughout this PEIR. Furthermore, per the analysis provided above under Threshold a, the increase in demand for parks and recreation facilities would be offset by the payment of an in-lieu fee for improvements or acquisition of parkland. Therefore, implementation of the Project would not result in significant impacts relating to new and/or expanded park and recreational facilities. (PEIR, p. 4.8-9)

3.16 TRANSPORTATION

3.16.1 THRESHOLD A

Impact Statement: The Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.9.5 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project’s consistency with the City’s General Plan policies related to transit, roadway, bicycle, and pedestrian facilities is presented in Section 4.5, Land Use and Planning, Table 4.5-1, General Plan Consistency Analysis, of the PEIR. As presented therein, the Project would not conflict with applicable General Plan goals and policies, including those included within the Circulation Element. In addition to automotive circulation policies, the General Plan also includes goals relating to non-motorized transportation systems. Policy CR-6.1 directs for the development and maintenance, where feasible, of safe and convenient non-motorized transportation and multi-purpose trails throughout the city. Policy CR-6.2 directs for safe pedestrian, bicycle, and equestrian access throughout the city.

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Compliance with the General Plan would ensure that the Project would not conflict with any programs, plans, ordinances, or policies addressing the circulation system including transit, roadway, bicycle, and pedestrian facilities.

Further, as presented on Table 4.5-2, SCAG Connect SoCal Consistency Analysis, of the PEIR implementation of the Project would not result in an inconsistency with the adopted Connect SoCal. The Project would have a less-than-significant impact with respect to a conflict with the SCAG’s Connect SoCal. (PEIR, pp. 4.9-9)

3.16.2 THRESHOLD B

Impact Statement: The Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b).

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.9.5 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

Pursuant to Senate Bill (SB) 743, changes to California Environmental Quality Act (CEQA) Guidelines were adopted in December 2018, which require all lead agencies to adopt a vehicle miles traveled (VMT) metric as a replacement for automobile delay-based “level of service” (LOS) as the measure for identifying transportation impacts for land use projects. Automobile delay, as measured by “LOS and other similar metrics, no longer constitutes a significant environmental effect under CEQA. Lead agencies in California are required to use VMT to evaluate project-related transportation impacts. This statewide mandate went into effect July 1, 2020. CEQA Guidelines Section 15064.3, effective January 1, 2019, “describes specific considerations for evaluating a project’s transportation impacts” and provides that, except for roadway capacity projects, “a project’s effect on automobile delay (or LOS)” shall not constitute a significant environmental impact” (CEQA Guidelines Section 15064.3(a)).

As per the City’s *Traffic Impact Analysis Guidelines*, the link-level boundary Vehicle Miles traveled (VMT) per service population within the City boundary was compared for no Project and plus Project conditions. Table 4.9-3, “Plus Project” VMT Per Service Population, of the PEIR, identifies the VMT per SP of the combined TAZs of the Project in the base year (2016) plus project and cumulative year (2045) plus project conditions. (Urban Crossroads, 2022f)

Table 4.9-4, “With Project” Comparison to City Threshold, of the PEIR, shows the comparison between Project’s baseline and cumulative VMT per service population to the City’s impact threshold. The City of Yorba Linda has identified a VMT per service population significance threshold of 35.1. The Project’s VMT per service population of 33.29 for base year and 33.74 for cumulative would not exceed the City’s VMT per employee impact threshold for baseline and cumulative conditions by

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5.16% and 3.87%, respectively. The Project’s VMT impact is therefore considered less than significant. (Urban Crossroads, 2022f)

The City of Yorba Linda’s VMT threshold is consistent with the City’s General Plan build out. The results of Project generated VMT per service population not exceeding the adopted City thresholds, shows additional growth capacity for the City through year 2045. Consistent with Senate Bill 743, the Project’s VMT less than significant findings proves that the Project is incentivized by the development of higher density residential to service the job base in Yorba Linda and Orange County. Thus, reducing commute VMT and employee travel distances. There is an unmet need for housing and providing new housing opportunities allows people to reside closer to their jobs; this is evidenced further by the results of this VMT analysis. The VMT analysis results are consistent with SCAG’s Current Context Demographics and Growth Forecasts, since the City’s employment growth exceeds population growth as shown in Table 4.9-5, SCAG Growth Forecast for the City of Yorba Linda, of the PEIR. (Urban Crossroads, 2022f; (PEIR, pp. 4.9-9 – 4.9-12)

3.16.3 THRESHOLD C AND D

Impact Statement: The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment and would not result in inadequate emergency access.

☐ **Findings**

Potential impacts of the Project related to Thresholds c and d are discussed in detail in Section 4.9.5 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Thresholds c and d; therefore, no mitigation is required.

☐ **Substantial Evidence**

Buildout of the Project would result in some changes to the City’s circulation network. The Project would result in improvements to the regional and local roadway, bicycle, pedestrian, and transit network.

An evaluation of the roadway alignments, intersection geometrics, and traffic control features will be required as future development occurs and improvements have been designed. Roadway improvements would have to be made in accordance with the City’s Circulation Element, roadway functional design guidelines, and design guidelines included in the California Manual of Uniform Traffic Control Devices (MUTCD) and the Caltrans Roadway Design Manual. All future roadway system improvements associated with development and redevelopment activities under the Project would be designed in accordance with the established roadway design standards incorporated into the City’s Circulation Element. These improvements will be subject to review and future consideration by the City of Yorba Linda, Public Works Department of. Implementation of the Project would not result in hazardous conditions, create conflicting uses, or cause a detriment to emergency vehicles access.

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Future land use development projects would also be analyzed in detail through the City’s plan check process to ensure adequate site access, sight-distance, and pedestrian, equestrian, and bicycle safety. It should be noted that the City will soon be developing an Active Transportation Plan (ATP), which will provide an evaluation of pedestrian, equestrian and school safety. at the project level for site access during the approval process.

Buildout of the proposed Project would result in some changes to the City’s circulation network but would not impact emergency access. Future development would be required to comply with all applicable fire code and ordinances for construction, access, water mains, fire flows, and fire hydrants. For example, site plans would be submitted to OCFA to ensure compliance with OCFA standard conditions, including access to and around structures. Compliance with OCFA and CFC requirements would ensure adequate emergency access. Impacts would be less than significant, and no mitigation would be required. In summary, implementation of the Project would not result in a hazardous design feature, incompatible use, or conflict with emergency access. (PEIR, pp. 4.9-12 – 4.9-13)

3.17 UTILITIES AND SERVICE SYSTEMS

3.17.1 THRESHOLD A

Impact Statement: The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 5.4.9 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold a; therefore, no mitigation is required.

Substantial Evidence

The City of Yorba Linda General Plan EIR concluded that the General Plan Update would not require or result in the construction of new storm water drainage facilities. The Yorba Linda Water District is in the process of developing its 2022 Water Master Plan to determine water supply and infrastructure needs over the next 25 years. The master plan and individual development evaluations will include recommendations for implementing water system improvements to address YLWD’s needs, including those for the Project.

Wastewater generated by the Project would be conveyed to OCSD’s Reclamation Plants No. 1 and/or 2, which are located in the City of Fountain Valley and Huntington Beach, respectively. The reclamation plants are designed to treat 332 mgd average dry weather flow (ADWF) to secondary standards and 591 mgd average wet weather flow to secondary standards. Under dry weather conditions, ADWF is 207 mgd without reclamation, and 152 mgd with reclamation. The wastewater that would be generated by implementation of the proposed Project would reflect a small portion of

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the capacity of these facilities and would be accommodated within the remaining capacity of the combined facilities (RWQCB, 2012).

The Yorba Linda Water District provides wastewater services within the City of Yorba Linda and reviews and approves all connections to its wastewater system. New development projects are evaluated to determine the adequacy of the wastewater system that serves the development. If infrastructure improvements are required, then these improvements will become the responsibility of the development. The Yorba Linda Water District’s wastewater discharges into the Orange County Sanitization District (OCSD)’s trunk sewers and is conveyed to OCSD’s Reclamation Plants for treatment. OCSD is responsible for determining if there is adequate capacity in their conveyance and treatment system.

Southern California Edison (SCE) provides electricity services to a large majority of southern and central California, including the City. Additionally, the City is within the service area of Southern California Gas Company (SoCalGas) for the provision of natural gas at residences and businesses. The anticipated service demands created by implementation of the Project are with the service parameters of SCE and SoCalGas current transmission and service infrastructure. SCE and SoCalGas would update existing facilities or add new facilities in the City based upon specific requests for service from end users. Future developments that require new infrastructure would be required to pay any applicable fees assessed by SCE and SoCalGas necessary to accommodate the specific project site. Therefore, impacts would be less than significant.

Based on the preceding, the Project would not require or result in the relocation or construction of new or expanded storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant. Any water and/or wastewater infrastructure improvements would become the responsibility of the development. (PEIR, p. 5-30 – 5-31)

3.17.2 THRESHOLD B

Impact Statement: The Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 5.4.9 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold b; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Yorba Linda Water District meets its water demands with a combination of imported water and local groundwater, and works together with two primary agencies, MWDOC and OCWD to ensure a safe and reliable water supply that will continue to serve the community in periods of drought and

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shortage. The Yorba Linda Water District’s 2020 Urban Water Management Plan (UWMP) includes the 2,415 units in projections for water demand and water supply sufficiency.

As presented in Section 7.3, Water Service Reliability Assessment, of the YLWD 2020 UWMP, YLWD has forecasted water demand and supply for a normal year, single dry year, and a drought lasting five consecutive water years. As shown therein, even with a conservative demand increase of 6% each year for five consecutive years, YLWD is capable of meeting all customers’ demands from 2025 through 2045, with significant reserves held by Metropolitan Water District of Southern California (MET) and water use efficiency measures.

Based on YLWD’s 2020 UWMP, it is anticipated that there will be adequate water supply available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years. (PEIR, pp. 5-31 – 5-32)

3.17.3 THRESHOLD C

Impact Statement: The Project would not 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.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 5.4.9 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

Refer to Threshold a, above. OCSD has sufficient wastewater treatment capacity to serve the project’s projected demand in addition to existing commitments. (PEIR, p. 5-32)

3.17.4 THRESHOLD D

Impact Statement: The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 5.4.9 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR concluded that implementation of the General Plan Update would generate an additional 59,891 ppd of solid waste per day and there would be adequate capacity

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in the landfill to serve buildout of the General Plan. Therefore, impacts would be less than significant. (City of Yorba Linda, 2016b)

As indicated in Section 3.0, Project Description, the Project could result in up to 2,410 new residential units. Applying the General Plan Draft EIR’s daily solid waste generation factor residential uses of 12.23 lbs/DU, the Project would generate an additional 29,474.3 ppd of solid waste. This represents approximately less than a percent of the remaining daily capacity at the Olinda Alpha Landfill. Therefore, there would be adequate capacity in the landfill to serve buildout of the Project. The Olinda Alpha Landfill has a permitted disposal capacity of 8,000 tons per day with a remaining capacity of 17,500,000 tons. The Olinda Alpha Landfill is estimated to reach capacity, at the earliest time, in the year 2036. (CalRecycle, 2022)

CalRecycle requires that all counties have an approved Countywide Integrated Waste Management Plan (CIWMP). To be approved, the CIWMP must demonstrate sufficient solid waste disposal capacity for at least 15 years, or identify additional available capacity outside of the county’s jurisdiction. Orange County’s CIWMP, approved in 1996, future solid waste disposal demand based on the County population projections adopted by the Board of Supervisors. The Orange County landfill system has capacity in excess of 15 years.

The Orange County IWMB has also prepared a Regional Landfill Options for Orange County, a 40-year strategic plan to evaluate options for waste disposal for Orange County. Furthermore, the City of Yorba Linda has actively pursued programs to comply with federal, state, and local regulations related to solid waste which minimize impacts from project-generated solid waste. Therefore, impacts would be less than significant. (PEIR, pp. 5-32 – 5-33)

3.17.5 THRESHOLD E

Impact Statement: The Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

☐ **Findings**

Potential impacts of the Project related to Threshold e are discussed in detail in Section 5.4.9 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold e; therefore, no mitigation is required.

☐ **Substantial Evidence**

AB 939 requires that local jurisdictions divert at least 50 percent of all solid waste generated by January 1, 2000. SB 2202 clarified that local governments shall continue to divert 50 percent of all solid waste on and after January 1, 2000. SB 1016 introduced a per capita disposal measurement system that measures the 50 percent diversion requirement using a disposal measurement equivalent. Additionally, in accordance with the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code § 42911), the dwelling units would be required to provide adequate areas for collecting and loading recyclable materials where solid waste is collected. The collection areas are required to be shown on

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construction drawings and be in place before occupancy permits are issued. (CA Legislative Information, 2005) The implementation of these mandatory requirements would reduce the amount of solid waste generated by the Project and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The Project would be required to comply with all applicable solid waste statutes and regulations. Impacts would be less than significant. (PEIR, p. 5-33)

3.18 WILDFIRE

3.18.1 THRESHOLD C

Impact Statement: The Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.11.6 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold c; therefore, no mitigation is required.

☐ **Substantial Evidence**

The Project does not require the installation of maintenance of infrastructure that may exacerbate fire risk or impact the environment. The Project includes the general plan amendment and zoning text amendment to facilitate future housing development in the City. Future housing development facilitated by the Project would be subject to discretionary permits and would occur as market conditions allow or at the discretion of the individual property owners. The need for installation and maintenance of new infrastructure (such as roads, fuel breaks, emergency water resources, power lines, or other utilities) for future development projects would be evaluated as part of the discretionary permit review process. Future developments would also be required to go through the City’s development review and permitting process and would be required to incorporate all applicable design and safety standards and regulations, as set forth by CBC and in the Chapter 15.08 (Fire Code) of the City’s Municipal Code. Additionally, to the extent feasible, the City requires the undergrounding of electric lines for new development. Therefore, impacts would be less than significant. (PEIR, p. 4.11-9)

3.18.2 THRESHOLD D

Impact Statement: The Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

☐ **Findings**

Potential impacts of the Project related to Threshold d are discussed in detail in Section 4.11.6 of the Draft PEIR. This City Council finds that the development of the proposed Project will not result in significant impacts related to Threshold d; therefore, no mitigation is required.

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❑ Substantial Evidence

According to the City’s General Plan, zones of required investigation for earthquake-induced landslides occur in the Chino Hills along the north City boundary and near the west City boundary. Of the 27 housing opportunity sites, one site S5-008 is located within a landslide zone (City of Yorba Linda, 2016a, pp. Exhibit PS-3). Regardless of the landslide susceptibility, future development pursuant to the Project would be required to have a site-specific geotechnical investigation, which would ensure that each development is engineered and constructed to maximize stability and preclude safety hazards to on-site and adjacent areas. Therefore, implementation of the Project is not anticipated to directly or indirectly cause potential substantial risks, including landslides, as a result of runoff, post-fire instability or drainage change. Impacts would be less than significant.

As shown in Figure 4.11-2, Flood Hazards Zone, of the PEIR, portions of the City along the Santa Ana River are located within a flood hazard zone. (City of Yorba Linda, 2016, pp. 5.9-9) Specifically, according to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps, northwestern corner of housing opportunity sites SS6-020, northwestern portion of S6-015 and southern portion of S7-001 are designated as 0.2% annual chance flood hazard, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X); and the southeastern portion of S4-053 is designated as areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies (Zone A). Zone A is identified as a Special Flood Hazard Area and Zone X is identified as a moderate flood hazard area. (FEMA, 2009a; FEMA, 2009b; FEMA, 2009c) Figure 4.11-3, Flood Hazard Zone - S4-053, and Figure 4.11-4, Flood Hazards Zone - S6-015, S6-020 and S7-001, of the PEIR, depicts the flood hazard zone in details for these sites.

The City of Yorba Linda has adopted local standards for construction in floodplain areas. Development within the 100-year floodplain requires the placement of fill to elevate structures one foot above the 100-year floodplain elevation. In order for development to be considered outside of the floodplain and no longer subject to special flood hazard requirements, project applicants are required to submit an application to FEMA for a Conditional Letter of Map Revision/Letter of Map Revision (CLOMR-F/LOMR-F) after the fill has been placed. After FEMA has revised the FIRM to show that the project is outside of the SFHA, the minimum NFIP floodplain management standards and mandatory flood insurance requirements would no longer apply. The City would review and approve the plans prior to the issuance of grading permits. With compliance with Federal and local regulatory requirements, the potential to cause downstream flooding would be less than significant.

Construction within SFHAs is governed by the City’s Municipal Code Chapter 15.12, Flood Damage Protection. Section 15.12.110 requires that a Floodplain Development Permit is obtained before construction or development within any SFHA and sets forth construction requirements for development that would minimize flood hazard risks, Compliance with the City’s floodplain management regulations, would ensure impacts are less than significant.

To further reduce impacts related to runoff, the Orange County MS4 permit requires the capture and temporary detention of a Stormwater Quality Design volume, based on the runoff produced from a

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0.75-inch, 24-hour storm event or 85th percentile, 24-hour storm event, whichever is greater. future development would be required to prepare a Water Quality Management Plans (WQMPs) at the project processing and permitting stages. WQMPs require stormwater treatment features that are designed to retain the post-development Stormwater Quality Design volume for all storms up to and including the 85th percentile, 24-hour rainfall event. Implementation of the WQMP would reduce runoff from project sites during storm events and identify BMPs for runoff controls and treatments.

Based on the foregoing analysis, the Project is not anticipated to expose people or structure to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire instability, or drainage change. Impacts would be less than significant. (PEIR, pp. 4.11-9 – 4.11-10)

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4.0 ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

4.1 BIOLOGICAL RESOURCES

4.1.1 THRESHOLD A

Impact Statement: The Project could 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.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in PEIR Section 4.2.4. Housing opportunity sites S5-008, S7-005, S3-203, and S4-053 are located within a natural habitat area. Therefore, future development on these sites have the potential to have a substantial adverse effect, either directly or through habitat modifications or indirectly, 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, and impacts would be potentially significant. The Project is required to comply with Mitigation Measures MM 4.2-1 through 4.2-4, which would reduce impacts to less than significant. The City Council has determined that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the PEIR.

☐ Substantial Evidence

The City of Yorba Linda General Plan EIR concluded that with the exception of the Cielo/Esperanza Focus Area, the City is generally built out and would primarily have infill development and reuse of existing developed sites for commercial, industrial, and residential uses. The six focus areas that are currently developed are not examined in the EIR, as there would be no potential impact on any special status or sensitive species; these areas have already been modified. With the implementation of mitigation measure MM BIO-1, biological resources impacts for the Cielo/Esperanza Focus Area would be less than significant. (City of Yorba Linda, 2016b)

Sensitive biological resources are habitats or species that have been recognized by federal, state, and/or local agencies as being endangered, threatened, rare, or in decline throughout all or part of their historical distribution. Sensitive animal and plant species have been identified within the Yorba Linda region, including species identified in the CDFW’s CNDDDB. This database lists special-status wildlife species that have historically occurred within regions of California, including Yorba Linda. It is important to note that the inclusion of species in the database does not mean that the listed species would occur within the housing opportunity sites. The potential presence of a species is dependent on the type of habitat available. The City of Yorba Linda encompasses three quads within the CNDDDB. The CNDDDB indicates that three rare plant species and fifteen sensitive, federally- and state-listed wildlife species have been identified in the Yorba Linda, Black Star Canyon, and Prado Dam regions.

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As depicted in Exhibit CN-2, Natural Habitat Areas, of the City’s General Plan, the majority of the housing opportunity sites are not located with a natural habitat area and are developed and surrounding by existing development (City of Yorba Linda, 2016a). However, two housing opportunity sites (Site S5-008 and Site S7-005) are located within a natural habitat area; both sites are currently vacant and undeveloped. Therefore, future development on these two sites would have the potential to have a substantial adverse effect, either directly or through habitat modifications, on 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, and impacts would be potentially significant. (PEIR, pp. 4.3-9 – 4.3-10)

MM 4.2-1 The City of Yorba Linda shall require applicants of future development projects on housing opportunity sites S5-008, S7-005, S3-203, and S4-053 to prepare a biological resources survey. The survey shall be conducted by a qualified biologist and shall be a reconnaissance level field survey of the sites for the presence and quality of biological resources potentially affected by project development. These resources include, but are not limited to, special status species or their habitat, sensitive habitats such as wetlands or riparian areas, and jurisdictional waters. If sensitive or protected biological resources are absent from the sites and adjacent lands potentially affected by the future development, the biologist shall submit a written report substantiating such to the City of Yorba Linda before issuance of a grading permit by the City, and the project may proceed without any further biological investigation.

If sensitive or protected biological resources are present on the project site or may be potentially affected by the project, implementation of Mitigation Measure MM 4.2-2 shall be required. If indirect impacts to sensitive, habitats, plant, and wildlife species are identified, measures shall be identified to minimize impact, such as fencing to reduce human and domestic pet intrusion.

MM 4.2-2 A qualified biologist shall evaluate impacts to sensitive or protected biological resources from development. The impact assessment may require focused surveys that determine absence or presence and distribution of biological resources on the site. These surveys may include, but are not limited to: 1) focused special status animal surveys if suitable habitat is present; 2) appropriately timed focused special status plant surveys that will maximize detection and accurate identification of target plant species; and 3) a delineation of jurisdictional boundaries around potential wetlands, riparian habitat, and waters of the United States or State.

MM 4.2-3 The results of these surveys will assess project impacts and develop site specific mitigation measures to avoid impacts to sensitive or protected biological resources. Depending on the resources potentially present on the project site, avoidance may include: 1) establishing appropriate no-disturbance buffers around onsite or adjacent resources, and/or 2) initiating construction at a time when special status or protected animal species will not be vulnerable to project-related mortality (e.g., outside the avian nesting season or bat maternal or wintering roosting season). Consultation with

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relevant regulatory agencies may be required in order to establish suitable buffer areas. The qualified biologist shall substantiate the impact evaluation or the assumed presence of special-status species in all suitable habitats onsite in a written report submitted to the City of Yorba Linda before issuance of a grading permit by the City. If the project avoids all sensitive or protected biological resources, no further action is required. If avoidance of all significant impacts to sensitive or protected biological resources is not feasible, the project shall implement Mitigation Measure MM 4.2-4.

- MM 4.2-4 The City of Yorba Linda shall require applicants to design development projects to minimize potential impacts to sensitive or protected biological resources to the greatest extent feasible, in consultation with a qualified biologist and/or appropriate regulatory agency staff. Minimization measures may include 1) exclusion and/or silt fencing, 2) relocation of impacted resources, 3) construction monitoring by a qualified biologist, and 4) an informative training program conducted by a qualified biologist for construction personnel on sensitive biological resources that may be impacted by project construction. If minimization of all significant impacts to sensitive or protected biological resources is infeasible, the project shall implement Mitigation Measure MM 4.2-5.

Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 would ensure the Project’s potential impacts to sensitive or protected biological resources be mitigated through biological surveys and impact assessments by a qualified biologist. With implementation of the required mitigation and General Plan goals and policies, the Project’s potential impacts to sensitive or protected biological resources would be reduced to less than significant.

4.1.2 THRESHOLD B

Impact Statement: The Project could 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 Service.

Findings

Potential impacts of the Project related to Threshold b are discussed in detail in PEIR Section 4.2.4. There is a forested/shrub riparian habitat within housing opportunity Site S3-203. Therefore, future development at this site has a potential to have substantial adverse effect on riparian habitat or other sensitive natural community, and impacts would be potentially significant. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-5 would reduce impacts to less than significant. The City Council has determined that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the PEIR.

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❑ Substantial Evidence

The City’s General Plan EIR concluded that six of the seven focus areas are primarily built out, no significant impacts to biological resources would be anticipated. There are presence of wetland and riparian habitat within the Cielo/Esperanza Focus Area. With the implementation of mitigation measure MM BIO-1, impact for the Cielo/Esperanza Focus Area would be less than significant. (City of Yorba Linda, 2016b)

Riparian habitats are those occurring along the banks of rivers and streams. Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies, known to provide habitat for sensitive animal or plant species, or known to be important wildlife corridors. There are no housing opportunity sites mapped within riparian habitats or in sensitive natural communities identified in local or regional plans, policies, and regulations, and by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, with the exception of housing opportunity sites S3-203, S5-008, and S4-053, which has a forested/shrub riparian habitat, a riverine habitat, and a freshwater forested/shrub wetland and riverine habitat, respectively. (USFWS, 2020b) Under existing conditions, this site is developed and contains residential uses and a berry farm. Therefore, future development at this site has a potential to have substantial adverse effect on riparian habitat or other sensitive natural community, and impacts would be potentially significant. (PEIR, pp. 4.2-10 – 4.2-11)

Refer to Mitigation Measures MM 4.2-1 through 4.2-4 above.

MM 4.2-5 A qualified biologist will develop appropriate mitigations that will reduce project impacts to sensitive or protected biological resources to a less than significant level. The type and amount of mitigation will depend on the resources impacted, the extent of the impacts, and the quality of habitats to be impacted. Mitigations may include, but are not limited to: 1) compensation for lost habitat or waters in the form of preservation or creation of in-kind habitat or waters, either onsite or offsite, protected by conservation easement; 2) purchase of appropriate credits from an approved mitigation bank servicing the Yorba Linda area; and 3) payment of in-lieu fees. Furthermore, project applicants shall obtain appropriate permit authorization(s) for impacts to jurisdictional waters, wetlands, and/or riparian habitats. The types of permits potentially required for impacts to jurisdictional waters are a Clean Water Act (Section 404) permit issued by the US Army Corps of Engineers, a California Water Certificate or Waste Discharge Order issued by the Regional Water Quality Control Board, and a Stream Alteration Agreement issued by the California Department of Fish and Wildlife.

Mitigation Measures MM 4.2-1 through 4.2-4 would continue to apply. Additionally, implementation of Mitigation Measure MM 4.2-5 would ensure the Project’s potential impacts to riparian habitats and wetlands be mitigated through obtaining appropriate permit authorization(s). With implementation of the required mitigation and General Plan goals and policies, the Project’s potential impacts to riparian habitats and wetlands would be reduced to less than significant.

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4.1.3 THRESHOLD C

Impact Statement: The Project could have substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in PEIR Section 4.2.4. There are four areas of wetlands within the housing opportunity sites (Freshwater pond and riverine habitat on Site S7-005; Riverine habitat on Site S5-008; Freshwater Forested/Shrub Wetland and Riverine habitat on Site S4-053; and Freshwater Forested/Shrub Wetland and Riverine habitat on Site S3-203). Accordingly, Project implementation would have the potential to involve direct removal, filling, hydrological interruption, or other direct or indirect impact to wetlands under jurisdiction of regulatory agencies, and impacts would be potentially significant. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-5 would reduce impacts to less than significant. The City Council has determined that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the PEIR

☐ **Substantial Evidence**

The City of Yorba Linda General Plan EIR findings related to wetlands are discussed under threshold b. Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs.

As shown in the U.S. Fish and Wildlife Service’s (USFWS) National Wetlands Inventory, there are four areas of wetlands within the housing opportunity sites (Freshwater pond and riverine habitat on site S7-005; Riverine habitat on S5-008; Freshwater Forested/Shrub Wetland and Riverine habitat on S4-053; and Freshwater Forested/Shrub Wetland and Riverine habitat on S3-203). (USFWS, 2020b) Accordingly, future development at these sites would have the potential to involve direct removal, filling, hydrological interruption, or other direct or indirect impact to wetlands under jurisdiction of regulatory agencies, and impacts would be potentially significant. (PEIR, p. 4.2-11)

Refer to Mitigation Measures MM 4.2-1 through 4.2-5 above.

Mitigation Measures MM 4.2-1 through MM 4.2-5 would ensure the Project’s potential impacts to riparian habitats and wetlands be mitigated through obtaining appropriate permit authorization(s). With implementation of the required mitigation and General Plan goals and policies, the Project’s potential impacts to riparian habitats and wetlands would be reduced to less than significant.

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4.2 NOISE

4.2.1 THRESHOLD A

Impact Statement: The Project could generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies related to operational on-site stationary noise.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.6.5 of the Draft PEIR. Future development could result in a significant impact from operation stationary source activities. The Project is required to comply with Mitigation Measure MM 4.6-5, which would reduce impacts to less than significant. The City Council has determined that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the PEIR.

☐ **Substantial Evidence**

To demonstrate compliance with local noise regulations, the Project stationary source noise levels are evaluated against the exterior noise level limits outlined in City of Yorba Linda Municipal Code Section 8.32.060. Table 4.6-6, Project Stationary Source Noise Level Compliance, of the PEIR, shows the operational noise levels associated with the Project will satisfy the City of Yorba Linda daytime and nighttime exterior noise level limits at distances of greater than 50 feet from the stationary noise source activity. However, the existing noise sensitive receivers located within 50 feet of parking lot activities, trash enclosures, dog parks, pool/spas, or other similar source of outdoor activity may experience unmitigated exterior noise levels exceeding the exterior noise level limits. Therefore, the stationary source noise impacts due to Project-related stationary source activities would be potentially significant. (PEIR, pp. 4.6-15 – 4.6-19)

MM 4.6-5 Prior to issuance of any construction permits, applicants for individual projects that are within 50 feet of a sensitive receptor, shall prepare and submit to the City of Yorba Linda Planning Department a study to evaluate potential operational-related stationary source noise impacts. The noise report shall be prepared by an acoustical engineer using the ISO 9613-2 protocol in the CadnaA (Computer Aided Noise Abatement) computer program. If the study determines a potential exceedance of the City’s thresholds (55 dBA Leq daytime, or 50 dBA Leq nighttime), measures shall be identified that ensure noise levels are reduced to below the thresholds. Identified measures shall be included on all construction and building documents and submitted for verification to the City of Yorba Linda Planning Department.

With the implementation of Goal N-4 of the City of Yorba Linda General Plan Noise Element and compliance with the exterior noise level limits outlined in the City of Yorba Linda Municipal Code Section 8.32.060 and Mitigation Measure MM 4.6-5, the Project stationary source impacts would be reduced to less than significant impacts.

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4.2.2 THRESHOLD B

Impact Statement: The Project has the potential to generate excessive groundborne vibration or groundborne noise levels.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.6.5 of the Draft PEIR. The Project’s construction activities would potentially result in a perceptible groundborne vibration or noise. The Project is required to comply with Mitigation Measure MM 4.6-4, which would reduce impacts to less than significant. The City Council has determined that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the PEIR.

☐ **Substantial Evidence**

Construction activities on the Project site would utilize construction equipment that has the potential to generate vibration. Table 4.6-9, Construction Equipment Vibration Levels, of the PEIR, presents the expected Project related vibration levels at distances ranging from 25 to 200 feet from construction activity. As shown, construction vibration levels are expected to range from 0.009 to 0.210 in/sec PPV. Based on maximum acceptable continuous vibration threshold of 0.3 PPV (in/sec), the typical Project construction vibration levels will fall below the building damage thresholds at 25 feet for older residential structures. However, since individual projects may be located at distances of less than 25 feet from existing nearby sensitive receivers or adjacent to nearby fragile buildings, the construction-related vibration impacts would exceed the maximum acceptable continuous vibration threshold for fragile buildings of 0.10 PPV (in/sec) for some projects. Therefore, the Project would generate excessive groundborne vibration or groundborne noise levels during construction and impacts would be potentially significant.

The Project’s residential development is not expected to include any specific type of stationary vibration sources. Therefore, the Project would not generate excessive groundborne vibration or groundborne noise levels during operation and impacts would be less than significant. (PEIR, pp. 4.6-19 – 4.6-20)

MM 4.6-4 Prior to issuance of any construction permits, applicants for individual projects that involve vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, within 25 feet of sensitive receptors (e.g., residences and fragile structures), shall prepare and submit to the City of Yorba Linda Planning Department a study to evaluate potential construction-related vibration impacts. The vibration assessment shall be prepared by an acoustical engineer and be based on recognized vibration-induced architectural damage criterion. If the study determines a potential exceedance of the thresholds, measures shall be identified that ensure vibration levels are reduced to below the thresholds. Identified measures shall be included on all construction and building documents and submitted for verification to the City of Yorba Linda Planning Department.

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Mitigation Measure MM 4.6-4 would reduce construction-related vibration impacts to acceptable levels and ensure that construction would not exceed the maximum acceptable continuous vibration threshold for fragile buildings of 0.10 PPV (in/sec). Therefore, impacts would be less than significant.

4.3 TRIBAL CULTURAL RESOURCE

4.3.1 THRESHOLD A

Impact Statement: The Project has the potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code Section 5024.1(k), or*
- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of the Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

☐ Finding

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.10.5 of the Draft PEIR. The Project site has not been identified as a location that is known to contain significant tribal cultural resources. However, there is a potential that resources could be encountered during ground-disturbing construction activities that occur in native soil. The Project is required to comply with Mitigation Measure MM 4.10-1, which would reduce impacts to less than significant. The City Council has determined that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the PEIR.

☐ Substantive Evidence

In accordance with AB 52 and SB 18 requirements, NAHC provided a list of tribal representatives who may have knowledge of tribal cultural resources in the Project area. The City sent invitation letters to representatives of the Native American contacts provided by the NAHC on May 11, 2022, formally inviting tribes to consult with the City on the proposed Project. The intent of the consultations was to provide an opportunity for interested Native American contacts to work together with the City during the Project planning process to identify and protect tribal cultural resources. Letters were sent to 16 Tribes and individuals as listed above under Section 4.10.2, of the PEIR. As of the date of publication of this PEIR, one Tribe responded, Gabrieleno Band of Mission Indians – Kizh Nation. The Tribe stated that they concur with the General Plan, Housing Element but would like to request consultation for all future projects within this location.

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Because future development could require excavation for construction into previously undisturbed soils, there is a potential to uncover undiscovered tribal cultural resources during excavation. Therefore, while unlikely, the presence of subsurface tribal cultural resources on the Project site remains possible, and these could be affected by ground-disturbing activities associated with grading and construction at the Project Site. Accordingly, impacts to tribal cultural resources are potentially significant. (PEIR, p. 4.10-7)

MM 4.10-1 Prior to the commencement of any ground disturbing activity at the Project sites, the Project Applicant shall retain a Native American Monitor approved by the NAHC. A copy of the executed contract shall be submitted to the City of Yorba Linda Planning Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal monitor will only be present on-site during the construction phases that involve ground-disturbing activities into areas of undisturbed soils. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project Site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project Site have little to no potential for impacting Tribal Cultural Resources.

Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by Project activities shall be evaluated by the qualified archaeologist and Tribal monitor approved by the Consulting Tribe. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. Work may continue on other parts of the Project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a non-Native American resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources.

Implementation of Mitigation Measure MM 4.10-1, would ensure that grading and other ground-disturbing activities during construction are monitored by a qualified archaeologist as well as tribal monitors. The mitigation measure further requires the proper treatment of any resources that may be uncovered, and the avoidance of disturbance in areas where potential resources are uncovered. With implementation of the required mitigation measure, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and

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scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and potential Project and cumulative impacts would be reduced to less than significant levels.

4.4 WILDFIRE

4.4.1 THRESHOLDS A AND E

Impact Statement: The Project has the potential to substantially impair an adopted emergency response plan or emergency evacuation plan; and impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

☐ Finding

Potential impacts of the Project related to Thresholds a and e are discussed in detail in Section 4.11.6 of the Draft PEIR. The City has an adopted EOP that establishes emergency organization, assigns tasks, specifies policies and general procedures, and provides for coordination of planning efforts of the various emergency staff and service elements. There is potential that the increase in dwelling units could lead to changes in mobility patterns; therefore, potentially impair implementation of or physically interfere with the City of Yorba Linda or Orange County’s emergency response or evacuation plans. Therefore, Project-related impacts would be potentially significant. The Project is required to comply with Mitigation Measure MM 4.11-1, which would reduce impacts to less than significant. The City Council has determined that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the PEIR.

☐ Substantive Evidence

During an emergency in the City, operations are coordinated from the City’s Emergency Management Division in accordance with the City’s EOP. The City of Yorba Linda is a member of the Orange County Operation Area and the Orange County Emergency Management Organization, which provide mutual aid to the City via OCFA and Orange County Sheriff’s Department (OCSD).

Future development that has the potential to occur with Project implementation would not interfere with the implementation of the EOP and any of the daily operations of the City’s Emergency Management Division, OCFA, or OCSD. During construction activities, travel lanes along existing roadways would be maintained, and construction materials and equipment would be staged on-site. All construction activities would be required to be performed per the City’s and OCFA’s standards and regulations. Future development would be required to provide the necessary on and offsite access and circulation for emergency vehicles and services during the construction and operation phases. Future developments would also be required to go through the City’s development review and permitting process and would be required to incorporate all applicable design and safety standards and regulations, as set forth by OCFA and in the Chapter 15.08 (Fire Code) of the City’s Municipal Code, to ensure that they do not interfere with the provision of local emergency services (e.g., provision of adequate access roads to accommodate emergency response vehicles, adequate numbers/locations of fire hydrants, etc.).

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Future projects would be subject to an environmental review process and federal, state, and local regulations that support emergency response and evacuation plans and would be required to mitigate for fire-related impacts. Moreover, future developments would be required to comply with goals and policies of the City’s General Plan and mitigation measure PS-2 from the City’s General Plan EIR. However, the increase in dwelling units for opportunity sites S7-005 and S5-008, which are located within a Very High FHSZ could potentially impair implementation of or physically interfere with the City of Yorba Linda or Orange County’s emergency response or evacuation plans. Therefore, Project-related impacts would be potentially significant. (PEIR, pp. 4.11-7 – 4.11-8)

MM 4.11-1 Prior to issuance of a grading permit for sites within or adjacent to a Very High FHSZ and within a Wildland Urban Interface (WUI) Zone, the project applicant shall prepare a Fire Evacuation Analysis. The Fire Evacuation Analysis shall assess the time required for emergency evacuation under Existing and Existing with Project Conditions, assuming a worst case, wind-driven fire. The Fire Evacuation Analysis shall also identify how much the project would increase evacuation times by; how long it would take residents to evacuate; and how emergency response times would be affected by a mass evacuation under multiple scenarios. The Fire Evacuation Analysis shall be subject to the review and approval from the City of Yorba Linda and OCFA. The analysis shall demonstrate how the Project would not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Implementation of Mitigation Measure MM 4.11-1 would ensure the proper evaluation of emergency evacuation during wildfires. With implementation of the required mitigation and General Plan goals and policies, EIR mitigation measure PS-2, the Project’s potential impacts to an adopted emergency response or emergency evacuation route would be reduced to less than significant.

4.4.2 THRESHOLDS B AND F

Impact Statement: The Project has the potential to due to slope, prevailing winds, and other factors, exacerbate wildfire risks, would the Project thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; and expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

☐ Finding

Potential impacts of the Project related to Thresholds b and f are discussed in detail in Section 4.11.6 of the Draft PEIR. Future development located within a Very High FHSZ would add people and structures that could exacerbate wildfire risks or exposes people and structures to risks from a wildfire. Therefore, impacts would be potentially significant. The Project is required to comply with Mitigation Measure MM 4.11-2, which would reduce impacts to less than significant. The City Council has determined that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the PEIR.

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❑ Substantive Evidence

Wildfire risk is the damage a fire can do to people and structures at risk in the area under existing and future conditions. Wildfire likelihood and intensity are considered together qualitatively as wildfire potential, which depends on three main factors: fuel (wildland vegetation), topography, and weather. Development within or adjacent to areas designated as Very High FHSZ has the potential to exacerbate wildfire risk, particularly if it occurs in areas with steep topography and/or prevailing winds as these conditions contribute to the spread of wildfires. Among the housing opportunity sites, there are two sites (S7-005 and S5-008) that are located within a Very High FHSZ.

Buildout of the Project would allow for the development of 2,410 dwelling units in the City. Future development pursuant to the Project would add people and structures that could be at risk from a wildfire. Future projects would be subject to an environmental review process and federal, state, and local regulations that minimize wildfire risk. Moreover, future development would be required to comply with goals and policies of the City’s General Plan and mitigation measure PS-1 through PS-3 from the City’s General Plan EIR. However, the increase in dwelling units for sites located within a Very High FHSZ could potentially impact wildfire risk and pollutant exposure. Therefore, impacts would be potentially significant. (PEIR, p. 4.11-8)

MM 4.11-2 Prior to issuance of a grading permit for sites within or adjacent to a Very High FHSZ and within a Wildland Urban Interface (WUI) Zone, the project applicant shall prepare a Fire Protection Plan (FPP). Prior to preparation of an FPP, the Project proponent shall coordinate with OCFA to ensure that modeling of the FPP and design of the project is appropriate to meet the requirements and standards of the OCFA. The FPP shall be subject to the review and approval from the City of Yorba Linda and OCFA. The FPP shall assess a project’s compliance with current regulatory codes and ensure that impacts resulting from wildland fire hazards have been adequately mitigated. The FPP shall also specifically identify the need for fire systems, water availability, construction requirements, and fire-resistant landscaping i.e. fuel modification zones), and appropriate defensible space around structures.

Implementation of Mitigation Measure MM 4.11-2 would ensure the Project’s potential impacts to wildland fire hazards be mitigate through the installation of fire systems, fire-resistant landscaping and appropriate defensible space around structures, and water availability to serve to the Project site. With implementation of the required mitigation and General Plan goals and policies, and EIR mitigation measure PS-1 through PS-3, the Project’s potential impacts to exacerbate wildfire risk would be reduced to less than significant.

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5.0 ENVIRONMENTAL IMPACTS THAT REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION

The Yorba Linda City Council finds the project would result in significant and unavoidable impacts in the following impact categories after implementation of all feasible mitigation measures: Air Quality, Greenhouse Gas Emissions, and Noise. In accordance with CEQA Guidelines Section 15092(b)(2), the City Council of the City of Yorba Linda cannot approve the project unless it first finds (1) under Public Resources Code Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment opportunities to highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations has been prepared (see Section 8.0, herein).

5.1 AIR QUALITY

5.1.1 THRESHOLD A

Impact Statement: The Project would conflict with and/or obstruct implementation of the applicable air quality plan.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.1.6 of the Draft PEIR. The Project is required to comply with Mitigation Measures MM 4.1-1 and MM 4.1-2, which would reduce impacts to the extent feasible.

☐ Substantial Evidence

Criteria for determining consistency with the AQMP are defined in Chapter 12, Section 12.2 and Section 12.3 of the 1993 CEQA Handbook. These indicators are discussed below:

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

Consistency Criterion No. 1 refers to violations of the CAAQS and NAAQS. CAAQS and NAAQS violations would occur if LSTs or regional significance thresholds were exceeded. As evaluated under Thresholds b) and c) below, Project construction-source and operational-source emissions have the potential to exceed the applicable regional significance thresholds for criteria pollutants. Therefore, the Project would have the potential to result in or cause violations of the CAAQS and NAAQS.

Based on the preceding, the Project is determined to be inconsistent with the first criterion and impacts would be potentially significant.

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

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

During construction, peak day emissions generated by construction activities are largely independent of land use assignments, but rather are a function of development scope and maximum area of disturbance. Irrespective of the site’s land use designation, development of the site to its maximum potential could occur, with disturbance of the entire site occurring during construction activities. As such, when considering that emissions thresholds could be exceeded, a significant impact would result. During operation, the Project is intensifying existing land use designations and will also exceed applicable thresholds. Based on the preceding, the Project is determined to be inconsistent with the second criterion and impacts would be potentially significant. (PEIR, pp. 4.1-15 – 4.1-16)

MM 4.1-1 Prior to issuance of grading permits, project applicants shall prepare and submit a technical assessment evaluating potential project construction-related air quality impacts (regional and localized) to the City for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (South Coast AQMD) methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the South Coast AQMD’s adopted thresholds of significance, the City shall require that applicants for new development projects incorporate all feasible mitigation measures to reduce air pollutant emissions below the significant threshold during construction activities. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City.

Mitigation measures to reduce construction-related emissions could include, but are not limited to:

- Require construction equipment that meets or exceeds CARB Certified Tier 3 or Tier 4 engine standards.
- Limit the idling time of diesel off-road construction equipment to no more than five (5) minutes.
- Require the use of “Super-Compliant” low VOC paints which have been reformulated to exceed the regulatory VOC limits put forth by South Coast AQMD’s Rule 1113. Super-Compliant low VOC paints shall be no more than

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10g/L of VOC. Alternatively, projects may utilize building materials that do not require the use of architectural coatings.

- The Construction Contractor shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site, if available rather than electrical generators powered by internal combustion engines.
- The Construction Contractor shall require the use of alternative fueled, engine retrofit technology, after-treatment products (e.g., diesel oxidation catalysts, diesel particulate filters), and/or other options as they become available, including all off-road and portable diesel-powered equipment.
- The Construction Contractor shall require that construction equipment be maintained in good operation condition to reduce emissions. The Construction Contractor shall ensure that all construction equipment is being properly serviced and maintained as per the manufacturer’s specification. Maintenance records shall be available at the construction site for City verification.

MM 4.1-2 Prior to issuance of a grading permit, project applicants shall prepare and submit a technical assessment evaluating potential project operation air quality impacts (regional and localized) to the City for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (South Coast AQMD) methodology in assessing air quality impacts. If operation-related air pollutants are determined to have the potential to exceed the South Coast AQMD’s adopted thresholds of significance, the City shall require that applicants for new development projects incorporate all feasible mitigation measures to reduce air pollutant emissions below significance thresholds during operational activities. The identified measures shall be included as part of the conditions of approval.

Possible mitigation measures to reduce operational emissions could include, but are not limited to the following:

- Increase in insulation such that heat transfer and thermal bridging is minimized;
- Limit air leakage through the structure and/or within the heating and cooling distribution system;
- Use of energy-efficient space heating and cooling equipment;
- Installation of electrical hook-ups at loading dock areas;
- Installation of dual-paned or other energy efficient windows;

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- Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;
- Installation of automatic devices to turn off lights where they are not needed;
- Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;
- Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;
- Design of buildings to accommodate photo-voltaic solar electricity systems or the installation of photo-voltaic solar electricity systems;
- Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.
- Landscaping palette emphasizing drought tolerant plants;
- Use of water-efficient irrigation techniques;
- U.S. EPA Certified WaterSense labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.
- Applicants for residential within 1,000 feet of a major sources of TACs (e.g., warehouses, industrial areas, freeways, roadways, and rail lines with traffic volumes over 10,000 vehicle per day), as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the City of Yorba Linda prior to future discretionary Project approval. The HRA shall be prepared in accordance with policies and procedures of CEQA and the South Coast AQMD. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM10 concentrations exceed 2.5 microgram per cubic meter ($\mu\text{g}/\text{m}^3$), PM2.5 concentrations exceed 2.5 $\mu\text{g}/\text{m}^3$, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:
 - Air intakes located away from high volume roadways and/or truck loading zones.
 - Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters (e.g., MERV 13 or better).

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The Project would be inconsistent with AQMP Criterion No. 1 and 2, resulting in a potentially impact significant. The Project would implement development-specific air quality Mitigation Measures (MM 4.1-1 and 4.1-2), to reduce the Project’s construction-source and operational-source air pollutant emissions. Additionally, compliance with South Coast AQMD emissions reductions and control requirements would reduce Project air pollutant emissions. However, as discussed below, it cannot be definitively stated that all future development projects would not exceed the applicable thresholds. Therefore, impacts would remain significant and unavoidable.

5.1.2 THRESHOLD B

Impact Statement: The Project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.1.6 of the Draft PEIR. The Project is required to comply with Mitigation Measures MM 4.1-1 and MM 4.1-2, which would reduce impacts to the extent feasible.

☐ **Substantial Evidence**

Construction-related emissions are speculative and cannot be accurately determined at this stage of the planning process. Therefore, such impacts are too speculative to evaluate (see CEQA Guidelines Section 15145). To the extent that specific projects are known, those projects have already been or would be subjected to their own environmental analysis. Additionally, due to the variables that must be considered when examining construction impacts (e.g., development rate, disturbance area per day, specific construction equipment and operating hours, etc.), it would be speculative to state conclusively that construction activity associated with the Project would cause a significant air quality impact. Notwithstanding, implementation of the Project has a potential to result in a significant impact with respect to construction activity associated with future development projects particularly if multiple construction projects overlap for emissions of CO, VOCs, NOx, SOX, PM10, and PM2.5. Therefore, impacts would be potentially significant.

The estimated operational-source emissions for the proposed Project are summarized in Table 4.1-5, Summary of Peak Operation Emissions, of the PEIR. As shown, the Project will exceed the applicable South Coast AQMD thresholds for VOC, and NOX. Therefore, impacts would be potentially significant. (PEIR, pp. 4.1-16 – 4.1-17)

Please refer to Mitigation Measures MM 4.1-1 and MM 4.1-2, above.

As noted above, there is uncertainty regarding the specific nature of construction activities that would be facilitated by future development projects. All feasible mitigation shall be applied to minimize construction-related significant air quality impacts, including one or more of the measures listed under Mitigation Measure MM 4.1-1, based on project-specific air quality modeling. The mitigation

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measure(s) to be applied shall be roughly proportional and have a nexus with the project-specific impact identified, consistent with Section 15126.4 of the State CEQA Guidelines.

Despite the implementation of Mitigation Measure MM 4.1-1, which would require future development projects to conduct project-specific analysis and incorporate mitigation measures, it cannot be definitively stated that all future development projects would not exceed the applicable thresholds, especially since some individual projects would exceed the thresholds. As such, the Project would result in a significant and unavoidable impact for emissions of emissions of CO, VOCs, NO_x, SOX, PM₁₀, and PM_{2.5} with respect to future development projects even with implementation of feasible mitigation measures.

Despite the implementation of Mitigation Measure MM 4.1-2, which would require future development projects to conduct project-specific analysis and incorporate mitigation measures, it cannot be definitively stated that all future development projects at buildout would not exceed the applicable thresholds. At buildout, implementation of the Housing Element as evaluated herein would result in an exceedance for VOCs and NO_x emissions. Although the Project would implement Mitigation Measure MM 4.1-2 to reduce emissions from VOCs and NO_x, it is not possible to know the quantity of emissions that would be reduced by implementing Mitigation Measure MM 4.1-2. Therefore, the emissions reductions that would be achieved by cannot be accurately quantified and are not accounted for in the analysis herein. As such, a significant and unavoidable impact is presumed even with implementation of Mitigation Measure MM 4.1-2.

5.1.3 THRESHOLD C

Impact Statement: The Project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

☐ **Findings**

Potential impacts of the Project related to Threshold c are discussed in detail in Section 4.1.6 of the Draft PEIR. The Project is required to comply with Mitigation Measures MM 4.1-1 and MM 4.1-2, which would reduce impacts to the extent feasible.

☐ **Substantial Evidence**

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

South Coast AQMD developed LSTs to determine if emissions of NO₂, CO, PM₁₀, and PM_{2.5} generated at a project site (offsite mobile-source emissions are not included in the LST analysis) would expose sensitive receptors to substantial concentrations of criteria air pollutants.

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To assist lead agencies, South Coast AQMD developed screening-level LSTs to back-calculate the mass amount (lbs. per day) of emissions generated onsite that would trigger the hourly levels for projects under five acres. LSTs represent the maximum emissions at a project site that are not expected to cause or contribute to exceeding the most stringent federal or state AAQS. LSTs are based on the ambient concentrations of that pollutant within the project SRA and the distance to the nearest sensitive receptor. However, consistent with South Coast AQMD guidance an LST analysis can only be conducted at a project-level, and quantification of LSTs is not applicable for this program-level environmental analysis. Future development projects have the potential to exceed LST emissions thresholds. Therefore, impacts would be potentially significant. (PEIR, pp. 4.1-17 – 4.1-18)

Please refer to Mitigation Measures MM 4.1-1 and MM 4.1-2, above.

Site-specific localized emissions analysis would be required to address potential impacts from construction and operational activity, pursuant to Mitigation Measures MM 4.1-4 and MM 4.1-2. Notwithstanding, Mitigation Measures MM 4.1-1 and MM 4.1-2 cannot guarantee that future development projects would in fact reduce all of their localized impacts to less than significant. Additionally, construction activity would also have the potential to result in carcinogenic and non-carcinogenic emissions associated with diesel exhaust from construction equipment. Since Mitigation Measures MM 4.1-1 and MM 4.1-2 cannot guarantee that future development projects would reduce all of their impacts to less than significant, this impact is considered significant and unavoidable.

5.2 GREENHOUSE GAS EMISSIONS

5.2.1 THRESHOLD A

Impact Statement: The Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

☐ Findings

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.4.6 of the Draft PEIR. The Project is required to comply with Mitigation Measures MM 4.1-1 through 4.1-2, which would reduce impacts to the extent feasible.

☐ Substantial Evidence

Future housing development facilitated by the Project would result in a total net potential of 2,410 dwelling units. Assuming an average household size of 2.94 residents per unit, the additional dwelling units would result in the population growth of approximately 7,085 residents. As shown in Table 4.4-3, Project Scenario GHG Emissions, of the PEIR, construction and operation of the Project would generate a total of 2.93 MTCO₂e/SP per year. The Project total GHG emissions would exceed the screening threshold of 1.44 MTCO₂e/SP per year. Thus, Project-related emissions would have a potentially significant direct or indirect impact on GHG and climate change. (PEIR, pp. 4.4-21 – 4.4-22)

Please refer to Mitigation Measures MM 4.1-1 and MM 4.1-2, above.

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Mitigation Measures MM 4.1-1 and MM 4.1-2 would require the preparation of project-specific construction and operational air quality analysis and incorporation of mitigation if emissions levels are shown to be above South Coast AQMD-recommended thresholds of significance. Resulting mitigation would not only reduce criteria pollutant emissions but would also generally reduce GHG emissions. However, it cannot be definitively known or stated at this time what level of emissions reductions future development projects occurring under implementation of the Project would achieve via the implementation of these mitigation measures. While the implementation of Mitigation Measures MM 4.1-1 and MM 4.1-2 would reduce GHG emissions, it cannot be definitively known or stated at this time if future emissions in the City would be reduced to levels that are below applicable thresholds. Therefore, impacts would remain significant and unavoidable despite the implementation of applicable regulatory requirements and policies that have been incorporated with the intent of reducing GHG emissions and the incorporation of Mitigation Measures MM 4.1-1 and MM 4.1-2.

5.2.2 THRESHOLD B

Impact Statement: The Project would not conflict with any of the provisions of the Scoping Plan and in fact supports seven of the action categories. However, since the Project would exceed the efficiency based GHG emissions target, the Project has the potential to conflict with the 2017 Scoping Plan.

☐ **Findings**

Potential impacts of the Project related to Threshold b are discussed in detail in Section 4.4.6 of the Draft PEIR. The Project is required to comply with Mitigation Measures MM 4.1-1 through 4.1-2, which would reduce impacts to the extent feasible.

☐ **Substantial Evidence**

The 2017 Scoping Plan Update reflects the 2030 target of a 40% reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. Table 4.4-4, 2017 Scoping Plan Consistency Summary, of the PEIR, summarizes the Project’s consistency with the 2017 Scoping Plan. As summarized, the Project would not conflict with any of the provisions of the Scoping Plan and in fact supports seven of the action categories. However, since the Project would exceed the efficiency based GHG emissions target, the Project has the potential to conflict with the 2017 Scoping Plan. (PEIR, pp. 4.4-22 – 4.4-27)

Please refer to Mitigation Measures MM 4.1-1 and MM 4.1-2, above.

Mitigation Measures MM 4.1-1 and MM 4.1-2 would require the preparation of project-specific construction and operational air quality analysis and incorporation of mitigation if emissions levels are shown to be above South Coast AQMD-recommended thresholds of significance. Resulting mitigation would not only reduce criteria pollutant emissions but would also generally reduce GHG emissions. However, it cannot be definitively known or stated at this time what level of emissions reductions future development projects occurring under implementation of the Project would achieve via the implementation of these mitigation measures. While the implementation of Mitigation Measures MM 4.1-1 and MM 4.1-2 would reduce GHG emissions, it cannot be definitively known or stated at this

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time if future emissions in the City would be reduced to levels that are below applicable thresholds. Therefore, impacts would remain significant and unavoidable despite the implementation of applicable regulatory requirements and policies that have been incorporated with the intent of reducing GHG emissions and the incorporation of Mitigation Measures MM 4.1-1 and MM 4.1-2.

5.3 NOISE

5.3.1 THRESHOLD A

Impact Statement: The Project could generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies for construction-related noise impacts.

☐ **Findings**

Potential impacts of the Project related to Threshold a are discussed in detail in Section 4.6.5 of the Draft PEIR. The Project is required to comply with Mitigation Measures MM 4.6-1 through 4.6-3, and 4.6-5, which would reduce impacts to the extent feasible.

☐ **Substantial Evidence**

Noise generated by the Project construction equipment will include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels. The highest construction noise levels will occur when construction activities take place at the closest point from the edge of primary construction activity to each of the nearby receiver locations. Project construction activity shall satisfy the FTA nighttime exterior construction noise level of 70 dBA Leq for noise sensitive residential land use. No Project construction activity is anticipated within the hours specified in the City of Yorba Linda Municipal Code, Section 8.32.090[D].

The applicable General Plan goals and policies would minimize construction-related noise to the extent feasible. However, future development would likely occur in close proximity to noise sensitive receptors and elevate the ambient noise environment. Furthermore, the construction of future development projects could last for prolonged periods and result in a substantial or periodic increase in ambient noise levels. Therefore, construction noise impacts from buildout of the Project would be potentially significant. (PEIR, p. 4.6-15)

MM 4.6-1 Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers’ standards, and all stationary construction equipment shall be placed so that emitted noise is directed away from the noise-sensitive use nearest the construction activity.

MM 4.6-2 The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receiver nearest to the construction activity.

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MM 4.6-3 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment Section 8.32.090[D] of the City of Yorba Linda Municipal Code. The contractor shall design delivery routes to minimize the exposure of sensitive land uses to delivery truck noise.

Mitigation Measures MM 4.6-1 through MM 4.6-3 would contribute in minimizing construction-related noise. However, due to the unknown number of construction activities that could occur at one time, proximity of construction activities to sensitive receptors, and other factors that cannot be quantified at this time, such as the longevity of activities, construction-related noise impacts may not be reduced to less than significant levels for some future development. Therefore, impacts would remain significant and unavoidable.

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6.0 OTHER CEQA CONSIDERATIONS

6.1 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The State CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved with the proposed action should it be implemented (CEQA Guidelines § 15126.2[c]). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

Finding

The Project’s potential to result in significant irreversible environmental changes are discussed in detail in Subsection 5.2 of the PEIR. Significant irreversible environmental changes have been identified, as described below. However, as demonstrated in the analysis presented throughout the PEIR, implementation of the proposed Project would result in no significant and unavoidable environmental effects that cannot be feasibly reduced to below levels of significance, with the exception of significant and unavoidable impacts to air quality, greenhouse gas emissions, and construction-related noise impacts.

Substantive Evidence

Significant irreversible changes due to implementation of the Project are:

- Future development would involve construction, maintenance, and operation activities that entail the commitment of nonrenewable and/or slowly renewable energy resources, including gasoline, diesel fuel, electricity; human resources; and natural resources such as lumber and other forest products, sand and gravel, asphalt, steel, copper, lead, other metals, and water.
- An increased commitment of social services and public maintenance services (e.g., police, fire, and sewer and water services) would also be required. The energy and social service commitments would be long term obligations in view of the fact of the low likelihood of returning the land to its original condition once it has been developed.
- Population growth related to project implementation would increase vehicle trips over the long term.
- Future development of the proposed project is a long-term irreversible commitment of vacant parcels of land or redevelopment of existing developed land in the City.

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6.2 GROWTH INDUCING IMPACTS

CEQA requires a discussion of the ways in which the proposed Project could be growth inducing. The CEQA Guidelines identify a project as growth inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines §15126.2(d)).

☐ Finding

The Project’s potential to result in growth-inducing impacts is discussed in detail in Subsection 5.3 of the PEIR. Based on the entire record, the City finds that the Project would not directly or indirectly induce growth in the surrounding area which could result in a significant adverse effect to the environment.

☐ Substantive Evidence

1. *Would this project remove obstacles to growth, e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area, or through changes in existing regulations pertaining to land development?*

The City of Yorba Linda 2021-2029 Housing Element Implementation Programs would not extend infrastructure into currently unserved parts of the City because the City is almost entirely built out with urban land uses. Some improvements of utility facilities from surrounding roadways, including water and sewer lines, may be required for future development. However, as discussed in Subsection 5.4.9, Utilities and Service Systems, implementation of the Project can generally be accommodated by the existing storm drain. The Yorba Linda Water District will evaluate each development to determine the adequacy of existing water and sewer infrastructure.

Implementation of the Project would not substantially increase automobile capacity of the transportation system (refer to Table 5-2 of the Traffic Analysis, Technical Appendix G, of the Draft PEIR). Although buildout of the proposed Project would increase the City’s service population for the transportation network (the total number of people who live in the City) by approximately 7,085 people, the Project is anticipated to result in a less than significant VMT compared to the buildout of the existing General Plan.

As required by State Law, the purpose of the 2021-2029 Housing Element Implementation Programs is to provide adequate housing sites and assist in the provision of affordable housing, comply with State housing laws including compliance with the Regional Housing Needs Assessment (RHNA) targets, remove governmental constraints to housing investment, and promote fair and equal housing opportunities. Therefore, the proposed Project would remove obstacles to growth within City, however, this is required to assist in providing an unmet need for housing in the region and would not represent a significant adverse impact.

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2. *Would this project result in the need to expand one or more public services to maintain desired levels of service?*

As discussed in Section 4.7, Public Services, as the City continues to develop, it would require further commitment of public services in the form of fire protection, police protection, schools, recreation, and other public services. Considering the existing firefighting resources available in the City, implementation of the Project is not expected to result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impact. Further, OCSD has indicated that this increase would not adversely impact OCSD’s existing resources. There is more than adequate capacity to serve the Project generated students; the Project in combination with current enrollment would leave a remaining capacity of 3,950 total students, including 3,219 elementary students, 659 middle school students, and 72 high school students. Similarly, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks, recreational facilities, or other public facilities.

3. *Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?*

Short term implementation of the Project would create varying levels of temporary construction employment opportunities as the City builds out. However, this would be a short-term direct economic effect, which would end following completion of individual development projects. Additionally, the Project includes 27 housing opportunity sites, which would not be constructed all at one time, but as the market demands and future discretionary approvals (e.g. Design Review) are obtained. Therefore, the short-term economical effects are not expected to significantly affect the environment.

Long term Project buildout would increase population onsite by an estimated 7,085 residents. As the population grows and occupies new dwelling units, these residents would seek shopping, entertainment, employment, home improvement, auto maintenance, and other economic opportunities in the surrounding area. This would facilitate economic goods and services and could, therefore, encourage the creation of new businesses and/or the expansion of existing businesses to address these economic needs. Actual growth will depend on future market demand, site constraints, and property owner willingness to take advantage of increased densities allowed pursuant to the proposed zoning.

The increase in population and economic activity potentially generated by the proposed project could be considered growth inducing that could significantly affect the environmental. However, such an increase is not considered substantial, since the increase generated by the Project on its own would not exceed the amount of growth projected for the City.

4. *Would approval of this project involve some precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment?*

Changes from a project that could be precedent-setting include (among others) a change in zoning, general plan designation, general plan text or approval of exceptions to regulations that could have implications for other properties or that could make it easier for other properties to develop.

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Implementation of the Project would involve a zone change to redesignate all 27 opportunity sites to multifamily use at 10 to 35 units per acre. Although the change in land designation and zoning could encourage other requests for land use designations or rezoning of other properties, each application would be considered by the City on a project-by-project basis. The proposed change in land use designation and rezoning would only apply to each of the sites, would not encompass other properties, and would not facilitate the development of other projects. For these reasons, the project would not be considered growth inducing.

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7.0 ALTERNATIVES

7.4.1 ALTERNATIVE CONSIDERED AND REJECTED

An EIR is required to identify any alternatives that were considered by the Lead Agency but were rejected as infeasible. Among the factors described by CEQA Guidelines §15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR are: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid significant environmental impacts. With respect to the feasibility of potential alternatives to the proposed Project, CEQA Guidelines §15126.6(f)(1) notes:

“Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site...”

In determining an appropriate range of alternatives to be evaluated in this Final PEIR, possible alternatives were initially considered and, for a variety of reasons, rejected. Alternatives were rejected because either: 1) they could not accomplish the basic objectives of the Project, 2) they would not have resulted in a reduction of significant adverse environmental impacts, or 3) they were considered infeasible. (PEIR, pp. 6-2 – 6-4)

1. Alternative Development Areas

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. In considering alternative locations, the first question in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR (Guidelines Sec. 15126.6[f][2][A]). The proposed Project is the 2021-2029 Housing Element Implementation Programs. The Housing Element is specific to the City and its jurisdiction; it is also specific to the natural, social, and cultural environments within the City and sphere of influence (SOI). The City does not have jurisdiction over areas outside of its boundaries and SOI and cannot impose Housing Element requirements on such areas. Therefore, an alternative development area for the proposed Project is not possible.

2. No Project Alternatives

In accordance with CEQA Guidelines Section 15126.6, the purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. A discussion of the “no project” alternative will usually proceed along one of two lines: 1) the project does not proceed and the existing environmental setting is maintained (No Development/No Growth), or 2) continuation of the existing plan, policy or operation into the future (Adopted General Plan). An analysis of both no project alternatives is provided below.

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No Development/No Growth

The No Development/No Growth Alternative would prohibit all new development, restricting urban growth to its current extent. The population would remain at existing levels, approximately 67,760 residents (DOF, 2021). No alterations to the City would occur (with the exception of previously approved development), and all residential development would generally remain in their current conditions. Some minor population growth could occur within the City, to the extent that existing residential unit or units that have already been approved could accommodate additional residents (e.g., a decrease if vacancy rates). None of the impacts of the proposed Project, adverse or beneficial, would occur. Future conditions within the City, except for the impacts of regional growth, would generally be the same as existing conditions which were described in the environmental setting section for each environmental topic.

Adopted General Plan

Section 15126.6 of the CEQA Guidelines requires that an EIR evaluate and analyze the impacts of the “No-Project” Alternative. When the project is the revision of an existing land use or regulatory plan, policy, or ongoing operation, the no-project alternative is the continuation of the plan, policy, or operation into the future. Therefore, under the No Project/Adopted General Plan Alternative, the current Land Use Diagram would remain in effect. All proposed changes to general plan land uses and zoning designations at the 27 housing opportunity sites would not occur. Development in accordance with the adopted General Plan would continue to occur, allowing for buildout of 25,871 dwelling units and 78,389 residents. Environmental impacts relating to physical disturbance of the housing opportunity sites, such as construction-related air quality and noise impacts, biological resources and tribal cultural resources, would be the same as the proposed Project, since future development would continue to be allowed to occur under the adopted General Plan land use designations. However, operational impacts (such as, air quality, energy, GHG emissions, public services, recreation) would be less under the No Project/Adopted General Plan Alternative compared to the Project, because up-zoning would not occur on the housing opportunity sites and overall buildout of the City could be less.

Reasons for Rejecting No Project Alternatives

Under the No Project Alternatives, the 2021-2029 Housing Element Implementation Projects, including the General Plan and Zoning Amendments, would not occur. State law recognizes the vital role local governments play in the availability, adequacy, and affordability of housing. Every jurisdiction in California is required to adopt a long-range General Plan to guide its physical development; the Housing Element is one of the seven mandated elements of the General Plan. Housing Element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law recognizes that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing production. Housing element statutes also require that the State Department of Housing and Community Development (HCD) to review local housing elements for compliance with state law and to report their finds to the local government.

California’s housing element law requires that each city and county develop local housing programs to meet its “fair share” of existing and future housing needs for all income groups. SCAG is responsible

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for developing and assigning these regional needs, via a Regional Housing Needs Assessment (RHNA), to Southern California jurisdictions such as the City of Yorba Linda.

If the City fails to implement its housing element or adopts one that is inadequate, a court can order the City to halt all development until an adequate element is adopted or order approval of specific affordable housing developments. Therefore, this alternative may result in the State taking over control of the City’s Housing Element and implementing minimum zoning requirements for multi-family residential units. The No Project Alternatives have been rejected for being legally infeasible since the City would not be in conformance with State law.

Implementation of this alternative would not provide adequate housing supply required to meet the City’s obligations to provide its fair share of affordable housing. Furthermore, this alternative would not achieve any of the objectives established for the proposed Project. As a result, this alternative has been rejected from further consideration. (PEIR, p. 6-2 – 6-4)

7.4.2 REDUCED DENSITY ALTERNATIVE

The Reduced Density Alternative would result in a 15% reduction of housing units on all of the housing opportunity sites with the exception of the Congregational Land Overlay (CLO) sites (see Table 6-1 of the PEIR). This unit count also represents the realistic unit potential shown in Table 3-2 of the PEIR. This alternative would reduce the proposed residential units from 2,410 dwelling units to 2,100 dwelling units, and result in a population growth of 6,174 residents. This represents an approximate 13% reduction in growth as compared to the Project. The following discussion compares the potential environmental impacts of this alternative to those associated with implementation of the proposed Project

The Reduced Density Alternative would result in reduced impacts related to air quality, energy, greenhouse gas emissions, noise, public services, recreation, and transportation compared to the Project. This alternative would result in similar impacts biological resources, land use and planning, tribal cultural resources, and wildfire, when compared to the proposed Project. The Reduced Density Alternative does not reduce any of the Project’s significant and unavoidable impacts to less than significant.

The Reduced Density Alternative does not satisfy all of the Project objectives. Specifically, this alternative would only partially meet the following objectives:

1. Implementation of the 2021-2029 Housing Element Implementation Programs to provide adequate housing sites and assist in the provision of affordable housing.
2. Allow the City of Yorba Linda to comply with State housing laws including compliance with the Regional Housing Needs Assessment (RHNA) targets.
3. Remove governmental constraints to housing investment.

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4. Promote fair and equal housing opportunities.

Although this alternative could meet the target of residential units projected by the RHNA, it would significantly reduce the City’s housing buffer, which is required to be approximately 10 percent. It is to the City’s benefit that its residential site capacity exceeds the minimum RHNA required within each income category to help offset any sites that may be developed with fewer units or to a lesser affordability than assumed in the Housing Element sites inventory. A healthy buffer above the required RHNA therefore provides a “margin of safety” from having to rezone additional sites during the 2021-2029 planning period of the element

Thus, the City Council finds that each of the reasons set forth above would be an independent ground for rejecting the Reduced Density Alternative, and by itself, independent of any other reason, would justify rejection of the Reduced Density Alternative.

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8.0 STATEMENT OF OVERRIDING CONSIDERATIONS

This Section specifically addresses §15093 of the CEQA Guidelines, which requires the City, acting as the Lead Agency, to balance the benefits of the Project against its significant and unavoidable adverse environmental impacts and determine whether the benefits which will accrue from the development of the Project outweigh its significant and unavoidable impacts. If the City finds that the major benefits of the Project outweigh its significant and unavoidable adverse environmental impacts, the City may approve the Project. Each of the separate benefits listed below are hereby determined to be, in itself, and independent of the Project’s other benefits, the basis for overriding all significant and unavoidable environmental impacts identified in the PEIR.

As set forth in above, the PEIR identified all of the Project’s adverse environmental impacts and mitigation measures that can reduce the Project’s impacts to less-than-significant level where feasible, or to the lowest feasible levels. Mitigation imposed by the City must have a proportional nexus to the Project’s impacts. As further set forth in Section 5.0, the PEIR presents evidence that implementing the Project would cause or contribute to impacts that would remain significant and unavoidable even after the imposition of all feasible mitigation measures. Finally, as set forth in Section 7.0, herein, there are no feasible alternatives to the Project that would mitigate the Project’s significant and avoidable impacts to less-than-significant level or avoid those environmental impacts while still attaining most of the Project’s basic objectives. Based on the facts presented throughout this document, the City makes the following finding:

□ Finding

As the CEQA Lead Agency for the proposed Project, the City has reviewed the Project description and the alternatives to the Project, as presented in the PEIR, and the City fully understands the Project and its alternatives. Further, the City finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Final PEIR and public testimony. Having considered the potential for the Project to cause or contribute to significant and unavoidable adverse impacts to air quality, greenhouse gas emissions, and noise, the City hereby determines that all feasible mitigation measures with proportional nexus to the Project’s impacts have been adopted to reduce or avoid the significant and unavoidable impacts identified in the PEIR, and that no additional feasible mitigation or alternatives are available to further reduce or avoid significant impacts. Further, the City finds that economic, social, and other considerations of the Project outweigh the Project’s significant and unavoidable impacts and that approval of the Project is appropriate. In making this finding, the City Council finds that each of the Project benefits separately and individually outweighs all of the unavoidable adverse environmental effects identified in the PEIR and therefore finds those impacts to be acceptable. The Project would meet the following objectives:

- a) Implementation of the 2021-2029 Housing Element Implementation Programs to provide adequate housing sites and assist in the provision of affordable housing, as required by state law.

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- b) Allow the City of Yorba Linda to comply with State housing laws including compliance with the Regional Housing Needs Assessment (RHNA) targets.
- c) Remove governmental constraints to housing investment, as required by state law.
- d) Promote fair and equal housing opportunities, as required by state law.

Furthermore, substantial evidence in the record demonstrates that approval and implementation of the Project will provide the benefits listed below:

1. The Project will comply with State Housing Element Law and meet the City’s RHNA target. Housing Element Law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law recognizes that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing production. Housing element statutes also require the State Department of Housing and Community Development (“HCD”) to review local housing elements for compliance with state law and to report their findings to the local government. The City has an identified RHNA of 2,415 units for the 2021–2029 planning period, distributed among very low-, low-, moderate- and above moderate-income categories. The RHNA represents the minimum number of housing units each community is required to provide “adequate sites” for through zoning, and is one of the primary threshold criteria necessary to achieve approval of the element by the HCD. HCD certified the City’s Housing Element on April 8, 2022. The City is obligated under State law to implement the rezoning established within the Housing Element (Implementation Program 8).
2. The Project facilitates preservation and development of affordable housing. Several of the Housing Element Implementation Programs relate directly to the promotion of affordable housing. Programs 1-6, 8-12, and 21-23 all help promote affordable housing and ensure that the City meets its RHNA goals. Such programs include but are not limited to residential rehabilitation, housing community preservation and abatement, multifamily acquisition and improvement, section 8 rental assistance, affordable housing development assistance, mortgage assistance, and rezoning.
3. Through Implementation Program 6, the City has re-initiated the Mortgage Assistance Program (“MAP”) to assist low and moderate-income first-time homebuyers (earning up to 120% AMI) through the provision of “silent second” loans. Qualified participants can receive loans of up to \$50,000 to be used towards the down payment and/or closing costs. The loan is interest-free and is paid back, along with an equity share percentage, once the homeowner decides to sell, transfer title, or lease the home. If the buyer owns and resides in the home for a minimum of 15 years, the MAP loan will be forgiven and no repayment to the Agency is required. The program allows the borrower to select any new or resale residence within the City of Yorba Linda boundaries. Qualified units include condominiums, townhomes, paired homes, and single-family residences.

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4. The Project implements Green and Sustainable Building Practices. Implementation Program 7 is an integral component of the City’s overall goal to enhance the sustainability of new development. The City would continue to promote energy conservation and sustainable design in new and existing development. The City’s Multi-Family Design Guidelines include provisions for sustainable site planning and streetscape and encourage multi-family development to achieve LEED certification. The General Plan and Town Center Specific Plan set forth a broad range of policies to promote sustainable development. Additionally, the City adopts the Green Building Code’s voluntary measures without local amendments, and reviews Green Building Code requirements with development applicants.

In conclusion, the City Council finds that the foregoing benefits provided through approval of the Project outweigh the identified significant adverse environmental impacts. The City Council further finds that each of the individual benefits discussed above outweighs the unavoidable adverse environmental effects identified in the Final PEIR and, therefore, finds those impacts to be acceptable. The City Council further finds that each of the benefits listed above, standing alone, is sufficient justification for the City Council to override these unavoidable environmental impacts.

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9.0 ADDITIONAL FACTS ON RECORD

9.1 CUSTODIAN OF RECORD

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Yorba Linda, 4845 Casa Loma Avenue, Yorba Linda, CA 92886. The custodian for these records is Marcia Brown, City Clerk, City of Yorba Linda, 4845 Casa Loma Avenue, Yorba Linda, CA 92886. This information is provided in compliance with Public Resources Code § 21081.6.