



AGENDA
CITY COUNCIL/SUCCESSOR AGENCY/STANTON HOUSING AUTHORITY
JOINT REGULAR MEETING
STANTON CITY HALL, 7800 KATELLA AVENUE, STANTON, CA
TUESDAY, NOVEMBER 12, 2019 - 6:30 P.M.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (714) 890-4245. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

The City Council agenda and supporting documentation is made available for public review and inspection during normal business hours in the Office of the City Clerk, 7800 Katella Avenue, Stanton California 90680 immediately following distribution of the agenda packet to a majority of the City Council. Packet delivery typically takes place on Thursday afternoons prior to the regularly scheduled meeting on Tuesday. The agenda packet is also available for review and inspection on the city's website at www.ci.stanton.ca.us, at the public counter at City Hall in the public access binder, and at the Stanton Library (information desk) 7850 Katella Avenue, Stanton, California 90680.

- 1. CLOSED SESSION (6:00 PM)**
- 2. ROLL CALL**
 - Council / Authority Member Taylor
 - Council / Authority Member Van
 - Council / Authority Member Warren
 - Mayor Pro Tem / Vice Chairman Ramirez
 - Mayor / Chairman Shawver
- 3. PUBLIC COMMENT ON CLOSED SESSION ITEMS**

Closed Session may convene to consider matters of purchase / sale of real property (G.C. §54956.8), pending litigation (G.C. §54956.9(a)), potential litigation (G.C. §54956.9(b)) or personnel items (G.C. §54957.6). Records not available for public inspection.

4. CLOSED SESSION

4A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code Section 54956.8)

Property: 8830 Tina Way, Stanton, CA (APN 126-481-01)
8840 Tina Way, Stanton, CA (APN 126-481-02)
8850 Tina Way, Stanton, CA (APN 126-481-03)
8860 Tina Way, Stanton, CA (APN 126-481-04)
8870 Tina Way, Stanton, CA (APN 126-481-05)
8880 Tina Way, Stanton, CA (APN 126-481-06)
8900 Tina Way, Stanton, CA (APN 126-481-08)
8910 Tina Way, Stanton, CA (APN 126-481-09)
8920 Tina Way, Stanton, CA (APN 126-481-10)
8921 Pacific Avenue, Stanton, CA (APN 126-481-21)
8961 Pacific Avenue, Stanton, CA (APN 126-481-17)
8971 Pacific Avenue, Stanton, CA (APN 126-481-16)
8890 Pacific Avenue, Stanton, CA (APN 126-482-07)
8900 Pacific Avenue, Stanton, CA (APN 126-482-08)
8960 Pacific Avenue, Stanton, CA (APN 126-482-14)

Negotiating Parties: Jarad L. Hildenbrand, City Manager, City of Stanton
Trachy Family Trust, Owner
Steven W. Reiss Trust, Owner
Jennie Trust, Owner
Trang Trust, Owner
Binh Ngoc Nguyen and Phuong Thi Pham, Owner
Triple Star Company, LLC, Owner
8900 Tina Way, Owner
Zichuan Li and Ying Zheng, Owner
Binh Ngoc Nguyen and Phuong Thi Pham, Owner
Sky Nguyen, Owner
Binh Ngoc Nguyen and Phuong Thi Pham, Owner
Steven W. Reiss Trust, Owner
Ngoc Trieu and Andy Pham, Owner
Pacific Wu Investments, LLC, Owner
David M. Cook and Daphne Chakran, Owner

Under Negotiation: Instruction to negotiator will concern price and terms of payment.

4B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9
(d) (2)

Number of Potential Cases: 1

5. CALL TO ORDER / SUCCESSOR AGENCY / STANTON HOUSING AUTHORITY MEETING

6. ROLL CALL Agency Member Taylor
Agency Member Van
Agency Member Warren
Vice Chairman Ramirez
Chairman Shawver

7. PLEDGE OF ALLEGIANCE

8. SPECIAL PRESENTATIONS AND AWARDS

- Presentation of proclamation declaring November 10, 2019 through November 16, 2019 as National Nurse Practitioner Week in the City of Stanton.

9. CONSENT CALENDAR

All items on the Consent Calendar may be acted on simultaneously, unless a Council/Board Member requests separate discussion and/or action.

CONSENT CALENDAR

9A. MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED

RECOMMENDED ACTION:

City Council/Agency Board/Authority Board waive reading of Ordinances and Resolutions.

9B. APPROVAL OF WARRANTS

1. City Council approve demand warrants dated October 16, 2019 and October 24, 2019, in the amount of \$439,249.00; and
2. City Council approve demand warrants dated October 30, 2019 and November 6, 2019, in the amount of \$1,605,938.29.

9C. APPROVAL OF MINUTES

1. City Council approve Minutes of Special Meeting – October 8, 2019; and
2. City Council/Agency/Authority Board approve Minutes of Regular Joint Meeting – October 8, 2019; and
3. City Council/Agency/Authority Board approve Minutes of Regular Joint Meeting – October 22, 2019.

9D. CERTIFICATE OF COMPLETION FOR THE STANTON PLAZA COMMERCIAL BUILDING LOCATED AT 11382 BEACH BOULEVARD

The attached Certificate of Completion for the commercial building located in Stanton Plaza is being presented to the City Council for review and approval.

RECOMMENDED ACTION:

1. City Council declare that the project is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.; and
2. Adopt Resolution No. 2019-49 approving the Certificate of Completion for Stanton Plaza, entitled:

“A RESOLUTION OF CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, APPROVING CERTIFICATE OF COMPLETION FOR THE STANTON PLAZA COMMERCIAL BUILDING LOCATED AT 11382 BEACH BOULEVARD”.

9E. RESOLUTION AMENDING THE POSITION CLASSIFICATION MANUAL

The attached Resolution makes changes to the Position Classification Manual by adding the job classification of Human Resources/Risk Management Analyst, deleting the job classifications of Grants Administrator and Human Resources Specialist, revising the Assistant to the City Manager classification, converting a part-time Facilities Maintenance Worker I position to full-time and adding a full-time Maintenance Worker I position.

RECOMMENDED ACTION:

1. City Council declare that this project is exempt from the California Environmental Quality Act ("CEQA") under Section 15378(b)(2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy or procedure making; and
2. Adopt Resolution No. 2019-48 amending the Position Classification Manual, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING THE POSITION CLASSIFICATION MANUAL".

9F. AWARD OF CONTRACT FOR PROFESSIONAL CROSSING GUARD SERVICES TO ALL CITY MANAGEMENT SERVICES BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

Staff solicited Proposals to provide crossing guard services for the local Stanton schools. Two proposals were received and evaluated. Based on this qualifications-based selection process, staff recommends awarding the contract to All City Management Services. The cost for completing these services is a maximum amount of \$121,590.

RECOMMENDED ACTION:

1. City Council declare this project to be categorically exempt under the California Environmental Quality Act, Class 1, Section 15301 (c); and
2. Award a contract for professional crossing guard services to All City Management Services to provide crossing guard services for a maximum contract amount of \$121,590; and
3. Authorize the City Manager to bind the City of Stanton and All City Management Services in a three-year contract to provide professional crossing guard services.

9G. AUTHORIZATION TO PURCHASE TWO NEW HONDA PLUG-IN CLARITYS

The city has two 2012 Ford Escapes which function as “pool” cars for city staff. Both cars have experienced significant mechanical issues with one recently breaking down on the freeway. Staff would like to replace both cars with new Honda Hybrid Claritys. Funding for both vehicles is available from restricted funding from the South Coast Air Quality Management District (SCAQMD).

RECOMMENDED ACTION:

1. City Council declare that the purchase of two vehicles is not a project per the California Environmental Quality Act; and
2. Approve the purchase of two Honda Hybrid Claritys in the amount of \$31,274.32 each; and
3. Authorize the City Manager to execute the purchase of both vehicles.

END OF CONSENT CALENDAR

10. PUBLIC HEARINGS

10A. CONSIDERATION OF ORDINANCE NO. 1095 AMENDING THE MUNICIPAL CODE SECTION 1.10.020 REGARDING ADVERTISEMENTS OF ILLEGAL ACTIVITY; SECTION 9.16.020 REGARDING PUBLIC NUISANCES; CHAPTER 9.48 REGARDING GRAFFITI; SECTION 9.94.010 REGARDING TRESSPASS; AND SECTION 10.08.010 REGARDING ON-STREET PARKING; AND ADDING CHAPTER 5.67 TO TITLE 5 OF THE STANTON MUNICIPAL CODE RELATING TO TOBACCO RETAILER REGISTRATION

As part of a periodic review of the Stanton Municipal Code, a series of updates are recommended to address various issues throughout the city. The issues addressed in Ordinance No. 1095 include prohibiting the advertisement of unlawful activity, a Tobacco Retailer Registration program as well as updated provisions related to graffiti, trespassing and parking requirements.

RECOMMENDED ACTION:

1. City Council conduct a public hearing; and
2. Declare that the project is not subject to CEQA in accordance with Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
3. Introduce Ordinance No. 1095, entitled:

“AN ORDINANCE NO. 1095 AMENDING THE MUNICIPAL CODE SECTION 1.10.020 REGARDING ADVERTISEMENTS OF ILLEGAL ACTIVITY; SECTION 9.16.020 REGARDING PUBLIC NUISANCES; CHAPTER 9.48 REGARDING GRAFFITI; SECTION 9.94.010 REGARDING TRESSPASS; AND SECTION 10.08.010 REGARDING ON-STREET PARKING; AND ADDING CHAPTER 5.67 TO TITLE 5 OF THE STANTON MUNICIPAL CODE RELATING TO TOBACCO RETAILER REGISTRATION”; and
4. Set said Ordinance for adoption at the November 26, 2019 meeting.

10B. CERTIFICATION OF THE FINAL EIR FOR THE TINA-PACIFIC NEIGHBORHOOD DEVELOPMENT PLAN PROJECT, A 10.27-ACRE SITE LOCATED AT THE INTERSECTION OF MAGNOLIA AVENUE AND PACIFIC AVENUE

For the last six years, the City has been working with Related California to develop a 161-unit multi-family affordable housing development in the Tina-Pacific Neighborhood. Before City Council for consideration is the Final Environmental Impact Report (EIR) for this development plan project.

RECOMMENDED ACTION:

1. City Council conduct a public hearing; and
2. Adopt Resolution No. 2019-47 – A resolution certifying Environmental Impact Report (SCH#2019039134) for the Tina-Pacific Neighborhood Development Plan, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2019039134), AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE TINA-PACIFIC NEIGHBORHOOD DEVELOPMENT PLAN PROJECT”.

10C. RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF STANTON FOR THE ACQUISITION BY EMINENT DOMAIN, TO ACQUIRE A FEE INTEREST IN CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE NORTHEAST QUADRANT OF THE CITY, TO THE WEST OF THE INTERSECTION OF MAGNOLIA AVENUE AND PACIFIC AVENUE, AND MORE SPECIFICALLY, IS A 10.27 ACRE AREA BOUNDED BY TINA WAY TO THE NORTH, MAGNOLIA AVENUE TO THE EAST, AN ALLEYWAY SOUTH OF PACIFIC TO THE SOUTH, AND SHERRILL STREET TO THE WEST, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; AND 126-482-14, FOR THE CONSTRUCTION OF A 161-UNIT MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT, AND MAY INCLUDE A PRESCHOOL AND ADDITIONAL RECREATIONAL FACILITIES, IN THE CITY OF STANTON, ORANGE COUNTY, CALIFORNIA

The City of Stanton is considering a proposed resolution of necessity to initiate condemnation proceedings to acquire a fee interest in certain real property generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue, and more specifically, is a 10.27 acre area bounded by Tina Way to the north, Magnolia Avenue to the east, an alleyway south of Pacific to the south, and Sherrill Street to the west, more particularly described as Assessor Parcel Nos. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-

481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; and 126-482-14, for the construction of a 161-unit multi-family affordable housing development, and may include a preschool and additional recreational facilities, in Stanton, as further identified in Exhibit A attached to the Resolution of Necessity submitted herewith.

RECOMMENDED ACTION:

1. City Council conduct a public hearing; and
2. Declare that the action is a project exempt from the California Environmental Quality Act ("CEQA") under sections 15060(c)(3) and 15378(b); and
3. Approve Resolution No. 2019-50, making certain findings pursuant section 37350.5 of the California Government Code, adopting the resolution of necessity to initiate condemnation proceedings to acquire a fee interest in certain real property generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue, and more specifically, is a 10.27 acre site bounded by Tina way to the north, Magnolia Avenue to the east, an alleyway south of Pacific to the south, and Sherrill Street to the west, more particularly described as Assessor Parcel Nos. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; and 126-482-14, for the construction of a 161-unit multi-family affordable housing development, and may also include a preschool and additional recreational facilities, in the City of Stanton, California, entitled:

"RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF STANTON FOR THE ACQUISITION BY EMINENT DOMAIN OF A FEE INTEREST IN CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE NORTHEAST QUADRANT OF THE CITY, TO THE WEST OF THE INTERSECTION OF MAGNOLIA AVENUE AND PACIFIC AVENUE, AND MORE SPECIFICALLY, THE 10.27 ACRE AREA BOUNDED BY TINA WAY TO THE NORTH, MAGNOLIA AVENUE TO THE EAST, AN ALLEYWAY SOUTH OF PACIFIC TO THE SOUTH, AND SHERRILL STREET TO THE WEST, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; 126-482-14, FOR THE CONSTRUCTION OF A 161-UNIT MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT, AND MAY INCLUDE A PRESCHOOL AND ADDITIONAL RECREATIONAL FACILITIES, IN THE CITY OF STANTON, ORANGE COUNTY, CALIFORNIA"; and

4. Authorize legal counsel to initiate eminent domain proceedings to acquire the property described herein, as necessary for the Project, as detailed in the resolution.

11. UNFINISHED BUSINESS

11A. APPROVAL OF ORDINANCE NO. 1094

This Ordinance was introduced at the regular City Council meeting of October 22, 2019.

RECOMMENDED ACTION:

1. City Clerk read the title of Ordinance No. 1094, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING DIVISION I OF TITLE 16 OF THE STANTON MUNICIPAL CODE PERTAINING TO THE ADOPTION OF THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, CONSISTING OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA FIRE CODE, THE CALIFORNIA ADMINISTRATIVE CODE, THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE CALIFORNIA EXISTING BUILDING CODE, THE CALIFORNIA ENERGY CODE, THE CALIFORNIA HISTORICAL BUILDING CODE, AND THE CALIFORNIA REFERENCED STANDARDS CODE; THE INTERNATIONAL SWIMMING POOL AND SPA CODE; AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH AMENDMENTS THERETO, AND MAKING FINDINGS IN SUPPORT THEREOF”; and

2. City Council declare that Ordinance No. 1094 is not subject to CEQA in accordance with Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where is can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
3. Adopt Ordinance No. 1094.

ROLL CALL VOTE: Council Member Taylor
Council Member Van
Council Member Warren
Mayor Pro Tem Ramirez
Mayor Shawver

12. NEW BUSINESS

12A. COMMUNITY SERVICES DIRECTOR EMPLOYMENT AGREEMENT

For consideration is the employment agreement with Zenia Bobadilla for Community Services Director.

RECOMMENDED ACTION:

1. City Council find that this item is exempt from the California Environmental Quality Act ("CEQA") under Section 15378(b)(2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making, and
2. Authorize City Manager to execute employment agreement on behalf of the City with Zenia Bobadilla.

13. ORAL COMMUNICATIONS - PUBLIC

At this time members of the public may address the City Council/Successor Agency/Stanton Housing Authority regarding any items within the subject matter jurisdiction of the City Council/Successor Agency/Stanton Housing Authority, provided that NO action may be taken on non-agenda items.

- Members of the public wishing to address the Council/Agency/Authority during Oral Communications-Public or on a particular item are requested to fill out a REQUEST TO SPEAK form and submit it to the City Clerk. Request to speak forms must be turned in prior to Oral Communications-Public.
- When the Mayor/Chairman calls you to the microphone, please state your Name, slowly and clearly, for the record. A speaker's comments shall be limited to a three (3) minute aggregate time period on Oral Communications and Agenda Items. Speakers are then to return to their seats and no further comments will be permitted.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council/Agency/Authority and Staff need to be recognized by the Mayor/Chairman before speaking.

14. WRITTEN COMMUNICATIONS

Number of written communication received: 1

15. MAYOR/CHAIRMAN COUNCIL/AGENCY/AUTHORITY INITIATED BUSINESS

15A. COMMITTEE REPORTS/ COUNCIL/AGENCY/AUTHORITY ANNOUNCEMENTS

At this time Council/Agency/Authority Members may report on items not specifically described on the agenda which are of interest to the community provided no discussion or action may be taken except to provide staff direction to report back or to place the item on a future agenda.

15B. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE MEETING

At this time Council/Agency/Authority Members may place an item on a future agenda.

15C. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE STUDY SESSION

At this time Council/Agency/Authority Members may place an item on a future study session agenda.

Currently Scheduled: None.

16. ITEMS FROM CITY ATTORNEY/AGENCY COUNSEL/AUTHORITY COUNSEL

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

17A. ORANGE COUNTY FIRE AUTHORITY

At this time the Orange County Fire Authority will provide the City Council with an update on their current operations.

18. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, the foregoing agenda was posted at the Post Office, Stanton Community Services Center and City Hall, not less than 72 hours prior to the meeting. Dated this 7th day of November, 2019.

s/ Patricia A. Vazquez, City Clerk/Secretary

Item: 9B

CITY OF STANTON ACCOUNTS PAYABLE REGISTER

October 16, 2019	\$149,458.78
October 24, 2019	\$289,790.22

\$439,249.00

Demands listed on the attached registers
conform to the City of Stanton Annual
Budget as approved by the City Council.



City Manager

Demands listed on the attached
registers are accurate and funds
are available for payment thereof.

BC for Finance Director

Finance Director

**CITY OF STANTON
ACCOUNTS PAYABLE REGISTER**

October 30, 2019

\$554,051.14

November 6, 2019

\$1,051,887.15

\$1,605,938.29

**Demands listed on the attached registers
conform to the City of Stanton Annual
Budget as approved by the City Council.**



City Manager

**Demands listed on the attached
registers are accurate and funds
are available for payment thereof.**



Finance Director

**MINUTES OF THE CITY COUNCIL OF THE CITY OF STANTON
SPECIAL MEETING OCTOBER 8, 2019**

1. CALL TO ORDER

The meeting was called to order at 5:34 p.m. by Mayor Pro Tem Ramirez.

2. PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Rigoberto A. Ramirez.

3. ROLL CALL

Present: Council Member Taylor, Council Member Van, and Mayor Pro Tem Ramirez.

Absent: Council Member Warren and Mayor Shawver.

Excused: None.

4. CLOSED SESSION

5. PUBLIC COMMENT ON CLOSED SESSION ITEMS None.

6. CLOSED SESSION

The members of the Stanton City Council of the City of Stanton proceeded to closed session at 5:34 p.m. for discussion regarding:

Council Member Warren arrived at 5:36 p.m.

Mayor Shawver arrived at 5:47 p.m.

**6A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)**

Property: 8830 Tina Way, Stanton, CA (APN 126-481-01)
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DRAFT

8971 Pacific Avenue, Stanton, CA (APN 126-481-16)
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Negotiating Parties: Jarad L. Hildenbrand, City Manager, City of Stanton
Trachy Family Trust, Owner
Steven W. Reiss Trust, Owner
Jennie Trust, Owner
Trang Trust, Owner
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Triple Star Company, LLC, Owner
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Steven W. Reiss Trust, Owner
Ngoc Trieu and Andy Pham, Owner
Pacific Wu Investments, LLC, Owner
David M. Cook and Daphne Chakran, Owner

Under Negotiation: Instruction to negotiator will concern price and terms of payment.

6B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of cases: 1

Orange County Catholic Worker et al v. Orange County et al, United States District Court,
Central District of California Case Number: 8:18-cv-00155-DOC-JDE

7. CALL TO ORDER / SPECIAL CITY COUNCIL MEETING

The meeting was called to order at 6:00 p.m. by Mayor Shawver.

The City Council reconvened in open session at 6:00 p.m.

The City Attorney reported that the Stanton City Council met in closed session from 5:34 to 6:00 p.m.

The City Attorney reported that there was no reportable action.

DRAFT

8. **ADJOURNMENT** Motion/Second: Shawver/
Motion carried at 6:00 p.m.

MAYOR

ATTEST:

CITY CLERK

DRAFT

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY OF THE CITY OF STANTON JOINT REGULAR MEETING OCTOBER 8, 2019

1. CALL TO ORDER / CLOSED SESSION

The City Council / Housing Authority meeting was called to order at 6:00 p.m. by Mayor/Chairman Shawver.

2. ROLL CALL

Present: Council/Authority Member Taylor, Council/Authority Member Van, Council/Authority Member Warren, Mayor Pro Tem/Vice Chairman Ramirez, and Mayor/Chairman Shawver.

Absent: None.

Excused: None.

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS None.

Mr. Matthew E. Richardson, City Attorney reported that the City Council had a last minute addition that needed to be added to the agenda, a request to add real property negotiations concerning price and terms of payment for 7455 Katella Avenue, Stanton, CA 90680 as a closed session item.

Motion/Second: Shawver/Warren

Motion unanimously carried by the following vote:

AYES: 5 (Ramirez, Shawver, Taylor, Van, and Warren)

NOES: None

ABSTAIN: None

ABSENT: None

The following item was added as a closed session item:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code Section 54956.8)

Property: 7455 Katella Avenue, Stanton, CA (APN 079-371-09)

Negotiating Parties: Jarad L. Hildenbrand, Executive Director, Stanton Housing Authority
KB Home

Under Negotiation: Instruction to negotiator will concern price and terms of payment.

DRAFT

4. CLOSED SESSION

The members of the Stanton City Council/Stanton Housing Authority of the City of Stanton proceeded to closed session at 6:00 p.m. for discussion regarding:

4A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code Section 54956.8)

Property: 8830 Tina Way, Stanton, CA (APN 126-481-01)
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Negotiating Parties: Jarad L. Hildenbrand, City Manager, City of Stanton
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Ngoc Trieu and Andy Pham, Owner
Pacific Wu Investments, LLC, Owner
David M. Cook and Daphne Chakran, Owner

Under Negotiation: Instruction to negotiator will concern price and terms of payment.

DRAFT

4B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of cases: 1

Orange County Catholic Worker et al v. Orange County et al, United States District Court, Central District of California Case Number: 8:18-cv-00155-DOC-JDE

4C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)

Property: 7455 Katella Avenue, Stanton, CA (APN 079-371-09)

Negotiating Parties:

Jarad L. Hildenbrand, Executive Director, Stanton Housing Authority
KB Home

Under Negotiation: Instruction to negotiator will concern price and terms of payment.

5. CALL TO ORDER / SUCCESSOR AGENCY / STANTON HOUSING AUTHORITY MEETING

The meetings were called to order at 6:33 p.m. by Chairman Shawver.

The City Attorney reported that the Stanton City Council met in closed session from 6:00 to 6:30 p.m.

The City Attorney reported that there was no reportable action.

6. ROLL CALL

Present: Agency Member Taylor, Agency Member Van, Agency Member Warren, Vice Chairman Ramirez, and Chairman Shawver.

Absent: None.

Excused: None.

7. PLEDGE OF ALLEGIANCE

Led by Mr. James J. Wren, Public Safety Services Director.

DRAFT

8. SPECIAL PRESENTATIONS AND AWARDS

- 8A.** Presentation by the Orange County Transportation Authority, sharing their mission with the City Council and providing information on the Beach Boulevard Corridor Study.
- 8B.** Presentation by Mr. Eric O'Donnell, Townsend Public Affairs, providing the City Council with a legislative update.

9. CONSENT CALENDAR

Motion/Second: Ramirez/Warren

Motion unanimously carried by the following vote:

AYES: 5 (Ramirez, Shawver, Taylor, Van, and Warren)

NOES: None

ABSTAIN: None

ABSENT: None

The City Council/Agency Board/Authority Board approved the following Consent Calendar items:

CONSENT CALENDAR

- 9A. MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

The City Council/Agency Board/Authority Board waived reading of Ordinances and Resolutions.

- 9B. APPROVAL OF WARRANTS**

The City Council approved demand warrants dated September 11, 2019 and September 26, 2019, in the amount of \$4,103,467.87.

- 9C. APPROVAL OF MINUTES**

The City Council/Agency/Authority Board approved Minutes of Regular Joint Meeting – September 24, 2019.

END OF CONSENT CALENDAR

DRAFT

10. PUBLIC HEARINGS

10A. JOINT PUBLIC HEARING – MAKING CERTAIN FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33433, ADOPTING THE RELATED SUMMARY REPORT AND APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH HABITAT FOR HUMANITY OF ORANGE COUNTY

The Housing Authority owns certain parcels located at 7922 Cerritos Avenue and 10522 Flower Avenue. If approved, this Disposition and Development Agreement will provide for the sale of these two parcels owned by the Housing Authority to Habitat for Humanity of Orange County for the design and construction of a six-unit affordable housing development.

Staff report by Mr. Jarad L. Hildenbrand, City Manager.

The City Council questioned staff regarding the screening process to ensure that Stanton residents have a priority status, marketing strategies to ensure that Stanton residents are notified of this prospect, and allow the City lead-time to notify Stanton residents of this opportunity.

The public hearing was opened.

- Ms. Debi Grand, resident, spoke regarding her concerns with the loss of the parking lot and the potential parking impacts for her and her neighbors.
- Mr. Robert Lewis, resident, spoke regarding his concerns of the loss of monies with the sale of the properties and believes that this topic should be discussed more thoroughly.

No one else appearing to speak, the public hearing was closed.

Motion/Second: Taylor/Ramirez

Motion unanimously carried by the following vote:

AYES: 5 (Ramirez, Shawver, Taylor, Van, and Warren)

NOES: None

ABSTAIN: None

ABSENT: None

1. The City Council and Authority Board conducted a public hearing; and
2. Declared that the action is not a project and is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3); and

DRAFT

3. Approved Resolution Number 2019-44, making certain findings pursuant to Health and Safety Code 33433, adopting the Summary Report prepared pursuant to Health and Safety Section 33433, approving the sale of certain real property located at 7922 Cerritos Avenue (A.P.N. 079-331-13) and 10522 Flower Avenue (A.P.N. 079-331-12) to the Habitat for Humanity of Orange County by the Stanton Housing Authority through the Disposition and Development Agreement, entitled:

"A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON AND THE STANTON HOUSING AUTHORITY APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH HABITAT FOR HUMANITY OF ORANGE COUNTY, FOR THE PROPERTIES LOCATED AT 7922 CERRITOS AVE. AND 10522 FLOWER AVE. (APN's: 079-331-13 AND 079-331-12) AND MAKING CERTAIN FINDINGS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 33433 IN CONNECTION WITH THE SALE OF PROPERTY FORMERLY OWNED BY THE STANTON REDEVELOPMENT AGENCY"; and

4. Authorized the City Manager/Executive Director to execute any necessary documents to facilitate the sale of the property.

11. **UNFINISHED BUSINESS** None.

12. **NEW BUSINESS** None.

13. **ORAL COMMUNICATIONS – PUBLIC**

- Mr. Daniel Park, Pastor, introduced himself and his church C4 Ministry to the City Council/Community and offered the assistance of his church to volunteer at the City's community events.
- Ms. Judith Palecek, resident representing Bradford East/West, Sunshine, and La Lampara Mobile Home Club spoke regarding their concerns with the increase in traffic and their ability to exit their neighborhoods onto Katella Avenue, Knott Avenue, and Western Avenue.

14. **WRITTEN COMMUNICATIONS** None.

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15. MAYOR/CHAIRMAN/COUNCIL/AGENCY/AUTHORITY INITIATED BUSINESS

15A. COMMITTEE REPORTS/COUNCIL/AGENCY/AUTHORITY ANNOUNCEMENTS

- Council Member Van reported on the upcoming "Basics of Making Jam" learning session, which is scheduled to be held on October 9, 2019 at the Stanton Family Resource Center.
- Council Member Warren reported on the upcoming Meet on Beach event, connecting seven Orange County cities for the first time to reimagine Beach Boulevard, which is scheduled to be held on November 17, 2019.
- Mayor Shawver spoke regarding his attendance at the International Youth Fellowship in the City of Long Beach.
- Mayor Shawver spoke regarding his attendance at the Los Alamitos Joint Forces Training Base which he took part in welcoming home troop 113 Medical Command Division.

15B. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE COUNCIL MEETING

- Mayor Pro Tem Ramirez requested to agendize discussion regarding conducting a traffic study along Katella Avenue and Knott Avenue to address resident concerns.
- Council Member Van requested to agendize discussion regarding conducting the Multifamily and Mixed Use Project bus tour.

15C. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE STUDY SESSION

Mayor Shawver requested to agendize discussion regarding a complete review and update of the City's Municipal Code.

15D. CITY COUNCIL INITIATED ITEM — DISCUSSION REGARDING AMENDING THE CURRENT SIGN ORDINANCE

At the September 24, 2019 City Council meeting, Mayor Shawver requested that this item be agendized for discussion.

Presentation by Mayor Shawver.

The City Council spoke regarding residents and businesses not in favor of larger signs such as 4x4's, concerns with enforcement, resident and business complaints, and requested that staff monitor signage during future election seasons.

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**THESE MINUTES ARE ISSUED FOR INFORMATION ONLY AND ARE SUBJECT TO
AMENDMENT AND APPROVAL AT NEXT MEETING**

DRAFT

16. ITEMS FROM CITY ATTORNEY/AGENCY COUNSEL/AUTHORITY COUNSEL

None.

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

Mr. John Warren, resident, spoke regarding Constable David Ibarra's attendance at the friends and family night opening of the Stanton In-N-Out. Constable Ibarra with deep Stanton roots flew in from Arizona to attend this monumental event.

~~17A. ORANGE COUNTY FIRE AUTHORITY~~

~~At this time the Orange County Fire Authority will provide the City Council with an update on their current operations.~~

- Due to an Orange County Fire Authority emergency this item will be heard at the next regularly scheduled City Council meeting.

18. ADJOURNMENT Motion/Second: Shawver/ Motion carried at 8:35 p.m.

MAYOR/CHAIRMAN

ATTEST:

CITY CLERK/SECRETARY

DRAFT

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY OF THE CITY OF STANTON JOINT REGULAR MEETING OCTOBER 22, 2019

1. **CLOSED SESSION** None.

2. **CALL TO ORDER CITY COUNCIL / SUCCESSOR AGENCY / STANTON HOUSING AUTHORITY MEETING**

The meetings were called to order at 6:30 p.m. by Mayor / Chairman Shawver.

3. **PLEDGE OF ALLEGIANCE**

Led by Fire Division Chief Shane Sherwood.

4. **ROLL CALL**

Present: Council / Agency / Authority Member Ramirez, Council / Agency / Authority Member Taylor, Council / Agency / Authority Member Van, Council / Agency / Authority Member Warren, and Mayor / Chairman Shawver.

Absent: None.

Excused: None.

5. **SPECIAL PRESENTATIONS AND AWARDS**

The City Council presented Certificates of Recognition, honoring the 2019 Citizens' Academy participants for completion of the four week community and leadership development program.

6. **CONSENT CALENDAR**

Motion/Second: Ramirez/Warren

Motion unanimously carried by the following vote:

AYES: 5 (Ramirez, Shawver, Taylor, Van, and Warren)

NOES: None

ABSTAIN: None

ABSENT: None

The City Council/Agency Board/Authority Board approved the balance of the following Consent Calendar items:

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CONSENT CALENDAR

6A. MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED

The City Council/Agency Board/Authority Board waived reading of Ordinances and Resolutions.

6B. APPROVAL OF WARRANTS

The City Council approved demand warrants dated October 3, 2019 and October 10, 2019, in the amount of \$249,341.38.

6C. SEPTEMBER 2019 INVESTMENT REPORT

The Investment Report as of September 30, 2019 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

1. The City Council finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of government that will not result in direct or indirect physical changes in the environment); and
2. Received and filed the Investment Report for the month of September 2019.

6D. SEPTEMBER 2019 INVESTMENT REPORT (SUCCESSOR AGENCY)

The Investment Report as of September 30, 2019 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

1. The Successor Agency finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Received and filed the Investment Report for the month of September 2019.

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6E. SB 2 PLANNING GRANTS PROGRAM FUNDS

The Department of Housing and Community Development (HCD) has issued a Notice of Funding Availability (NOFA) for its Planning Grants Program (PGP) pursuant to provisions of SB 2 (Chapter 364, Statutes of 2017). The City may qualify for funding of up to \$160,000 intended for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production. An executed resolution authorizing application for PGP funds is required to initiate the application process.

RECOMMENDED ACTION:

1. The City Council declared that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.; and
2. Adopted Resolution No. 2019-45 authorizing the application for and receipt of SB2 planning grant funding, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING GRANTS PROGRAM FUNDS".

6F. SEPTEMBER 2019 GENERAL FUND REVENUE AND EXPENDITURE REPORT

The monthly General Fund Revenue and Expenditure Report as of September 2019 has been provided to the City Manager in accordance with Stanton Municipal Code Section 2.20.080 (D)1 and is being provided to City Council.

1. The City Council finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Received and filed the General Fund Revenue and Expenditure Report as of September 2019.

END OF CONSENT CALENDAR

DRAFT

7. PUBLIC HEARINGS

7A. JOINT PUBLIC HEARING – MAKING CERTAIN FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33433, ADOPTING THE RELATED SUMMARY REPORT AND APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH KB HOMES COASTAL, INC.

The Housing Authority owns a certain parcel located at 7455 Katella Avenue. If approved, this Disposition and Development Agreement will provide for the sale of this parcel owned by the Housing Authority to KB Homes for the design and construction of 36 single-family detached residences.

Staff report by Ms. Amy Stonich, Contract City Planner.

Council Member Van inquired about the starting price for the proposed properties.

The public hearing was opened.

No one appearing to speak, the public hearing was closed.

Motion/Second: Taylor/Ramirez

Motion unanimously carried by the following vote:

AYES: 5 (Ramirez, Shawver, Taylor, Van, and Warren)

NOES: None

ABSTAIN: None

ABSENT: None

1. The City Council and the Housing Authority conducted a public hearing; and
2. Declared that the action is not a project is exempt from the California Environmental Quality Act ("CEQA") under Section 15060(c)(3) and 15378(b); and
3. Approved Resolution Number 2019-46, making certain findings pursuant to Health and Safety Code 33433, adopting the Summary Report prepared pursuant to Health and Safety Section 33433, approving the sale of certain real property located at 7455 Katella Avenue (APN: 079-371-09) to KB Homes by the Stanton Housing Authority through the Disposition and Development Agreement, entitled:

"A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON AND THE STANTON HOUSING AUTHORITY APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH KB HOME COASTAL, INC., FOR THE PROPERTY LOCATED AT 7455 KATELLA AVE. (APN 079-371-09) MAKING CERTAIN FINDINGS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 33433 IN CONNECTION WITH THE SALE OF PROPERTY FORMERLY OWNED BY

DRAFT

THE STANTON REDEVELOPMENT AGENCY”; and

4. Authorized the City Manager / Executive Director to execute any necessary documents to facilitate the sale of the property.

7B. CONSIDERATION OF AN ORDINANCE TO ADOPT THE 2019 CALIFORNIA BUILDING AND RELATED MODEL CODES

California law mandates that the City of Stanton adopt the State approved ordinances and regulations that provide the uniform standards for the various aspects of new building and construction. The 2019 California codes have been prepared and will become effective January 1, 2020. This Ordinance will adopt such California building and related model codes together with the amendments suggested by the Stanton Building Official and Fire Chief.

Staff report by Mr. Mark Abbott, Charles Abbott and Associates.

Mayor Shawver questioned staff regarding the need for the City's current municipal code to be reviewed and updated.

The public hearing was opened.

No one appearing to speak, the public hearing was closed.

Mayor Shawver thanked Mr. Fernando Zarate for his time, dedication, and services to the City.

Motion/Second: Warren/Van

Motion unanimously carried by the following vote:

AYES: 5 (Ramirez, Shawver, Taylor, Van, and Warren)

NOES: None

ABSTAIN: None

ABSENT: None

1. The City Council conducted a public hearing; and
2. Declared that the project is not subject to CEQA in accordance with Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
3. Introduced Ordinance No. 1094, entitled:

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“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING DIVISION I OF TITLE 16 OF THE STANTON MUNICIPAL CODE PERTAINING TO THE ADOPTION OF THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, CONSISTING OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA FIRE CODE, THE CALIFORNIA ADMINISTRATIVE CODE, THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE CALIFORNIA EXISTING BUILDING CODE, THE CALIFORNIA ENERGY CODE, THE CALIFORNIA HISTORICAL BUILDING CODE, AND THE CALIFORNIA REFERENCED STANDARDS CODE; THE INTERNATIONAL SWIMMING POOL AND SPA CODE; AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH AMENDMENTS THERETO, AND MAKING FINDINGS IN SUPPORT THEREOF”; and

4. Set said ordinance for adoption at the November 12, 2019 regularly scheduled City Council meeting.

8. **UNFINISHED BUSINESS** None.

9. **NEW BUSINESS** None.

10. **ORAL COMMUNICATIONS – PUBLIC** None.

11. **WRITTEN COMMUNICATIONS** None.

12. **MAYOR/CHAIRMAN/COUNCIL/AGENCY/AUTHORITY INITIATED BUSINESS**

12A. **COMMITTEE REPORTS/COUNCIL/AGENCY/AUTHORITY ANNOUNCEMENTS**

- Mayor Pro Tem Ramirez requested that a motor officer patrol the area near a stop sign on Lola Avenue, Stanton.
- Council Member Warren reported on her attendance at St. Polycarp School's Diamond Jubilee celebration which was held on October 18, 2019.
- Council Member Van reported on her attendance at the League of California Cities 2019 Annual Conference & Expo which was held on October 16 – 18, 2019 at the Long Beach Convention Center.
- Mayor Shawver reported on the upcoming Orange County Sanitation Districts, State of the Sanitation District meeting which is scheduled to be held on October 25, 2019.

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- Mayor Pro Tem Ramirez reported on a meeting held with the current owner of the Sam's Club property in which they discussed the City's vision for specified site.
- Ms. Zenia Bobadilla, Community Services Manager reported on the upcoming Halloween Festival, which is scheduled to be held on October 26, 2019 at Stanton Central Park.

12B. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE COUNCIL MEETING

None.

12C. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE STUDY SESSION

None.

12D. CITY COUNCIL INITIATED ITEM — DISCUSSION REGARDING TRAFFIC STUDY ON AND/OR NEAR KATELLA AVENUE AND BRADFORD PLACE

At the October 8, 2019 City Council meeting, Mayor Pro Tem Ramirez requested that this item be agendaized for discussion.

Presentation by Mayor Pro Tem Ramirez.

Presentation by Mr. Allan Rigg, Public Works Director / City Engineer.

The City Council requested that staff provide the traffic study and findings to the City Council as well as post the traffic study and findings to the City's website.

13. ITEMS FROM CITY ATTORNEY/AGENCY COUNSEL/AUTHORITY COUNSEL

None.

14. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

14A. ORANGE COUNTY SHERIFF'S DEPARTMENT

At this time the Orange County Sheriff's Department will provide the City Council with an update on their current operations.

- Lieutenant Nate L. Wilson provided the City Council with an update on their current operations.

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The City Council presented Fire Division Chief Shane Sherwood with a certificate of recognition and wished him the best of luck on his new post assignment.

Fire Division Chief Shane Sherwood introduced to the City Council newly appointed Stanton Fire Division Chief Jeff Hoey to the City Council and staff.

Fire Division Chief Jeff Hoey provided the City Council with a brief introduction about himself.

Mayor Shawver introduced to the City Council Orange County Fire Authority Fire Safety Engineer Robert Distaso and Assistant Fire Marshal Eric Elmer.

Fire Authority Fire Safety Engineer Robert Distaso and Assistant Fire Marshal Eric Elmer provided the City Council with a brief introduction about themselves.

15. **ADJOURNMENT** in honor and memory of Mr. Edward D. Royce, Sr.
Motion/Second: Shawver/
Motion carried at 7:21 p.m.

MAYOR/CHAIRMAN

ATTEST:

CITY CLERK/SECRETARY

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 12, 2019

**SUBJECT: CERTIFICATE OF COMPLETION FOR THE STANTON PLAZA
COMMERCIAL BUILDING LOCATED AT 11382 BEACH BOULEVARD**

REPORT IN BRIEF:

The attached Certificate of Completion for the commercial building located in Stanton Plaza is being presented to the City Council for review and approval.

RECOMMENDED ACTION:

1. Declare that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.; and
2. Adopt Resolution No. 2019-49 approving the Certificate of Completion for Stanton Plaza.

BACKGROUND:

In 2015, the City Council selected the developer, Frontier Real Estate Investments ("Developer"), to purchase and construct the commercial component of Stanton Plaza which was owned by the former City of Stanton Redevelopment Agency ("City"). As required by the purchase and sales agreement between the City and the Developer, an Agreement Affecting Real Property ("Agreement") was entered into between the City and the Developer on February 23, 2017. On November 16, 2016, the Planning Commission approved their request to construct the 6,000 square foot commercial building as part of the commercial component of Stanton Plaza which consists of the commercial building, a quick serve restaurant with a drive-through, and a service station with a convenience store and a car wash;

ANALYSIS/JUSTIFICATION:

The project began construction in 2017 and is now complete. As part of the Agreement between the City and the Developer, a Certificate of Completion is required to be obtained by the Developer from the City. The construction of commercial building has been completed in conformance with the approved project plans and has been accepted by City staff. The Developer is now requesting that the City issue a Certificate of Completion.

FISCAL IMPACT:

No fiscal impact.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the CEQA, this project has been determined to be exempt under Section 15061(b)(3).

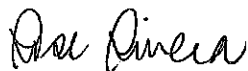
PUBLIC NOTIFICATION:

Through the regular agenda posting process.

STRATEGIC PLAN:

6 – Maintain and Promote a Responsive, High Quality and Transparent Government

Prepared by:



Rose Rivera
Senior Planner

Reviewed by:



Amy Stonich, AICP
Contract City Planner

Approved by:



Jared L. Hildenbrand
City Manager

ATTACHMENTS:

- A. Resolution No. 2019-49
- B. Agreement Affecting Real Property dated February 23, 2017

RESOLUTION NO. 2010-49

A RESOLUTION OF CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, APPROVING CERTIFICATE OF COMPLETION FOR THE STANTON PLAZA COMMERCIAL BUILDING LOCATED AT 11382 BEACH BOULEVARD

WHEREAS, In 2015, the City Council selected the developer, Frontier Real Estate Investments ("Developer"), to purchase and construct the commercial component of Stanton Plaza which was owned by the former City of Stanton Redevelopment Agency ("City");

WHEREAS, As required by the purchase and sales agreement between the City and the Developer, an Agreement Affecting Real Property ("Agreement") was entered into between the City and the Developer on February 23, 2017;

WHEREAS, The Agreement included a condition which required a Certificate of Completion ("Certificate") to be executed upon completion of the project;

WHEREAS, On November 16, 2016, the Planning Commission approved the Developer's request to construct the 6,000 square foot commercial building as part of the commercial component of Stanton Plaza which consists of the commercial building, a quick serve restaurant with a drive-through, and a service station with a convenience store and a car wash;

WHEREAS, The construction of the commercial building has been completed in conformance with the approved project plans and has been accepted by City staff; and

WHEREAS, The Developer is now requesting that the City issue a Certificate of Completion.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. CEQA Compliance. The City Council finds that this project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Clerk shall be the custodian of record for the documentation supporting this action.

Section 3. Approval of the Certificate of Completion. The City Council hereby approves Certificate of Completion attached to this Resolution as Exhibit "A" and subject to minor modifications as approved by the City Manager and City Attorney, and authorizes the Mayor, acting on behalf of the City, to sign the Agreement.

Section 4. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 12th day of November, 2019 by the following vote, to wit:

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Resolution No. 2019-49 was duly passed and adopted at a regular meeting of the Stanton City Council on the 12th day of November, 2019 by the following vote, to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

EXHIBIT A

CERTIFICATE OF COMPLETION

(BEACH AND ORANGEWOOD)

[Attached behind this cover page]

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Beach and Oranewood LLC
23727 Hawthorne Boulevard, Suite 1
Torrance, CA 90505
Attn: Robert M. Jonas

(Space above for Recorder's Use Only)

CERTIFICATE OF COMPLETION
(Beach and Oranewood)

We, David J. Shawver, Mayor, and Jarad L. Hildenbrand, City Manager, of the City of Stanton ("City") certify that:

By its Resolution No. 2019-49, adopted and approved on November 12, 2019, the City resolved:

Section 1. The commercial building located at 11382 Beach Boulevard, Stanton, California 90680 (the "Building") required to be constructed in accordance with that certain Agreement Affecting Real Property (Beach and Oranewood) (the "Agreement") dated as of February 23, 2017, by and between the City and Beach and Oranewood LLC, a California limited liability company ("Developer"), as amended, on that certain real property specifically described in the legal description(s) attached to this Certificate of Completion as Exhibit "A" (the "Property"), is complete in accordance with the provisions of the Agreement.

Section 2. This Certificate of Completion constitutes conclusive evidence of City's determination of Developer's satisfaction of its obligation under the Agreement to construct and install the Building on the Property, together with any and all buildings, parking areas, landscaping areas and related improvements necessary to support or meet any requirements applicable to the Building and its use and occupancy on the Property, whether or not such improvements are located on the Property or on other property subject to the Agreement, excluding any normal and customary tenant improvements and minor building "punch-list" items. Notwithstanding any provision of this Certificate of Completion, the City may enforce any covenant surviving this Certificate of Completion in accordance with the terms and conditions of the Agreement. The Agreement is an official record of the City and a copy of the Agreement may be inspected at the City of Stanton's offices located at 7800 Katella Avenue, Stanton, California, during the regular business hours of the City.

[signature page follows]

DATED AND ISSUED this 12th day of November, 2019.

David J. Shawver, Mayor

Jarad L. Hildenbrand, City Manager

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF _____)

On _____, 2019, before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

**EXHIBIT 1
TO
CERTIFICATE OF COMPLETION**

Legal Description of Property

The land situated in the City of Stanton, County of Orange, State of California, described as follows:

PARCEL A:

LETTERED LOT "H" OF TRACT NO. 17118, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 895, PAGES 35 THROUGH 41, INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND AMENDED BY CERTIFICATE OF CORRECTION RECORDED JULY 02, 2008 AS INSTRUMENT NO. 2008-317346 OF OFFICIAL RECORDS.

PARCEL B:

PARCEL 1 AND PARCEL 2 AS SHOWN ON CITY OF STANTON LOT LINE ADJUSTMENT NO. 17-01 RECORDED SEPTEMBER 14, 2017 AS INSTRUMENT NO. 2017000391578 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

ORIGINAL

**AGREEMENT AFFECTING REAL PROPERTY
(Beach and Oranewood)**

by and between the

**THE CITY OF STANTON,
a public body, corporate and politic**

and

**BEACH AND ORANGEWOOD LLC,
a California limited liability company**

February 23, 2017

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**AGREEMENT AFFECTING REAL PROPERTY
(Beach and Oranewood)**

This AGREEMENT AFFECTING REAL PROPERTY (Beach and Oranewood) ("**Agreement**") is dated as of February 23, 2017, for reference purposes only, and is entered into by and between the CITY OF STANTON, a public body, corporate and politic ("**City**"), and BEACH AND ORANGEWOOD LLC, a California limited liability company ("**Developer**"). City and Developer enter into this Agreement with reference to the following recitals of fact (each, a "**Recital**"):

RECITALS

A. The City of Stanton Redevelopment Agency ("**RDA**") purchased approximately 2.892 acres of that certain real property generally located at the northeast corner of Beach Boulevard and Oranewood Avenue in the City of Stanton, California consisting of eleven (11) contiguous and adjacent parcels (APNs 131-691-49, 131-691-50, 131-691-51, 131-691-58, 131-691-59, 131-691-60, 131-691-61, 131-691-62, 131-691-63, 131-691-64, and 131-691-65) ("**Property**"), as more particularly defined in Section 1.1.60 of this Agreement.

B. Assembly Bill 1X 26, enacted as part of the 2011-2012 State of California budget bill, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 dissolved and set out procedures for the wind-down of all redevelopment agencies throughout the State effective February 1, 2012, and in June 2012, the California Legislature adopted Assembly Bill 1484 (Assembly Bill 1X 26 and Assembly Bill 1484 are collectively referred to herein as the "**Dissolution Act**") further modifying some of the procedures set forth in Assembly Bill 1X 26, and adding certain other procedures and requirements for the dissolution and wind-down of redevelopment agencies.

C. The Successor Agency to the Stanton Redevelopment Agency ("**Agency**") is the successor entity to the RDA and, pursuant to the Dissolution Act, upon the RDA's dissolution the Property automatically transferred to the Agency.

D. Pursuant to Health and Safety Code section 34177(e), the Agency is responsible for disposing of the assets and properties of the former RDA, as directed by the Oversight Board to the Agency, expeditiously and in a manner aimed at maximizing value.

E. Agency and Developer (as successor-in-interest to Frontier Real Estate Investments LLC, a California limited liability company) are the current parties in interest to that certain Purchase and Sale Agreement (Beach and Oranewood) dated October 29, 2015, as amended by that certain First Amendment to Purchase and Sale Agreement (Beach and Oranewood) dated February 23, 2017 (as so amended, "**Purchase and Sale Agreement**"), for the sale of the Property to Developer. To ensure that the Property is disposed of expeditiously and in a manner aimed at maximizing value, it is a condition precedent to the Close of Escrow (as defined in the Purchase and Sale Agreement) that Developer and the City enter into this Agreement in connection with Developer's development of the Project, as defined in Section 1.1.57 of this Agreement as the "**Project**."

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION AND THE PROMISES AND COVENANTS OF CITY AND DEVELOPER SET FORTH IN THIS AGREEMENT, CITY AND DEVELOPER AGREE, AS FOLLOWS:

TERMS AND CONDITIONS

1. DEFINITIONS

1.1 **Definitions.** The following words, terms and phrases are used in this Agreement with the following meanings, unless the particular context or usage of a word, term or phrase requires another interpretation:

1.1.1 **Affiliate.** Any other Person, directly or indirectly, Controlling or Controlled by or under common Control with the specified Person.

1.1.2 **Agency.** The Successor Agency to the Redevelopment Agency for the City of Stanton, a public body, corporate and politic.

1.1.3 **Agreement.** This Agreement Affecting Real Property (Beach and Orangewood) by and between City and Developer, including all of the exhibits attached to this Agreement.

1.1.4 **Application.** Any agreement, application, certificate, document or submission (or amendment of any of the foregoing): (a) necessary or appropriate for the Project, including any application for any building permit, Certificate of Completion, utility service or hookup, easement, covenant, condition, restriction, subdivision or such other instrument as Developer may reasonably request for the Project; or (b) to enable Developer to seek any Approval or to use and operate the Project in accordance with this Agreement.

1.1.5 **Approval.** Any license, permit, approval, consent, certificate, ruling, variance, authorization, conditional use permit, or amendment to any of the foregoing, as shall be necessary or appropriate under any Law to commence, perform or complete the construction of the Project on the Property, including any associated CEQA Document.

1.1.6 **Automobile Liability Insurance.** Insurance coverage against claims of personal injury (including bodily injury and death) and property damage covering all owned, hired and non-owned vehicles used by Developer regarding the Project, with minimum limits for bodily injury and property damage of One Million Dollars (\$1,000,000). Such insurance shall be provided by a business or commercial vehicle policy and may be provided through a combination of primary and excess or umbrella policies, all of which shall be subject to pre-approval by City, which approval shall not be unreasonably withheld.

1.1.7 **Bankruptcy Proceeding.** Any proceeding, whether voluntary or involuntary, under Title 11, United States Code, and any other or successor State or Federal statute relating to assignment for the benefit of creditors, appointment of a receiver or trustee, bankruptcy, composition, insolvency, moratorium, reorganization, or similar matters.

1.1.8 **Builder's Risk Insurance.** Builder's risk or course of construction insurance covering all risks of loss, less policy exclusions, on a completed value (non-reporting) basis, in an amount sufficient to prevent co-insurance, but in any event not less than one hundred percent (100%) of the completed value of the subject construction, including cost of debris removal, but excluding foundation and excavations. Such insurance shall also: (a) grant permission to occupy; and (b) cover, for replacement cost, all materials on or about any offsite storage location intended for use in, or in connection with, the Property.

1.1.9 **Business Day.** Any weekday on which City is open to conduct regular business functions with City personnel.

1.1.10 **CEQA.** The California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*

1.1.11 **CEQA Documents.** Any exemption determination, any Negative Declaration (mitigated or otherwise) or any Environmental Impact Report (including any addendum or amendment to, or subsequent or supplemental Environmental Impact Report) required or permitted by any Government, pursuant to CEQA, to issue any Approvals for the Project.

1.1.12 **Certificate of Completion.** With respect to each Parcel, the written certification of City that the portion of the Project to be completed on such Parcel is complete and in compliance with the terms and conditions of this Agreement, in substantially the form of Exhibit E attached to this Agreement.

1.1.13 **City.** The City of Stanton, a California municipal corporation.

1.1.14 **City Parties.** Collectively, City and the officials, officers, employees, agents and volunteers of City.

1.1.15 **Claim.** Any claim, loss, cost, damage, expense, liability, lien, action, cause of action (whether in tort, contract, under statute, at law, in equity or otherwise), charge, award, assessment, fine or penalty of any kind (including consultant and expert fees and expenses and investigation costs of whatever kind or nature, and if an Indemnitor improperly fails to provide a defense for an Indemnitee, then Legal Costs) and any judgment.

1.1.16 **Control.** Possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person, whether by ownership of Equity Interests, by contract or otherwise.

1.1.17 **County.** The County of Orange, California.

1.1.18 **Default.** A Monetary Default or Non-Monetary Default.

1.1.19 **Default Interest.** Interest at an annual rate equal to the lesser of: (a) eight percent (8%) per annum; or (b) the highest rate of interest, if any, that Law allows under the circumstances.

1.1.20 **Developer.** Beach and Oranewood LLC, a California limited liability company, and any successors or assigns of Beach and Oranewood LLC, permitted under the terms and conditions of this Agreement.

1.1.21 **Developer Parties.** Collectively, Developer and the directors, officers, employees, agents, shareholders, members, managers and partners of Developer.

1.1.22 **Effective Date.** The first date on which all of the following have occurred: (a) City has received three (3) counterpart originals of this Agreement signed by the authorized representative(s) of Developer; (b) City has received a certified copy of Developer Official Action signed by the authorized representative(s) of Developer; (c) this Agreement is approved by the governing body of City; (d) this Agreement is signed by the authorized representative(s) of City and a signed original of this Agreement is delivered by City to Developer; and (e) the Oversight Board to the Successor Agency to the Stanton Redevelopment Agency has approved the Purchase and Sale Agreement. City shall send Notice of the Effective Date to Developer within seven (7) calendar days following the Effective Date. Developer shall sign and return a copy of such Notice to City within seven (7) calendar days after receipt of such Notice.

1.1.23 **Environmental Claim.** Any and all claims, demands, damages, losses, liabilities, obligations, penalties, fines, actions, causes of action, judgments, suits, proceedings, costs, disbursements and expenses, including Legal Costs and fees and costs of environmental consultants and other experts, and all foreseeable and unforeseeable damages or costs of any kind or of any nature whatsoever, directly or indirectly, relating to or arising from any actual or alleged violation of any Environmental Laws or Hazardous Material Discharge.

1.1.24 **Environmental Laws.** All Federal, State, local, or municipal laws, rules, orders, regulations, statutes, ordinances, codes, decrees, or requirements of any government authority regulating, relating to, or imposing liability or standards of conduct concerning any Hazardous Material (as later defined), or pertaining to occupational health or industrial hygiene (and only to the extent that the occupational health or industrial hygiene laws, ordinances, or regulations relate to hazardous substances on, under, or about the Property), occupational or environmental conditions on, under, or about the Property, as now or may at any later time be in effect, including the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA") [42 USC Section 9601 et seq.]; the Resource Conservation and Recovery Act of 1976 ("RCRA") [42 USC Section 6901 et seq.]; the Clean Water Act, also known as the Federal Water Pollution Control Act ("FWPCA") [33 USC Section 1251 et seq.]; the Toxic Substances Control Act ("TSCA") [15 USC Section 2601 et seq.]; the Hazardous Materials Transportation Act ("HMTA") [49 USC Section 1801 et seq.]; the Insecticide, Fungicide, Rodenticide Act [7 USC Section 6901 et seq.]; the Clean Air Act [42 USC Section 7401 et seq.]; the Safe Drinking Water Act [42 USC Section 300f et seq.]; the Solid Waste Disposal Act [42 USC Section 6901 et seq.]; the Surface Mining Control and Reclamation Act [30 USC Section 101 et seq.]; the Emergency Planning and Community Right to Know Act [42 USC Section 11001 et seq.]; the Occupational Safety and Health Act [29 USC Section 655 and 657]; the California Underground Storage of Hazardous Substances Act [California Health & Safety Code Section 25288 et seq.]; the California Hazardous Substances Account Act [California Health

& Safety Code Section 25300 et seq.]; the California Safe Drinking Water and Toxic Enforcement Act [California Health & Safety Code Section 24249.5 et seq.]; the Porter-Cologne Water Quality Act [California Water Code Section 13000 et seq.]; together with any amendments of or regulations promulgated under the statutes cited above or any other Federal, State, or local law, statute, ordinance, or regulation now in effect or later enacted that pertains to occupational health or industrial hygiene (to the extent the occupational health or industrial hygiene laws, ordinances, or regulations relate to Hazardous Materials on, under, or about the Property) or the regulation or protection of the environment, including ambient air, soil, soil vapor, groundwater, surface water, or land use.

1.1.25 Equity Interest. All or any part of any direct equity or ownership interest(s) (whether stock, partnership interest, beneficial interest in a trust, membership interest in a limited liability company, or other interest of an ownership or equity nature) in any entity, at any tier of ownership, that directly owns or holds any ownership or equity interest in a Person.

1.1.26 Event of Default. The occurrence of any one or more of the following:

(a) *Monetary Default.* A Monetary Default that continues for seven (7) calendar days after Notice from the non-defaulting Party, specifying in reasonable detail the amount of money not paid and the nature and calculation of each such payment;

(b) *Bankruptcy or Insolvency.* Developer admits in writing that Developer is unable to pay its debts as they become due or becomes subject to any Bankruptcy Proceeding (except an involuntary Bankruptcy Proceeding dismissed within ninety (90) calendar days after commencement), or a custodian or trustee is appointed to take possession of, or an attachment, execution or other judicial seizure is made with respect to, substantially all of Developer's assets or Developer's interest in this Agreement, the Property or the Project (unless such appointment, attachment, execution, or other seizure was involuntary, and is contested with diligence and continuity and vacated and discharged within ninety (90) calendar days);

(c) *Transfer.* The occurrence of a Transfer, whether voluntarily or involuntarily or by operation of Law, in violation of the terms and conditions of this Agreement; or

(d) *Non-Monetary Default.* Any Non-Monetary Default other than those specifically addressed in Section 1.1.26(b) or Section 1.1.26(b) that is not cured within thirty (30) calendar days after Notice to the Party alleged to be in Default describing the Non-Monetary Default in reasonable detail, or, in the case of a Non-Monetary Default that cannot with reasonable diligence be cured within thirty (30) calendar days after the effective date of such Notice, if the Party alleged to be in Default does not do all of the following: (a) within thirty (30) calendar days after the initial Notice of such Non-Monetary Default, advise the other Party of the intention of the Party alleged to be in Default to take all reasonable steps to cure such Non-Monetary Default; (b) duly commence such cure within such period; and (c) diligently prosecute such cure to completion within a reasonable time under the circumstances.

1.1.27 **Federal.** The federal government of the United States of America.

1.1.28 **Fuel Station Parcel.** The Parcel shown on the Site Plan as containing the "Convenience Store" and "Car Wash".

1.1.29 **Government.** Any and all courts, boards, agencies, commissions, offices, or authorities of any nature whatsoever for any governmental unit (Federal, State, County, district, municipal, City, Agency or otherwise) whether now or later in existence.

1.1.30 **Hazardous Material.** Any flammable substances, explosives, radioactive materials, asbestos, asbestos-containing materials, polychlorinated biphenyls, chemicals known to cause cancer or reproductive toxicity, pollutants, contaminants, hazardous wastes, medical wastes, toxic substances or related materials, explosives, petroleum, petroleum products and any "hazardous" or "toxic" material, substance or waste that is defined by those or similar terms or is regulated as such under any Law, including any material, substance or waste that is: (a) defined as a "hazardous substance" under Section 311 of the Water Pollution Control Act (33 U.S.C. § 1317), as amended; (b) designated as "hazardous substances" pursuant to 33 U.S.C. § 1321; (c) defined as a "hazardous waste" under Section 1004 of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq., as amended; (d) defined as a "hazardous substance" or "hazardous waste" under Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq., or any so-called "superfund" or "superlien" law; (e) defined as a "pollutant" or "contaminant" under 42 U.S.C. § 9601(33); (f) defined as "hazardous waste" under 40 C.F.R. Part 260; (g) defined as a "hazardous chemical" under 29 C.F.R. Part 1910; (h) any matter within the definition of "hazardous substance" set forth in 15 U.S.C. § 1262; (i) any matter, waste or substance regulated under the Toxic Substances Control Act ("TSCA") [15 U.S.C. Sections 2601 et seq.]; (j) any matter, waste or substance regulated under the Hazardous Materials Transportation Act, 49 U.S.C. Sections 1801 et seq.; (k) those substances listed in the United States Department of Transportation (DOT) Table [49 C.F.R. 172.101]; (l) any matter, waste or substances designated by the EPA, or any successor authority, as a hazardous substance [40 C.F.R. Part 302]; (m) any matter, waste or substances defined as "hazardous waste" in Section 25117 of the California Health and Safety Code; (n) any substance defined as a "hazardous substance" in Section 25316 of the California Health and Safety Code; (o) subject to any other Law regulating, relating to or imposing obligations, liability or standards of conduct concerning protection of human health, plant life, animal life, natural resources, property or the enjoyment of life or property free from the presence in the environment of any solid, liquid, gas, odor or any form of energy from whatever source; or (p) other substances, materials, or wastes that are, or become, regulated or classified as hazardous or toxic under Law or in the regulations adopted pursuant to said Law, including manure, asbestos, polychlorinated biphenyl, flammable explosives and radioactive material.

1.1.31 **Hazardous Material Discharge.** Any deposit, discharge, generation, release, or spill of a Hazardous Material that occurs at, on, under, into or from the Property, or during transportation of any Hazardous Material to or from the Property, or that arises at any time from the construction, installation, use or operation of the Project or

any activities conducted at, on, under or from the Property, whether or not caused by a Party.

1.1.32 Indemnify. Where this Agreement states that any Indemnitor shall "indemnify" any Indemnitee from, against, or for a particular Claim, that the Indemnitor shall indemnify the Indemnitee and defend and hold the Indemnitee harmless from and against such Claim (alleged or otherwise). "Indemnified" shall have the correlative meaning.

1.1.33 Indemnitee. Any Person entitled to be Indemnified under the terms of this Agreement.

1.1.34 Indemnitor. A Party that agrees to Indemnify any other Person under the terms of this Agreement.

1.1.35 Institutional Lender. Any of the following: (a) a bank (State or Federal), trust company (in its individual or trust capacity), insurance company, credit union, savings bank (State or Federal), pension, welfare or retirement fund or system, real estate investment trust (or an umbrella partnership or other entity of which a real estate investment trust is the majority owner), Federal or State agency regularly making or guaranteeing mortgage loans, investment bank or a Fortune 500 company; (b) any Person that is an Affiliate of or is a combination of any one or more of the Persons described in clause "(a)" of this Section 1.1.35; or (c) any other Person that regularly makes mortgage loans that is approved by the City (which approval shall not be unreasonably withheld, delayed or conditioned).

1.1.36 Insurance Documents. Insurance policies and endorsements evidencing all insurance coverage required to be obtained by Developer pursuant to Section 4.

1.1.37 Law. Every law, ordinance, requirement, order, proclamation, directive, rule, or regulation of any Government applicable to the Property or the Project, in any way, including any development, use, maintenance, taxation, operation, or occupancy of, or environmental conditions affecting the Property or the Project, or relating to any taxes, or otherwise relating to this Agreement or any Party's rights, obligations or remedies under this Agreement, or any Transfer of any of the foregoing, whether in force on the Effective Date or passed, enacted, modified, amended or imposed at some later time, subject in all cases, however, to any applicable waiver, variance, or exemption.

1.1.38 Legal Costs. In reference to any Person, all reasonable costs and expenses such Person incurs in any legal proceeding (or other matter for which such Person is entitled to be reimbursed for its Legal Costs), including reasonable attorneys' fees, court costs and expenses and consultant and expert witness fees and expenses.

1.1.39 Liability Insurance. Commercial general liability insurance against claims for bodily injury, personal injury, death, or property damage occurring upon, in, or about the Property, the Project or adjoining streets or passageways, at least as broad as Insurance Services Office Occurrence Form CG0001, with a minimum liability limit of Two Million Dollars (\$2,000,000) for any one occurrence and which may be provided through a

combination of primary and excess or umbrella insurance policies. If commercial general liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Property or the general aggregate limit shall be twice the required minimum liability limit for any one occurrence.

1.1.40 **Monetary Default.** Any failure by either Party to pay or deposit, when and as this Agreement requires, any amount of money, any bond or surety or evidence of any insurance coverage required to be provided under this Agreement, whether to or with a Party or a Third Person.

1.1.41 **New Tract Map.** A tract map in form and substance that is reasonably satisfactory to Developer that merges existing parcels, and subdivides the Property into Parcels in compliance with Subdivision Map Act and in a manner that is consistent with Developer's intended redevelopment of the Property and the Site Plan.

1.1.42 **Non-Monetary Default.** The occurrence of any of the following, except to the extent constituting a Monetary Default: (a) any failure of a Party to perform any of its obligations under this Agreement; (b) any failure of a Party to comply with any material restriction or prohibition in this Agreement; or (c) any other event or circumstance that, with passage of time or giving of Notice, or both, or neither, would constitute a breach of this Agreement by a Party.

1.1.43 **Notice.** Any consent, demand, designation, election, notice, or request relating to this Agreement, including any Notice of Default. All Notices must be in writing.

1.1.44 **Notice of Agreement.** A notice in substantially the form of Exhibit B attached to this Agreement, to be signed by both City and Developer and recorded against the Property at the Close of Escrow to provide constructive record notice of the existence and application of the City Agreement to the Property.

1.1.45 **Notice of Default.** Any Notice claiming or giving Notice of a Default or alleged Default.

1.1.46 **Notify.** To give a Notice.

1.1.47 **Parcel.** A legal parcel as shown as part of the Property on the New Tract Map.

1.1.48 **Parties.** Collectively, City and Developer.

1.1.49 **Party.** Individually, either City or Developer, as applicable.

1.1.50 **Permanent Loan.** Any loan from an Institutional Lender to Developer, Developer's successor(s) to any Transferred Parcel, and/or any lessee(s) under any Permitted Lease that will be used solely to pay-off Project Construction Financing, including the reasonable costs of obtaining the loan and any reasonable and customary fees or charges relating to the pay-off of any Project Construction Financing.

1.1.51 Permitted Encumbrance. Any or all of the following: (a) all items shown in the Preliminary Report (as defined in the Purchase and Sale Agreement), as exceptions to coverage under the proposed Developer Title Policy (as defined in the Purchase and Sale Agreement), that are approved by Developer pursuant to Section **Error! Reference source not found.** of the Purchase and Sale Agreement; (b) any lien for non-delinquent property taxes or assessments; (c) any Laws applicable to the Property; (d) this Agreement; (e) the covenants, conditions or powers in the deed to be recorded pursuant to the Purchase and Sale Agreement; (f) the Notice of Agreement; (g) any existing improvements on the Property; (h) a Permitted Security Instrument; (i) reasonable construction, utility, access or other easements or licenses, reciprocal easement agreements (including, without limitation, any reciprocal easement agreement or similar agreement entered into with Developer's successor(s) to any Transferred Parcel(s) and/or any lessee under any Permitted Lease), declarations of conditions, covenants and restrictions, memoranda of lease or similar agreements made or entered into in connection with the development or operation of the Project on the Property in accordance with this Agreement and the deed to be recorded pursuant to the Purchase and Sale Agreement; (j) any Permitted Lease; and (k) any other document or encumbrance expressly required or allowed to be recorded against the Property or the Project under the terms of this Agreement.

1.1.52 Permitted Lease. Any lease or ground lease entered into by Developer pursuant to which Developer leases (i) all or any portion of the QSR Parcel to any Person for the purpose of developing and/or operating a nationally recognized "fast food" or "quick service" restaurant that may include a drive thru, (ii) all or any portion of the Fuel Station Parcel to any Person for the purpose of developing and/or operating a nationally recognized fuel / service station that may include a convenience store and/or a car wash, (iii) all or any portion of the Shop Parcel to any Person for the purpose of developing and/or operating any restaurant, coffee shop, cellular and/or wireless store, bank or other financial institution (which may include ATMs), hair and/or nail salon, and/or medical, dental, optometrist and/or chiropractic offices, and/or (iv) all or any portion of any Parcel to any Person with the prior written consent of the City (which consent shall not be unreasonably withheld, delayed or conditioned).

1.1.53 Permitted Security Instrument. Any Security Interest: (a) that encumbers only the Property, a Parcel, or any interest in the Property or a Parcel; (b) a copy of which (recorded or unrecorded) is promptly after execution delivered to City, with a certification by the Institutional Lender that the copy is accurate and stating the Institutional Lender's name and notice address; (c) that is held by an Institutional Lender that is subject to the jurisdiction of the courts of the State, not immune from suit and cannot elect to be immune from suit; and (d) only secures: (i) the repayment of Project Construction Financing; (ii) a Permanent Loan; (iii) a delivery assurance fee regarding a Permanent Loan that is refundable at the close of a Permanent Loan; or (iv) any refinancing permitted under the terms and conditions of this Agreement.

1.1.54 Person. Any association, corporation, governmental entity or agency, individual, joint venture, joint-stock company, limited liability company, partnership, trust, unincorporated organization, or other entity of any kind.

1.1.55 **Prevailing Wage Action.** Any of the following: (a) any determination by the State Department of Industrial Relations that prevailing wage rates should have been paid, but were not; (b) any determination by the State Department of Industrial Relations that higher prevailing wage rates than those paid should have been paid; (c) any administrative or legal action or proceeding arising from any failure to comply with any of California Labor Code Sections 1720 through 1781, as amended from time to time, or any Federal Law regarding prevailing wages, including maintaining certified payroll records pursuant to California Labor Code Section 1776; or (d) any administrative or legal action or proceeding to recover wage amounts at law or in equity, including pursuant to California Labor Code Section 1781 or applicable Federal Law.

1.1.56 **Prohibited Encumbrance.** Any Security Instrument, mechanic's lien, easement or other encumbrance recorded or asserted against the Property or the Project that is not a Permitted Encumbrance.

1.1.57 **Project.** The planning, design, construction and initial occupancy by Developer of certain private, commercial improvements on the Property, including all required or associated on-site and off-site improvements, all hardscape and all landscaping, all as specifically described in the Scope of Development, and all to be developed in accordance with plans and specifications approved by City and any conditions imposed by City in its consideration of Developer's development application related to the Project.

1.1.58 **Project Completion Date.** The date of recordation of the last of the Certificates of Completion applicable to the Project.

1.1.59 **Project Construction Financing.** One (1) or more loans that Developer, Developer's successor(s) to any Transferred Parcel, and/or any lessee(s) under any Permitted Lease shall obtain from one or more Institutional Lenders, the proceeds of which are to be used and applied solely to pay the reasonable costs of obtaining such loan(s) and the costs of acquiring the Property, planning, designing and building the Project. Such loan(s) shall provide for normal and customary disbursement controls for the payment of construction costs as construction progresses and normal and customary fees and expenses for loan(s) of similar size and purpose.

1.1.60 **Property.** Approximately 2.892 acres of certain real property generally located at the northeast corner of Beach Boulevard and Orangewood Boulevard in the City of Stanton, California consisting of eleven (11) contiguous and adjacent parcels (APNs 131-691-49, 131-691-50, 131-691-51, 131-691-58, 131-691-59, 131-691-60, 131-691-61, 131-691-62, 131-691-63, 131-691-64, and 131-691-65), as more particularly described in Exhibit A attached to this Agreement.

1.1.61 **QSR Parcel.** The Parcel shown on the Site Plan as containing the "Drive Thru" restaurant.

1.1.62 **Schedule of Performance.** The schedule for the performance of certain actions by City or Developer pursuant to the terms and conditions of this Agreement, as set forth in Exhibit D attached to this Agreement.

1.1.63 **Scope of Development.** The detailed description of the primary elements of the Project, as set forth in Exhibit C attached to this Agreement.

1.1.64 **Security Instrument.** Any security instrument, deed of trust, security deed, contract for deed, deed to secure debt, or other voluntary real property (including leasehold) security instrument(s) or agreement(s) intended to grant real property (including leasehold) security for any obligation (including a purchase-money or other promissory note) encumbering the Property, as entered into, renewed, modified, consolidated, increased, decreased, amended, extended, restated, assigned (wholly or partially), collaterally assigned, or supplemented from time to time, unless and until completely paid, satisfied, and discharged of record.

1.1.65 **Shop Parcel.** The Parcel shown on the Site Plan as containing the "Retail / Restaurant" building.

1.1.66 **Site Plan.** The site plan attached to the Scope of Development, which the parties acknowledge may change from time to time subject to the mutual agreement of the parties.

1.1.67 **State.** The State of California.

1.1.68 **Third Person.** Any Person that is not a Party, an Affiliate of a Party or an elected official, officer, director, manager, shareholder, member, principal, partner, employee or agent of a Party.

1.1.69 **Transfer.** Regarding the Property or each and every right or obligation of Developer under this Agreement, any of the following, whether by operation of Law or otherwise, whether voluntary or involuntary, and whether direct or indirect: (a) any assignment, conveyance, grant, hypothecation, mortgage, pledge, sale, or other transfer, whether direct or indirect, of all or any part of the Property or any or all of Developer's rights or obligations under this Agreement, or of any legal, beneficial, or equitable interest or estate in all or any part of the Property or any or all of Developer's rights or obligations under this Agreement (including the grant of any easement, lien, or other encumbrance); (b) any conversion, exchange, issuance, modification, reallocation, sale or other transfer of any Equity Interest(s) in the owner of all or any part of the Property or any or all of Developer's rights or obligations under this Agreement by the holders of such Equity Interest(s); (c) any conversion, exchange, issuance, modification, reallocation, sale, or other transfer of any Equity Interest(s) in any Person or combination of Persons owning fifty percent (50%) or more of the Equity Interests in Developer or otherwise in Control of Developer by the holders of such Equity Interest(s) (any such transactions occurring within twenty-four (24) months of each other shall be aggregated for the purpose of determining whether or not a Transfer has occurred pursuant to this clause); or (d) any transaction that is in substance equivalent to any of the foregoing. A transaction affecting Equity Interests, as referred to in clauses "(b)" through "(c)" of this Section 1.1.69, shall be deemed a Transfer by Developer even though Developer is not technically the transferor. For all purposes under this Agreement (including, without limitation, Section 8.18), a "Transfer" shall not, however, include any of the following (provided that the other Party has received thirty (30) calendar days prior Notice of such occurrence) relating to all or any portion of the Property, any or all

of the rights or obligations of Developer under this Agreement or any Equity Interest: (i) a mere change in form of ownership with no material change in beneficial ownership and constitutes a tax-free transaction under Federal income tax law and the State real estate transfer tax; (ii) a conveyance only to member(s) of the immediate family(ies) of the transferor(s) or trusts for their benefit; (iii) the assignment of the rights and obligations of Developer under this Agreement to a single purpose entity under common control with Developer; (iv) any transfer of a Parcel pursuant to Section 2.10 and any assignment and/or assumption of Developer's rights and obligations under this Agreement to the extent applicable to any Transferred Parcel, as contemplated in Section 2.10; or (v) any Permitted Lease.

1.1.70 Unavoidable Delay. A delay in either Party performing any obligation under this Agreement arising from or on account of any cause whatsoever beyond the Party's reasonable control, including strikes, labor troubles or other union activities, casualty, war, acts of terrorism, riots, litigation, governmental action or inaction, regional natural disasters, or inability to obtain materials. Unavoidable Delay shall not include delay caused by a Party's financial condition or insolvency.

1.1.71 Waiver of Subrogation. A provision in, or endorsement to, any insurance policy, by which the carrier agrees to waive rights of recovery by way of subrogation against either Party to this Agreement for any loss such policy covers.

1.1.72 Worker's Compensation Insurance. Worker's compensation insurance complying with the provisions of State law and an employer's liability insurance policy or endorsement to a liability insurance policy, with a minimum liability limit of One Million Dollars (\$1,000,000) per accident for bodily injury or disease, covering all employees of Developer.

2. PROJECT DEVELOPMENT

2.1 Developer Project Processing Deposit. Within seven (7) calendar days of receipt of the Notice of the Effective Date, Developer shall pay to the City a deposit in the amount of Twenty Thousand Dollars (\$20,000) in immediately available funds to defray certain project specific costs of the City in pursuing the contemplated Project. At such time as there is Five Thousand Dollars (\$5,000) or less remaining in such deposit, Developer shall deposit an additional Twenty Thousand Dollars (\$20,000) in immediately available funds with the City within five (5) calendar days written notification from the City of the need for additional funds (all payments made by Developer to the City pursuant to this Section 2.1, collectively, the "Initial Deposit"). In no event shall Developer be required to deposit or otherwise pay more than Forty Thousand Dollars (\$40,000) in the aggregate pursuant to this Section 2.1. The City shall refund to Developer any unused portion of the Initial Deposit promptly upon the earlier of (i) the Close of Escrow or (ii) any termination of this Agreement prior to the Close of Escrow; provided, however, that the City shall refund to Developer the entirety of the Initial Deposit (whether or not drawn upon by the City) promptly upon any termination of this Agreement due to City's Default under this Agreement or Agency's Default (as defined in the Purchase and Sale Agreement) under the Purchase and Sale Agreement.

2.2 Developer Covenant to Undertake Each Phase of Project. Developer covenants to and for the exclusive benefit of City that Developer shall commence and complete the development of the Project within the time periods set forth in the Schedule of Performance. Developer covenants and agrees to complete the Project in conformity with the terms and conditions of this Agreement, the Scope of Development, the Schedule of Performance, any and all Approvals required by this Agreement, except for such changes as may be mutually agreed upon in writing by and between Developer and City, and all applicable Laws of each Government with jurisdiction over Property or the Project. The covenants of this Section 2.1 shall run with the land with respect to each Parcel, until the earlier of the date of recordation of the Certificate of Completion applicable to the portion of the Project to be completed on such Parcel or the fifteenth (15th) anniversary of the Close of Escrow.

2.3 Developer Changes to Project During Course of Construction. Developer shall have the right during the course of construction of the Project to make "minor field changes," without seeking the approval of City, if such changes do not affect the type of use to be conducted within all or any portion of a structure. "Minor field changes" shall be defined as those changes from the approved construction drawings, plans and specifications that have no substantial effect on the Project and are made in order to expedite the work of construction in response to field conditions. Nothing contained in this Section 2.3 shall be deemed to constitute a waiver of or change in the Approvals governing any such "minor field changes" or in any approvals by any Government otherwise required for any such "minor field changes."

2.4 Construction Start and Completion of Project. Developer shall commence construction of the Project in accordance with the Schedule of Performance. Thereafter, Developer shall diligently proceed to pursue and complete the construction of the Project, in a good and workmanlike manner, in accordance with the Schedule of Performance, all Laws and Approvals applicable to the Project. Promptly upon completion of the portion of the Project to be completed on a Parcel, such portion of the Project may be inspected by each Government with jurisdiction over the Project, and Developer shall correct any defects and deficiencies that may be disclosed by any such inspection and shall cause to be duly issued all Approvals necessary for the operation and occupancy of such portion of the Project. Developer shall do and perform all of the foregoing acts and things and cause to be issued and executed all such Approvals on or before the Project Completion Date.

2.5 Compliance with Laws. All work performed in connection with the construction of the Project shall comply with all applicable Laws and Approvals.

2.6 Developer Attendance at City Meetings. Developer agrees to have one or more of its employees or consultants who are knowledgeable regarding this Agreement and the Project, such that such person(s) can meaningfully respond to City questions regarding the progress of the Project, attend meetings of the City governing body, when requested to do so by City staff.

2.7 City Right to Inspect Project and Property. Developer agrees that City shall have the right of reasonable access to the Property, without the payment of charges or fees, during normal construction hours, during the period of construction of the Project. Any and all City representatives who enter the Property shall at all times be accompanied by a representative of Developer, while on the Property. Developer shall make a representative of Developer available for this purpose at all times during normal construction hours, upon reasonable advance Notice

from City. City shall Indemnify Developer regarding Claims arising out of the exercise by City of the right of access to the Property provided in this Section 2.7, except to the extent that any such Claim arises from the negligence or willful misconduct of Developer Parties or Third Persons. Developer agrees that City shall have the further right, from time to time, at City's cost, to retain a consultant or consultants to inspect the Property or the Project and verify compliance by Developer with the provisions of this Agreement. Developer acknowledges and agrees that any such City inspections are for the sole purpose of protecting City's rights under this Agreement, are made solely for City's benefit, may be superficial and general in nature, are for the purposes of informing City of the progress of the Project and the conformity of the Project with the terms and conditions of this Agreement, and Developer shall not be entitled to rely on any such inspection(s) as constituting City's approval, satisfaction or acceptance of any materials, workmanship, conformity of the Project with this Agreement or otherwise. Developer agrees to make its own regular inspections of the work of construction of the Project to determine that the progress and quality of the Project and all other requirements of the work of construction of the Project are being performed in a manner satisfactory to Developer.

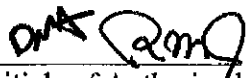
2.8 PREVAILING WAGES.

2.8.1 RESPONSIBILITY. DEVELOPER AGREES WITH CITY THAT DEVELOPER SHALL ASSUME ANY AND ALL RESPONSIBILITY AND BE SOLELY RESPONSIBLE FOR DETERMINING WHETHER OR NOT LABORERS EMPLOYED RELATIVE TO THE CONSTRUCTION OF THE PROJECT MUST BE PAID THE PREVAILING PER DIEM WAGE RATE FOR THEIR LABOR CLASSIFICATION, AS DETERMINED BY THE STATE, PURSUANT TO LABOR CODE SECTIONS 1720 ET SEQ., OR PURSUANT TO APPLICABLE FEDERAL LAW.

2.8.2 WAIVERS AND RELEASES. DEVELOPER, ON BEHALF OF ITSELF, ITS SUCCESSORS AND ASSIGNS, WAIVES AND RELEASES CITY FROM ANY RIGHT OF ACTION THAT MAY BE AVAILABLE TO ANY OF THEM PURSUANT TO STATE LABOR CODE SECTION 1781 OR OTHER STATE OR FEDERAL LAW REGARDING PAYMENT OF MINIMUM OR PREVAILING WAGE AMOUNTS. RELATIVE TO THE WAIVERS AND RELEASES CONTAINED IN THIS SECTION 2.8.2, DEVELOPER ACKNOWLEDGES THE PROTECTIONS OF CIVIL CODE SECTION 1542, WHICH READS AS FOLLOWS:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

2.8.3 INITIALS. BY INITIALING BELOW, DEVELOPER KNOWINGLY AND VOLUNTARILY WAIVES THE PROVISIONS OF SECTION 1542 SOLELY IN CONNECTION WITH THE WAIVERS AND RELEASES CONTAINED IN SECTION 2.8.2:


Initials of Authorized
Developer Representative



2.9 Certificates of Completion.

2.9.1 Following the completion of the portion of the Project to be completed on a Parcel, excluding any normal and minor building "punch-list" items to be completed by Developer, and upon written request from Developer for issuance of a Certificate of Completion, City shall inspect such portion of the Project to determine whether the Project has been completed in compliance with this Agreement. If City determines that such portion of the Project is complete and in compliance with this Agreement, City shall furnish Developer with a Certificate of Completion for such portion of the Project. If City determines that such portion of the Project is not in compliance with this Agreement, City shall send Notice of each non-conformity to Developer, pursuant to Section 2.9.3.

2.9.2 City shall not unreasonably withhold the issuance of a Certificate of Completion. A Certificate of Completion shall be evidence of City's conclusive determination of satisfactory completion of a portion of the Project pursuant to the terms of this Agreement. After the recordation of a Certificate of Completion, any person then owning or thereafter purchasing, leasing or otherwise acquiring any interest in the Property or any Parcel shall not (because of such ownership, purchase, lease or acquisition) incur any obligation or liability under this Agreement regarding construction or installation of the portion(s) of the Project to which such Certificate of Completion relates, except that such person shall be bound by any reservations, covenants, conditions, restrictions and other interests recorded against the Property pursuant to this Agreement.

2.9.3 If City fails or refuses to issue a Certificate of Completion for a portion of the Project after written request from Developer, City shall, within fifteen (15) calendar days of Developer's written request or within three (3) calendar days after the next regular meeting of City governing body, whichever date occurs later, provide Developer with a written statement setting forth the reasons for City's failure or refusal to issue a Certificate of Completion. The statement shall also contain City's opinion of the action(s) Developer must take to obtain a Certificate of Completion from City. If the reason for such refusal is confined to the immediate unavailability of specific items or materials for construction or landscaping at a price reasonably acceptable to Developer or other minor building "punch-list" items, City may issue its Certificate of Completion upon the posting of a bond or irrevocable standby letter of credit by Developer in a form reasonably acceptable to City in an amount representing the fair value of the work remaining to be completed, as reasonably determined by City. If City fails to provide such written statement, within the specified time period, Developer shall be deemed conclusively and without further action of City to have satisfied the requirements of this Agreement with respect to the applicable portion(s) of the Project as if a Certificate of Completion had been issued by City pursuant to this Agreement.

2.9.4 A Certificate of Completion shall not be deemed to constitute a Notice of Completion under Section 3093 of the California Civil Code, nor shall it act to terminate the continuing covenants, restrictions or conditions contained in the City Deed or any other instruments recorded against the Property pursuant to this Agreement. A

Certificate of Completion is not evidence of the compliance of any portion of the Project with any Laws of a Government with jurisdiction over the Property, other than City.

2.10 Transfer of Parcels. Upon receipt of the consent of the City (which consent shall be deemed granted in accordance with the last sentence of this Section 2.10 and shall not otherwise be unreasonably withheld, delayed or conditioned), Developer shall have the right to transfer the QSR Parcel and/or the Fuel Station Parcel, either separately or together, to any Person or Persons (any such Parcel that is transferred by Developer, a "Transferred Parcel"); provided, however, that each Transferred Parcel shall remain subject to the Project development deadlines set forth in the Schedule of Performance. Developer and Developer's successor(s) to any Transferred Parcel agree that Sections 2, 3, 4, 5, 7, and 8 of this Agreement shall continue to apply to such Transferred Parcel subsequent to its transfer, and that the Developer and Developer's successor(s) to a Transferred Parcel shall execute a partial assignment and assumption agreement of this Agreement prior to transfer of ownership of such Transferred Parcel pursuant to which Developer shall transfer to Developer's successor(s) to such Transferred Parcel Developer's rights and obligations under this Agreement to the extent applicable to such Transferred Parcel. Any breach of this Section 2.10 shall be deemed a Non-Monetary Default of this Agreement. City acknowledges and agrees that, effective immediately upon Developer's transfer of a Transferred Parcel in accordance with this Section 2.10, Developer shall be automatically, completely and forever released from any and all obligations and liabilities arising under or relating to this Agreement to the extent applicable to such Transferred Parcel. Notwithstanding anything herein to the contrary, the City hereby consents to (i) any transfer of the QSR Parcel to any Person for the purpose of developing and/or operating a nationally recognized "fast food" or "quick service" restaurant that may include a drive thru, and (ii) any transfer of the Fuel Station Parcel to any Person for the purpose of developing and/or operating a nationally recognized fuel / service station that may include a convenience store and/or a car wash.

3. SPECIAL COVENANTS OF DEVELOPER

3.1 Maintenance Condition of the Property. Developer for itself, its successors and assigns covenants and agrees that:

3.1.1 The areas of the Property that are subject to public view (including all existing and future improvements, paving, walkways, landscaping, exterior signage and ornamentation) shall be maintained in good repair and a neat, clean and orderly condition, ordinary wear and tear excepted. If, at any time within fifteen (15) years following the Close of Escrow, there is an occurrence of an adverse condition on any area of the Property that is subject to public view in contravention of the general maintenance standard described above (a "Maintenance Deficiency"), then City shall Notify Developer in writing of the Maintenance Deficiency. If Developer fails to cure or commence and diligently pursue to cure the Maintenance Deficiency within thirty (30) calendar days of its receipt of Notice of the Maintenance Deficiency, City may conduct a public hearing, following transmittal of Notice of the hearing to Developer, at least ten (10) calendar days prior to the scheduled date of such public hearing, to verify whether a Maintenance Deficiency exists and whether Developer has failed to comply with the provisions of this Section 3.1. If, upon the conclusion of the public hearing, City finds that a Maintenance Deficiency exists and that there appears to be non-compliance with the general maintenance standard described in this

Section 3.1.1, City shall have the right to enter the Property and perform all acts necessary to cure the Maintenance Deficiency, or to take any other action at law or in equity that may then be available to City to accomplish the abatement of the Maintenance Deficiency. Any sum expended by City for the abatement of a Maintenance Deficiency on the Property as authorized by this Section 3.1 shall become a lien on the Property until paid.

3.1.2 Graffiti, as this term is defined in Government Code Section 38772, that has been applied to any exterior surface of a structure or improvement on the Property that is visible from any public right-of-way adjacent or contiguous to the Property, shall be removed by Developer by either painting over the evidence of such vandalism with a paint that has been color-matched to the surface on which the paint is applied, or graffiti may be removed with solvents, detergents or water, as appropriate. If any such graffiti and is not removed within 72 hours following the time of the discovery of the graffiti by Developer, City shall have the right to enter the Property and remove the graffiti, after not less than 48 hours Notice to Developer during Business Days; provided, however, if the extent and nature of the graffiti is such that more than 72 hours is reasonably necessary to remove the graffiti, then Developer shall have such additional time as is reasonably necessary to remove the graffiti so long as Developer commences the removal of the graffiti during such 72 hour period and thereafter diligently continues the removal process until complete. Any sum expended by City for the removal of graffiti from the Property as authorized by this Section 3.1.2, shall become a lien on the Property until paid.

3.2 Covenant to Maintain Property on Tax Rolls for 10 Years.

3.2.1 The Developer shall assure that the entire Property remains on the County of Orange, California, secured real property tax rolls for the ten (10) years following the Project Completion Date.

3.2.2 For the ten (10) year period following the Project Completion Date, the Developer for itself and its successors and assigns covenants and agrees to pay all property tax bills with respect to the Property and all improvements thereon on or before the last day for the timely payment of each property tax installment on December 10 and April 10 and to timely pay all supplemental tax bills regarding the Property issued by the County of Orange, California.

3.2.3 The Developer understands and agrees that neither the Developer, nor its successors or assigns shall use or otherwise sell, transfer, convey, assign, lease, leaseback or hypothecate the Property or the Project or any portion thereof to any entity or person, or for any use of the Property or the Project, or any portion thereof, that is partially or wholly exempt from the payment of real property taxes or that would cause the exemption of the payment of all or any portion of real property taxes otherwise assessable regarding the Property or the Project, without the prior written consent of the City for a period of ten (10) years after the Project Completion Date.

3.2.4 The covenants of this Section 3.2 shall run with the land of the Property. Upon an approved or permitted Transfer of the Property by Developer, Developer shall be deemed released from any obligations pursuant to this Article.

3.3 No Discrimination or Segregation. The Developer covenants by and for itself, himself or herself, its, his or her heirs, executors, administrators, and assigns, and all Persons claiming under or through it, him or her, and this Agreement is made and accepted upon and subject to the following conditions:

3.3.1 Standards. That there shall be no discrimination against or segregation of any Person or group of Persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property nor shall the Developer, itself, himself or herself, or any Person claiming under or through it, him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, subtenants, sublessees, or vendees in the Property.

3.3.2 Covenant Running With Land. The provisions of this Section 3.3 shall be a covenant running with the land of the Property and binding on all successive owners and users of the Property.

3.4 Developer Covenant to Defend this Agreement. The Developer acknowledges that the City is a "public entity" and/or a "public agency" as defined under applicable California law. Therefore, the City must satisfy the requirements of certain California statutes relating to the actions of public entities, including, without limitation, CEQA. Also, as a public body, the City's action in approving this Agreement may be subject to proceedings to invalidate this Agreement or mandamus. The Developer assumes the risk of delays and damages that may result to the Developer from any third-party legal actions related to the City's approval of this Agreement or the pursuit of the activities contemplated by this Agreement, even in the event that an error, omission or abuse of discretion by the City is determined to have occurred. If a third-party files a legal action regarding the City's approval of this Agreement or the pursuit of the activities contemplated by this Agreement, the City may terminate this Agreement on thirty (30) calendar days written notice to the Developer of the City's intent to terminate this Agreement, referencing this Section 3.4, without any further obligation to perform the terms of this Agreement and without any liability to the Developer resulting from such termination, unless the Developer unconditionally agrees to indemnify and defend the City, with legal counsel acceptable to the City, against such third-party legal action, as provided hereinafter in this Section 3.4. Within thirty (30) calendar days of receipt of the City's notice of intent to terminate this Agreement, as provided in the preceding sentence, the Developer may in Developer's sole and absolute discretion offer to defend the City, with legal counsel acceptable to the City, in the third-party legal action and pay all of the court costs, attorney fees, monetary awards, sanctions, attorney fee awards, expert witness and consulting fees, and the expenses of any and all financial or performance obligations resulting from the disposition of the legal action. Developer is under no obligation to indemnify and defend City unless and until it elects to make the offer required by this Section 3.4. Any such offer from the Developer must be in writing and reasonably acceptable to the City in both form and substance. Nothing contained in this Section 3.4 shall be deemed or construed to be an express or implied admission that either party hereto is liable to the other party hereto or any other person or entity for damages alleged from any alleged or established failure to comply with any statute, including, without limitation, CEQA.

3.5 Environmental Indemnity of the City by the Developer. The Developer agrees, at its sole cost and expense, to fully indemnify, protect, hold harmless, and defend (with counsel selected by the Developer and approved by the City) the City and its elected officials, officers, attorneys, agents and employees and each of them, from and against any and all claims, demands, damages, losses, liabilities, obligations, penalties, fines, actions, causes of action, judgments, suits, proceedings, costs, disbursements and expenses, including, without limitation, attorney fees, disbursements and costs of attorneys, environmental consultants and other experts, and all foreseeable and unforeseeable damages or costs of any kind or of any nature whatsoever (collectively, "Environmental Losses") that may, at any time, be imposed upon, incurred or suffered by, or claimed, asserted or awarded against, the City directly or indirectly relating to or arising from any of the following "Environmental Matters" existing or occurring during or arising from the Developer's ownership of the Property or construction or operation of the Project:

3.5.1 The presence of Hazardous Materials on, in, under, from or affecting all or any portion of the Property or the Project;

3.5.2 The storage, holding, handling, release, threatened release, discharge, generation, leak, abatement, removal or transportation of any Hazardous Materials on, in, under, from or affecting the Property or the Project;

3.5.3 The violation of any law, rule, regulation, judgment, order, permit, license, agreement, covenant, restriction, requirement or the like by the Developer, its agents or contractors, relating to or governing in any way Hazardous Materials on, in, under, from or affecting the Property or the Project;

3.5.4 The failure of the Developer, its agents or contractors, to properly complete, obtain, submit and/or file any and all notices, permits, licenses, authorizations, covenants and the like in connection with the Developer's activities on the Property or regarding the Project;

3.5.5 The implementation and enforcement by the Developer, its agents or contractors of any monitoring, notification or other precautionary measures that may, at any time, become necessary to protect against the release, potential release or discharge of Hazardous Materials on, in, under, from or affecting the Property or the Project;

3.5.6 The failure of the Developer, its agents or contractors, in compliance with all applicable Environmental Laws, to lawfully remove, contain, transport or dispose of any Hazardous Materials existing, stored or generated on, in, under or from the Property or the Project;

3.5.7 Any investigation, inquiry, order, hearing, action or other proceeding by or before any governmental agency in connection with any Hazardous Materials on, in, under, from or affecting the Property or the Project or the violation of any Environmental Law relating to the Property or the Project;

3.5.8 The Developer shall pay to the City all costs and expenses including, without limitation, reasonable attorney's fees and costs, incurred by the City in connection with enforcement of the aforementioned environmental indemnity.

3.6 Survival of Covenants. Each of the covenants set forth in this Section 3 shall be a covenant running with the land of the Property and each such covenant shall survive the recordation of the Agency Deed (as defined in the Purchase and Sale Agreement), and issuance and recordation of each and every Certificate of Completion for the Project, for the time period specifically set forth in each such covenant.

3.7 Mortgagee Protection. No violation or breach of the covenants, conditions, restrictions, provisions or limitations set forth in this Agreement shall defeat or render invalid or in any way impair the lien or charge of any Permitted Security Instrument or, following the issuance of a Certificate of Completion for the portion of the Project to be completed upon a Parcel, any Security Instrument encumbering such Parcel; provided, however, that any successor in interest to the Property shall be bound by such remaining covenants, conditions, restrictions, limitations and provisions, whether such successor's title was acquired by foreclosure, deed in lieu of foreclosure, trustee's sale or otherwise.

3.8 Prohibited Uses. No portion of the Property shall be used for a junkyard, adult entertainment, adult movie theater, adult bookstore, massage parlor, pawn shop, dollar store, check cashing center (the foregoing shall in no event prohibit banking facilities within a grocery store or a walk up ATM), payday loan or other similar business, laundromat, marijuana dispensary, tattoo parlor or fortuneteller, or for the sale of narcotics paraphernalia, or for the long term treatment, storage or disposal of Hazardous Materials.

4. **INSURANCE**

4.1 Insurance Policies. To protect City Parties against all insurable Claims resulting from the actions of Developer in connection with this Agreement, the Property or the Project, at the sole cost and expense of Developer, Developer shall obtain and maintain for the Project, until the Project Completion Date, the following insurance (or its then reasonably available equivalent): (a) Liability Insurance; (b) Automobile Liability Insurance; (c) Builder's Risk Insurance; and (d) Worker's Compensation Insurance to the extent Developer has any employees.

4.2 Nature of Insurance. All insurance policies this Agreement requires shall be issued by carriers that: (a) are listed in the then current "Best's Key Rating Guide—Property/Casualty—United States & Canada" publication (or its equivalent, if such publication ceases to be published) with a minimum financial strength rating of "A-" and a minimum financial size category of "VII" (exception may be made for the State Compensation Insurance Fund when not specifically rated); and (b) are authorized to do business in the State. Developer may provide any insurance under a "blanket" or "umbrella" insurance policy, provided that: (i) such policy or a certificate of such policy shall specify the amount(s) of the total insurance allocated to the Property and the Project, which amount(s) shall equal or exceed the amount(s) required by this Agreement; and (ii) such policy otherwise complies with the insurance requirements in this Agreement.

4.3 Policy Requirements and Endorsements. All insurance policies required by this Agreement shall contain (by endorsement or otherwise) the following provisions:

4.3.1 **Insured.** Liability Insurance policies shall name the Agency and the City Parties as "additional insured." Builder's Risk Insurance policies shall name City

as a "loss payee", only if City acknowledges and agrees in writing that all proceeds of such insurance shall be paid to Developer to complete the Project.

4.3.2 Primary Coverage. Any insurance or self-insurance maintained by City Parties shall be excess of all insurance required under this Agreement and shall not contribute with any insurance required under this Agreement.

4.3.3 Deliveries to City. Developer shall deliver to City certified copies of all Liability Insurance required by this Agreement prior to the commencement of any Due Diligence Investigations (as defined in the Purchase and Sale Agreement). Developer shall deliver to City certified copies of all insurance policies required by this Agreement prior to the Close of Escrow. Builder's Risk Insurance coverage shall commence no later than the time of initial contractor mobilization for the Project. No later than ten (10) calendar days before any insurance required by this Agreement expires, is cancelled or its liability limits are reduced or exhausted, Developer shall deliver to City certified copies of all such insurance policies showing coverage for, at least, six (6) months after such event. Each insurance policy required by this Agreement shall state or be endorsed to state that coverage shall not be cancelled, suspended, voided, reduced in coverage or in limits, except after thirty (30) calendar days advance written notice of such action has been given to City by certified mail, return receipt requested; provided; however, that only ten (10) calendar days advance written notice shall be required for any such action arising from non-payment of the premium for the insurance. Phrases such as "endeavor to" and "but failure to mail such Notice shall impose no obligation or liability of any kind upon the company" shall not be included in the cancellation wording of any certificates or policies of insurance or endorsements to such policies applicable to City Parties pursuant to this Agreement or otherwise required under this Agreement.

4.3.4 Waiver of Certain Claims. Developer shall cause each insurance carrier providing Builder's Risk Insurance or Worker's Compensation Insurance coverage to Developer in satisfaction of the requirements of this Agreement to endorse their applicable policy(ies) with a Waiver of Subrogation with respect to City Parties, if not already in the policy. To the extent that Developer obtains insurance with a Waiver of Subrogation, the Parties release each other, and their respective authorized representatives, from any Claims for damage to any Person or property to the extent such Claims are paid by such insurance policies obtained pursuant to and in satisfaction of the provisions of this Agreement.

4.3.5 No Representation. No Party makes any representation that the limits, scope, or forms of insurance coverage this Agreement requires are adequate or sufficient.

4.3.6 No Claims Made Coverage. None of the insurance coverage required under this Agreement may be written on a claims-made basis.

4.3.7 Fully Paid and Non-Assessable. All insurance obtained and maintained in satisfaction of the requirements of this Agreement shall be fully paid for and non-assessable.

4.3.8 City Option to Obtain Coverage. During the continuance of an Event of Default arising from the failure of Developer to carry any insurance required by

this Agreement, City may, in City's sole and absolute discretion, purchase any such required insurance coverage. City shall be entitled to immediate payment from Developer of any premiums and associated reasonable costs paid by City to obtain or maintain such insurance coverage. Any amount becoming due and payable to City under this Section 4.3.8 that is not paid within fifteen (15) calendar days after written demand from City for payment of such amount, with an explanation of the amounts demanded, will bear Default Interest from the date of the demand until paid in full, including payment of all such accrued Default Interest. Any election by City to purchase or not to purchase insurance otherwise required by the terms of this Agreement to be carried by Developer shall not relieve Developer or any other Person of its obligation to obtain or maintain or cause any other Person to obtain or maintain any insurance coverage required by this Agreement.

4.3.9 Separation of Insured. All Liability Insurance and Automobile Liability Insurance shall provide for separation of insured for the named insured and City Parties. Insurance policies obtained in satisfaction of or in accordance with the requirements of this Agreement may provide a cross-suits exclusion for suits between named insured Persons, but shall not exclude suits between named insured Persons and additional insured Persons.

4.3.10 Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions under insurance policies required by this Agreement shall be declared to and approved by City. In the event of an insured loss, the named insured under the applicable insurance policy shall pay all such deductibles or self-insured retentions regarding City Parties. Each Liability Insurance or Automobile Liability Insurance policy issued in satisfaction of the requirements of this Agreement shall provide that, to the extent the named insured under the policy fails to pay all or any portion of a self-insured retention under such policy in reference to an otherwise insured loss, City may pay the unpaid portion of such self-insured retention, in City's sole and absolute discretion.

4.3.11 No Separate Insurance. Developer shall not carry separate or additional insurance concurrent in form or contributing in the event of loss with that required under this Agreement, unless City is made an additional insured under such insurance, as required by this Agreement for the type of insurance required to be carried under this Agreement.

5. DEVELOPER FINANCING AND PROPERTY TAXES

5.1 Only Permitted Encumbrances. Developer shall not record and shall not allow to be recorded against the Property any Security Instrument, lien or other encumbrance that is not a Permitted Encumbrance, without the prior written consent of City, which consent may be given, withheld or conditioned in City's sole and absolute discretion. Developer shall remove or cause to be removed any Prohibited Encumbrance made or recorded against the Property or shall assure the complete satisfaction of any such Prohibited Encumbrance to the satisfaction of City, in City's sole and absolute discretion. The covenants of Developer set forth in this Section 5.1 regarding the placement and removal of encumbrances on the Property shall run with the land of each Parcel and bind successive owners, until issuance by City of a Certificate of Completion for the portion of the Project to be completed upon such Parcel.

5.2 Notice of Liens. Developer shall promptly Notify City of any Security Instrument or lien asserted against or attached to a Parcel, prior to the date of issuance by City of a Certificate of Completion for the portion of the Project to be completed upon such Parcel, whether by voluntary act of Developer or otherwise; provided, however, that no Notice of filing of preliminary notices or mechanic's liens need be given by Developer to City, prior to suit being filed to foreclose any such mechanic's lien.

5.3 Property Taxes and Assessments. Developer shall pay prior to delinquency all real property taxes and assessments assessed and levied on or against the Property or the Project. Nothing in this Agreement shall be deemed to prohibit Developer from contesting the validity or amounts of any tax assessment, encumbrance or lien in accordance with applicable Law, or to limit the remedies available to Developer in respect thereto.

6. REPRESENTATIONS AND WARRANTIES OF DEVELOPER

6.1 Representations and Warranties by Developer. Developer makes the following representations, covenants and warranties as of the Effective Date and acknowledges that the execution of this Agreement by City is made in material reliance by City on such covenants, representations and warranties of Developer:

6.1.1 Developer has taken all requisite action and obtained all requisite consents in connection with entering into this Agreement, such that this Agreement is valid and enforceable against Developer in accordance with its terms and each instrument to be executed by Developer pursuant to or in connection with this Agreement will, when executed, be valid and enforceable against Developer in accordance with its terms. No approval, consent, order or authorization of, or designation or declaration of any other person, is required in connection with the valid execution, delivery or performance of this Agreement by Developer.

6.1.2 If Developer becomes aware of any act or circumstance that would change or render incorrect, in whole or in part, any representation or warranty made by Developer under this Agreement, whether as of the date given or any time thereafter, whether or not such representation or warranty was based upon Developer's knowledge and/or belief as of a certain date, Developer will give immediate written notice of such changed fact or circumstance to City.

7. REMEDIES, INDEMNITY AND TERMINATION

7.1 Legal Actions. Either Party may institute legal action, at law or in equity, to enforce or interpret the rights or obligations of the Parties under this Agreement or recover damages.

7.2 Rights and Remedies are Cumulative. Except as otherwise expressly stated in this Agreement, the rights and remedies of the Parties set forth in this Agreement are cumulative and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise by such Party, at the same or different times, of any other rights or remedies for the same Default or the same rights or remedies for any other Default by the other Party.

7.3 Indemnification.

7.3.1 City Indemnity Obligations. City shall Indemnify Developer Parties against any Claim to the extent such Claim arises from any wrongful intentional act or negligence of City Parties, but only to the extent that City may be held liable under applicable law for such wrongful intentional act or negligence and exclusive of any violation of law (including the State Constitution) relating to City's approval, entry into or performance of this Agreement. Nothing in this Agreement is intended nor shall be interpreted to waive any limitation on City's liability, any exemption from liability in favor of City, any claim presentment requirement for bringing an action regarding any liability of City or any limitations period applicable to liability of City, all as set forth in Government Code Sections 800 *et seq.*, Sections 900 *et seq.*, or in any other Law, or require City to Indemnify any Person beyond such limitations on City's liability.

7.3.2 Developer Indemnity Obligations. Developer shall Indemnify City Parties against any Claim to the extent such Claim arises from: (a) any wrongful intentional act or negligence of Developer Parties; (b) any Claims relating to Due Diligence Investigations except for the mere discovery of existing Hazardous Materials; (c) any Application made by or at Developer's request; (d) any agreements that Developer (or anyone claiming by or through Developer) makes with a Third Person regarding the Property or the Project; (e) any worker's compensation claim or determination relating to any employee of Developer Parties or their contractors; (f) any Prevailing Wage Action relating to this Agreement or the Project; or (g) any Environmental Claim regarding the Project, the Property or attributable to any action or failure to act by Developer Parties.

7.3.3 Independent of Insurance Obligations. Developer's indemnification obligations under this Agreement shall not be construed or interpreted as in any way restricting, limiting, or modifying Developer's insurance or other obligations under this Agreement. Developer's obligation to Indemnify City Parties under this Agreement is independent of Developer's insurance and other obligations under this Agreement. Developer's compliance with Developer's insurance obligations and other obligations under this Agreement shall not in any way restrict, limit, or modify Developer's indemnification obligations under this Agreement and are independent of Developer's indemnification and other obligations under this Agreement.

7.3.4 Survival of Indemnification and Defense Obligations. The indemnity and defense obligations of the Parties under this Agreement shall survive the expiration or earlier termination of this Agreement, until any and all actual or prospective Claims regarding any matter subject to an indemnity obligation under this Agreement are fully, finally, absolutely and completely barred by applicable statutes of limitations.

7.3.5 Indemnification Procedures. Wherever this Agreement requires any Indemnitor to Indemnify any Indemnitee:

(a) *Prompt Notice.* The Indemnitee shall promptly Notify the Indemnitor of any Claim.

(b) *Selection of Counsel.* The Indemnitor shall select counsel reasonably acceptable to the Indemnitee. Counsel to Indemnitor's insurance carrier that is

providing coverage for a Claim shall be deemed reasonably satisfactory, except in the event of a potential or actual conflict of interest for such counsel regarding such representation or such counsel proves to be incompetent regarding such representation. Even though the Indemnitor shall defend the Claim, Indemnitee may, at Indemnitee's option and expense (except in a situation where the Indemnitor is defending Indemnitee under a reservation of rights, in which situation the Indemnitor shall pay for such separate counsel), engage separate counsel to advise it regarding the Claim and its defense. The Indemnitee's separate counsel may attend all proceedings and meetings. The Indemnitor's counsel shall actively consult with the Indemnitee's separate counsel.

(c) *Cooperation.* The Indemnitee shall reasonably cooperate with the Indemnitor's defense of the Indemnitee.

(d) *Settlement.* The Indemnitor may only settle a Claim with the consent of the Indemnitee. Any settlement shall procure a release of the Indemnitee from the subject Claims, shall not require the Indemnitee to make any payment to the claimant and shall provide that neither the Indemnitee nor the Indemnitor on behalf of Indemnitee admits any liability.

7.4 Termination. Notwithstanding anything herein to the contrary, the Parties acknowledge and agree that this Agreement shall automatically terminate and be of no further force or effect upon the effective date of any termination of the Purchase and Sale Agreement prior to the Close of Escrow (as that term is defined in the Purchase and Sale Agreement). The Parties acknowledge and agree that indemnity obligations contained herein shall survive the termination of this Agreement as provided in Section 7.3.4.

8. GENERAL PROVISIONS

8.1 Incorporation of Recitals. The Recitals of fact set forth preceding this Agreement are true and correct and are incorporated into this Agreement in their entirety by this reference.

8.2 Notices, Demands and Communications Between the Parties. Any and all Notices submitted by any Party to the other Party pursuant to or as required by this Agreement shall be proper, if in writing and sent by messenger for immediate personal delivery, nationally recognized overnight (one Business Day) courier (i.e., United Parcel Service, Federal Express, etc.) or by registered or certified United States mail, postage prepaid, return receipt requested, to the address of the recipient Party, as designated below in this Section 8.2. Notices may be sent in the same manner to such other addresses as either Party may from time to time designate by Notice in accordance with this Section 8.2. Notice shall be deemed received by the addressee, regardless of whether or when any return receipt is received by the sender or the date set forth on such return receipt, on the day that the Notice is sent by messenger for immediate personal delivery, one Business Day after delivery to a nationally recognized overnight carrier or two (2) calendar days after the Notice is placed in the United States mail in accordance with this Section 8.2. Any attorney representing a Party may give any Notice on behalf of such Party. The Notice addresses for the Parties, as of the Effective Date, are as follows:

To Developer: Beach and Oranewood LLC
610 Newport Center Drive, Suite 410
Newport Beach, CA 92660
Attn: Dan Almquist

With Copy To: Beach and Oranewood LLC
2700 Pacific Coast Highway, Second Floor
Torrance, CA 90505
Attn: Robert M. Jonas

To City: The City of Stanton
7800 Katella Avenue
Stanton, CA 90680
Attention: City Manager

With Copy to: Best Best & Krieger LLP
18101 Van Karman Avenue, Suite 1000
Irvine, CA 92614
Attention: Elizabeth W. Hull, Esq.

8.3 Relationship of Parties. The Parties each intend and agree that City and Developer are independent contracting entities and do not intend by this Agreement to create any partnership, joint venture, or similar business arrangement, relationship or association between them.

8.4 Warranty Against Payment of Consideration for Agreement. Developer represents and warrants to City that: (a) Developer has not employed or retained any Person to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees of Developer and Third Persons to whom fees are paid for professional services related to planning, design or construction of the Project or documentation of this Agreement; and (b) no gratuities, in the form of entertainment, gifts or otherwise have been or will be given by Developer or any of Developer's agents, employees or representatives to any elected or appointed official or employee of City in an attempt to secure this Agreement or favorable terms or conditions for this Agreement. Breach of the representations or warranties of this Section 8.4 shall entitle City to terminate this Agreement upon seven (7) calendar days' Notice to Developer.

8.5 Inspection of Books and Records. City shall have the right at all reasonable times, at City's cost and expense, to inspect the books and records of Developer pertaining to the Property or the Project. City shall not disclose proprietary information of Developer to Third Persons, unless required by law or otherwise resulting from or related to the pursuit of any remedies by or the assertion of any rights of City under this Agreement.

8.6 Calculation of Time Periods. Unless otherwise specified, all references to time periods in this Agreement measured in days shall be to consecutive calendar days, all references to time periods in this Agreement measured in months shall be to consecutive calendar months and all references to time periods in this Agreement measured in years shall be to consecutive

calendar years. Any reference to Business Days in this Agreement shall mean consecutive Business Days.

8.7 Principles of Interpretation. No inference in favor of or against any Party shall be drawn from the fact that such Party has drafted any part of this Agreement. The Parties have both participated substantially in the negotiation, drafting and revision of this Agreement, with advice from legal and other counsel and advisers of their own selection. A word, term or phrase defined in the singular in this Agreement may be used in the plural, and vice versa, all in accordance with ordinary principles of English grammar, which shall govern all language in this Agreement. The words "include" and "including" in this Agreement shall be construed to be followed by the words: "without limitation." Each collective noun in this Agreement shall be interpreted as if followed by the words "(or any part of it)," except where the context clearly requires otherwise. Every reference to any document, including this Agreement, refers to such document, as modified from time to time (excepting any modification that violates this Agreement), and includes all exhibits, schedules, addenda and riders to such document. The word "or" in this Agreement includes the word "and." Every reference to a law, statute, regulation, order, form or similar governmental requirement refers to each such requirement as amended, modified, renumbered, superseded or succeeded, from time to time.

8.8 Governing Law. The procedural and substantive laws of the State shall govern the interpretation and enforcement of this Agreement, without application of conflicts of laws principles. The Parties acknowledge and agree that this Agreement is entered into, is to be fully performed in and relates to real property located in the County. All legal actions arising from this Agreement shall be filed in the Superior Court of the State in and for the County or in the United States District Court with jurisdiction in the County.

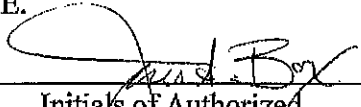
8.9 Parties to the Agreement. The Parties to this Agreement are City and Developer. The Agency is not a Party to this Agreement.

8.10 Unavoidable Delay; Extension of Time of Performance.

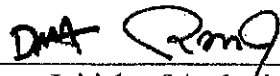
8.10.1 **Notice.** Subject to any specific provisions of this Agreement stating that they are not subject to Unavoidable Delay or otherwise limiting or restricting the effects of an Unavoidable Delay (if any), performance by either Party under this Agreement shall not be deemed or considered to be in Default, where any such Default is due to the occurrence of an Unavoidable Delay. Any Party claiming an Unavoidable Delay shall Notify the other Party: (a) within twenty (20) calendar days after such Party knows of any such Unavoidable Delay; and (b) within ten (10) calendar days after such Unavoidable Delay ceases to exist. To be effective, any Notice of an Unavoidable Delay must describe the Unavoidable Delay in reasonable detail. The Party claiming an extension of time to perform due to an Unavoidable Delay shall exercise reasonable efforts to cure the condition causing the Unavoidable Delay, within a reasonable time.

8.10.2 **Assumption of Economic Risks.** EACH PARTY EXPRESSLY AGREES THAT ADVERSE CHANGES IN ECONOMIC CONDITIONS, OF EITHER PARTY SPECIFICALLY OR THE ECONOMY GENERALLY, OR CHANGES IN MARKET CONDITIONS OR DEMAND OR CHANGES IN THE ECONOMIC ASSUMPTIONS OF EITHER PARTY THAT MAY HAVE PROVIDED A BASIS FOR

ENTERING INTO THIS AGREEMENT SHALL NOT OPERATE TO EXCUSE OR DELAY THE PERFORMANCE OF EACH AND EVERY ONE OF EACH PARTY'S OBLIGATIONS AND COVENANTS ARISING UNDER THIS AGREEMENT. ANYTHING IN THIS AGREEMENT TO THE CONTRARY NOTWITHSTANDING, THE PARTIES EXPRESSLY ASSUME THE RISK OF UNFORESEEABLE CHANGES IN ECONOMIC CIRCUMSTANCES OR MARKET DEMAND OR CONDITIONS AND WAIVE, TO THE GREATEST EXTENT ALLOWED BY LAW, ANY DEFENSE, CLAIM, OR CAUSE OF ACTION BASED IN WHOLE OR IN PART ON ECONOMIC NECESSITY, IMPRACTICABILITY, CHANGED ECONOMIC CIRCUMSTANCES, FRUSTRATION OF PURPOSE, OR SIMILAR THEORIES. THE PARTIES AGREE THAT ADVERSE CHANGES IN ECONOMIC CONDITIONS, EITHER OF THE PARTY SPECIFICALLY OR THE ECONOMY GENERALLY, OR CHANGES IN MARKET CONDITIONS OR DEMANDS, SHALL NOT OPERATE TO EXCUSE OR DELAY THE STRICT OBSERVANCE OF EACH AND EVERY ONE OF THE OBLIGATIONS, COVENANTS, CONDITIONS AND REQUIREMENTS OF THIS AGREEMENT. THE PARTIES EXPRESSLY ASSUME THE RISK OF SUCH ADVERSE ECONOMIC OR MARKET CHANGES, WHETHER OR NOT FORESEEABLE AS OF THE EFFECTIVE DATE.



 Initials of Authorized
 City Representative



 Initials of Authorized
 Developer Representative

8.11 Tax Consequences. Developer acknowledges and agrees that Developer shall bear any and all responsibility, liability, costs or expenses connected in any way with any tax consequences experienced by Developer related to this Agreement.

8.12 No Third-Party Beneficiaries. Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any Person other than the Parties and their respective permitted successors and assigns, nor is anything in this Agreement intended to relieve or discharge any obligation of any Third Person to any Party or give any Third Person any right of subrogation or action over or against any Party.

8.13 Developer Assumption of Risks of Legal Challenges. Developer assumes the risk of delays or damages that may result to Developer from any Third Person legal actions related to City's approval of this Agreement or any associated Approvals, even in the event that an error, omission or abuse of discretion by City is determined to have occurred. If a Third Person files a legal action regarding City's approval of this Agreement or any associated Approval (exclusive of legal actions alleging violation of Government Code Section 1090 by elected officials of City), Developer shall Indemnify City against such Third Person legal action, including all Legal Costs, monetary awards, sanctions, attorney fee awards, expert witness and consulting fees, and the expenses of any and all financial or performance obligations resulting from the disposition of the legal action; provided, however, that if such challenge to this Agreement occurs prior to the Close of Escrow pursuant to the Purchase and Sale Agreement, Developer, in lieu of choosing to Indemnify City, may choose to cancel the Escrow (as defined in the Purchase and Sale Agreement) as provided for in the Purchase and Sale Agreement and terminate this Agreement. This Agreement may not be terminated pursuant to this Section 8.13 and Developer shall be required to Indemnify the City pursuant to this Section 8.13 if Escrow is not terminated. City

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shall reasonably cooperate with Developer in defense of City in any legal action subject to this Section 8.13, subject to Developer performing Developer's indemnity obligations for such legal action. Nothing contained in this Section 8.13 is intended to be nor shall be deemed or construed to be an express or implied admission that City may be liable to Developer or any other Person for damages or other relief regarding any alleged or established failure of City to comply with any Law. Any legal action that is subject to this Section 8.13 (including any appeal periods and the pendency of any appeals) shall constitute an Unavoidable Delay and the time periods for performance by either Party under this Agreement may be extended pursuant to the provisions of this Agreement regarding Unavoidable Delay.

8.14 Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective heirs, executors, administrators, legal representatives, successors and assigns.

8.15 Time Declared to be of the Essence. As to the performance of any obligation under this Agreement of which time is a component, the performance of such obligation within the time specified is of the essence.

8.16 Entire Agreement. This Agreement integrates all of the terms, conditions and exhibits mentioned in this Agreement or incidental to this Agreement, and supersedes all negotiations or previous agreements between the Parties with respect to all or any portion of the Property or the development of the Project.

8.17 Waivers and Amendments. All waivers of the provisions of this Agreement must be in writing and signed by the authorized representative(s) of the Party making the waiver. All amendments to this Agreement must be in writing and signed by the authorized representative(s) of both City and Developer. Failure to insist on any one occasion upon strict compliance with any term, covenant, condition, restriction or agreement contained in this Agreement shall not be deemed a waiver of such term, covenant, condition, restriction or agreement, nor shall any waiver or relinquishment of any rights or powers under this Agreement, at any one time or more times, be deemed a waiver or relinquishment of such right or power at any other time or times.

8.18 Prohibition Against Changes in Ownership, Management or Control of Developer or Assignment. Developer acknowledges and agrees that the qualifications and identity of Developer are of particular importance and concern to City. Developer further acknowledges and agrees that City has relied and is relying on the specific qualifications and identity of Developer and that City would not have entered into this Agreement but for the specific qualifications and identity of Developer. As a result, Developer and City agree that the following restrictions on Transfers shall apply: (a) Developer may not make any Transfer of a Parcel or of all or any portion of Developer's rights or obligations under this Agreement with respect to a Parcel prior to the issuance by City of a Certificate of Completion for the portion of the Project to be completed upon such Parcel, except that, after the Close of Escrow, Developer may grant, enter into or have asserted or recorded against the Property (or any portion thereof) any easements, agreements and/or other encumbrances that are Permitted Encumbrances; and (b) after the Project Completion Date, the restrictions on Transfers set forth in this Section 8.18 shall automatically terminate and be of no further force or effect. Any Transfers that are restricted under the preceding sentence of this Section 8.18 that are not otherwise Permitted Encumbrances are only permitted with the prior written consent of City, which consent shall not be

unreasonably withheld, delayed or conditioned. Developer represents and warrants to City that Developer has not made and, for so long as the restrictions on Transfers set forth in this Section 8.18 remain in effect, Developer agrees that it will not create or permit to be made or created any Transfer, except in accordance with this Section 8.18, either voluntarily, involuntarily or by operation of law. Any Transfer made in violation of this Section 8.18 shall be voidable at the election of City. Developer acknowledges and agrees that the restrictions on Transfers set forth in this Section 8.18 are reasonable. For the avoidance of doubt, nothing in this Section 8.18 or elsewhere in this Agreement shall be deemed to prohibit Developer from (i) transferring any Parcel pursuant to Section 2.10 and/or assigning any of Developer's rights and/or obligations under this Agreement to the extent applicable to any Transferred Parcel, as contemplated in Section 2.10, or (ii) entering into any Permitted Lease.

8.19 City Manager Implementation. City shall implement this Agreement through the City Manager. The City Manager is hereby authorized by City to enter into agreements referenced in this Agreement or reasonably required to implement this Agreement on behalf of City, issue approvals, interpretations or waivers and enter into amendments to this Agreement on behalf of City, to the extent that any such action(s) does/do not materially or substantially change the Project or increase the monetary obligations of City by more than Fifty Thousand Dollars (\$50,000) in the aggregate. All other actions shall require the consideration and approval of City Council, unless expressly provided otherwise by action of City Council. Nothing in this Section 8.19 shall restrict the submission to City Council of any matter within the City Manager's authority under this Section 8.19 in the City Manager's sole and absolute discretion, to obtain City Council authorization on such matter. The specific intent of this Section 8.19 is to authorize certain actions on behalf of City by the City Manager, but not to require that such actions be taken by the City Manager, without consideration by City Council.

8.20 Survival of Agreement. All of the provisions of this Agreement shall be applicable to any dispute between the Parties arising from this Agreement, whether prior to or following expiration or termination of this Agreement, until any such dispute is finally and completely resolved between the Parties, either by written settlement, entry of a non-appealable judgment or expiration of all applicable statutory limitations periods and all terms and conditions of this Agreement relating to dispute resolution and limitations on damages or remedies shall survive any expiration or termination of this Agreement.

8.21 Counterparts. This Agreement shall be signed in three (3) counterpart originals, each of which is deemed to be an original. This Agreement includes 45 pages (including the signature page and exhibit pages) and five (5) exhibits (each exhibit is incorporated into this Agreement by reference) that constitute the entire understanding and Agreement of the Parties regarding the subject matter of this Agreement.

8.22 Facsimile or Electronic Signatures. Signatures delivered by facsimile or electronic means shall be binding as originals upon the Party so signing and delivering; provided, however, that original signature(s) of each Party shall be required for each document to be recorded.

[Signatures on following page]

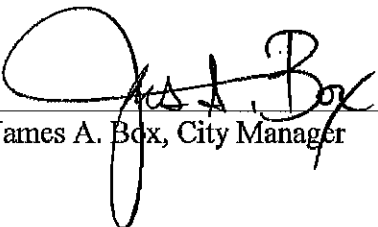
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**SIGNATURE PAGE
TO
AGREEMENT AFFECTING REAL PROPERTY
(Beach and Oranewood)**

IN WITNESS WHEREOF, the Parties have signed and entered into this Agreement by and through the signatures of their respective authorized representative(s) as follow:

AGENCY:

THE CITY OF STANTON, a public body,
corporate and politic

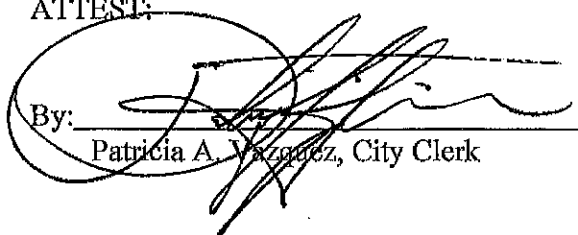
By: 
James A. Box, City Manager

DEVELOPER:

BEACH AND ORANGEWOOD LLC, a
California limited liability company

By: 
Dan Almquist, Manager

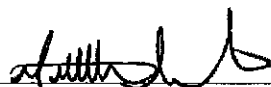
ATTEST:

By: 
Patricia A. Vazquez, City Clerk

By: 
Robert M. Jonas, Manager

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

By: 
Matthew E. Richardson, City Attorney

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**EXHIBIT A
TO
AGREEMENT AFFECTING REAL PROPERTY
(Beach and Oranewood)**

LEGAL DESCRIPTION

[Attached behind this cover page]

Exhibit A



**EXHIBIT B
TO
AGREEMENT AFFECTING REAL PROPERTY
(Beach and Oranewood)**

NOTICE OF AGREEMENT

[Attached behind this cover page]

Exhibit B

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Stanton
7800 Katella Avenue
Stanton, CA 90680
Attention: City Manager

SPACE ABOVE FOR RECORDER'S USE ONLY
EXEMPT FROM RECORDING FEES - GOVT. CODE § 27383

THE CITY OF STANTON

Notice of Agreement

**Agreement Affecting Real Property
(Beach and Oranewood)**

TO ALL INTERESTED PERSONS PLEASE TAKE NOTICE that as of _____, 2017, Beach and Oranewood LLC, a California limited liability company ("Developer"), and the City of Stanton, a public body, corporate and politic ("City"), entered into an agreement entitled "Agreement Affecting Real Property (Beach and Oranewood)" ("Agreement"). A copy of the Agreement is available for inspection and copying by interested persons as a public record of City at the City of Stanton's offices located 7800 Katella Avenue, Stanton, California, during the regular business hours of the City.

The Agreement affects the real property described in Exhibit "1" attached to this Notice of Agreement ("Property"). The meaning of defined terms, indicated by initial capitalization, used in this Notice of Agreement shall be the same as the meaning ascribed to such terms, respectively, in the Agreement.

PLEASE TAKE FURTHER NOTICE that the Agreement contains certain covenants running with the land of the Property and other agreements between Developer and City affecting the Property, including, without limitation (all section references are to the Agreement):

2.2 Developer Covenant to Undertake Each Phase of Project. Developer covenants to and for the exclusive benefit of City that Developer shall commence and complete the development of the Project within the time periods set forth in the Schedule of Performance. Developer covenants and agrees to complete the Project in conformity with the terms and conditions of this Agreement, the Scope of Development, the Schedule of Performance, any and all Approvals required by this Agreement, except for such changes as may be mutually agreed upon in writing by and between Developer and City, and all applicable Laws of each Government with jurisdiction over Property or the Project. The covenants of this Section 2.1 shall run with the land with respect to each Parcel, until the earlier of the date of recordation of the Certificate of Completion applicable to the portion of the Project to be completed on such Parcel or the fifteenth (15th) anniversary of the date of the Close of Escrow pursuant to the Purchase and Sale Agreement.



3.1 Maintenance Condition of the Property. Developer for itself, its successors and assigns covenants and agrees that:

3.1.1 The areas of the Property that are subject to public view (including all existing and future improvements, paving, walkways, landscaping, exterior signage and ornamentation) shall be maintained in good repair and a neat, clean and orderly condition, ordinary wear and tear excepted. If, at any time within fifteen (15) years following the Close of Escrow, there is an occurrence of an adverse condition on any area of the Property that is subject to public view in contravention of the general maintenance standard described above (a "Maintenance Deficiency"), then City shall Notify Developer in writing of the Maintenance Deficiency. If Developer fails to cure or commence and diligently pursue to cure the Maintenance Deficiency within thirty (30) calendar days of its receipt of Notice of the Maintenance Deficiency, City may conduct a public hearing, following transmittal of Notice of the hearing to Developer, at least ten (10) calendar days prior to the scheduled date of such public hearing, to verify whether a Maintenance Deficiency exists and whether Developer has failed to comply with the provisions of this Section 3.1. If, upon the conclusion of the public hearing, City finds that a Maintenance Deficiency exists and that there appears to be non-compliance with the general maintenance standard described in this Section 3.1.1, City shall have the right to enter the Property and perform all acts necessary to cure the Maintenance Deficiency, or to take any other action at law or in equity that may then be available to City to accomplish the abatement of the Maintenance Deficiency. Any sum expended by City for the abatement of a Maintenance Deficiency on the Property as authorized by this Section 3.1 shall become a lien on the Property until paid.

3.1.2 Graffiti, as this term is defined in Government Code Section 38772, that has been applied to any exterior surface of a structure or improvement on the Property that is visible from any public right-of-way adjacent or contiguous to the Property, shall be removed by Developer by either painting over the evidence of such vandalism with a paint that has been color-matched to the surface on which the paint is applied, or graffiti may be removed with solvents, detergents or water, as appropriate. If any such graffiti and is not removed within 72 hours following the time of the discovery of the graffiti by Developer, City shall have the right to enter the Property and remove the graffiti, after not less than 48 hours Notice to Developer during Business Days; provided, however, if the extent and nature of the graffiti is such that more than 72 hours is reasonably necessary to remove the graffiti, then Developer shall have such additional time as is reasonably necessary to remove the graffiti so long as Developer commences the removal of the graffiti during such 72 hour period and thereafter diligently continues the removal process until complete. Any sum expended by City for the removal of graffiti from the Property as authorized by this Section 3.1.2, shall become a lien on the Property until paid.

3.2 Covenant to Maintain Property on Tax Rolls for 10 Years.

3.2.1 The Developer shall assure that the entire Property remains on the County of Orange, California, secured real property tax rolls for the ten (10) years following the Project Completion Date.

3.2.2 For the ten (10) year period following the Project Completion Date, the Developer for itself and its successors and assigns covenants and agrees to pay all property tax bills with respect to the Property and all improvements thereon on or before the last day for the timely

payment of each property tax installment on December 10 and April 10 and to timely pay all supplemental tax bills regarding the Property issued by the County of Orange, California.

3.2.3 The Developer understands and agrees that neither the Developer, nor its successors or assigns shall use or otherwise sell, transfer, convey, assign, lease, leaseback or hypothecate the Property or the Project or any portion thereof to any entity or person, or for any use of the Property or the Project, or any portion thereof, that is partially or wholly exempt from the payment of real property taxes or that would cause the exemption of the payment of all or any portion of real property taxes otherwise assessable regarding the Property or the Project, without the prior written consent of the City for a period of ten (10) years after the Project Completion Date.

3.3 No Discrimination or Segregation. The Developer covenants by and for itself, himself or herself, its, his or her heirs, executors, administrators, and assigns, and all Persons claiming under or through it, him or her, and this Agreement is made and accepted upon and subject to the following conditions:

3.3.1 Standards. That there shall be no discrimination against or segregation of any Person or group of Persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property nor shall the Developer, itself, himself or herself, or any Person claiming under or through it, him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, subtenants, sublessees, or vendees in the Property.

3.3.2 Covenant Running With Land. The provisions of this Section 3.3 shall be a covenant running with the land of the Property and binding on all successive owners and users of the Property.

3.7 Mortgage Protection. No violation or breach of the covenants, conditions, restrictions, provisions or limitations set forth in this Agreement shall defeat or render invalid or in any way impair the lien or charge of any Permitted Security Instrument or, following the issuance of a Certificate of Completion for the portion of the Project to be completed upon a Parcel, any Security Instrument encumbering such Parcel; provided, however, that any successor in interest to the Property shall be bound by such remaining covenants, conditions, restrictions, limitations and provisions, whether such successor's title was acquired by foreclosure, deed in lieu of foreclosure, trustee's sale or otherwise.

3.8 Prohibited Uses. No portion of the Property shall be used for a junkyard, adult entertainment, adult movie theater, adult bookstore, massage parlor, pawn shop, dollar store, check cashing center (the foregoing shall in no event prohibit banking facilities within a grocery store or a walk up ATM), payday loan or other similar business, laundromat, marijuana dispensary, tattoo parlor or fortuneteller, or for the sale of narcotics paraphernalia, or for the long term treatment, storage or disposal of Hazardous Materials.

THIS NOTICE OF AGREEMENT is dated as of _____, 2017, and has been signed and made by and on behalf of Developer and City by and through the signatures of their authorized representative(s) set forth below. This Notice of Agreement may be signed in counterparts and each counterpart shall, collectively, be deemed to be one original instrument.

CITY:

THE CITY OF STANTON, a public body,
corporate and politic

By: _____
James A. Box, City Manager

DEVELOPER:

BEACH AND ORANGEWOOD LLC, a
California limited liability company

By: _____
Dan Almquist, Manager

ATTEST:

By: _____
Robert M. Jonas, Manager

By: _____
Patricia A. Vazquez, City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

By: _____
Matthew E. Richardson, City Attorney

EXHIBIT "1"
TO
NOTICE OF AGREEMENT

Property Legal Description

[Attached behind this cover page]



**EXHIBIT C
TO
AGREEMENT AFFECTING REAL PROPERTY
(Beach and Oranewood)**

SCOPE OF DEVELOPMENT

The proposed commercial/retail development of the site shall contain:

- A retail pad building on the southeast corner of Beach Blvd. and Plaza Way, with an opportunity for multiple retail tenants, including up to two outdoor patio/gathering spaces, generally located on the northern and/or southern portion of the proposed building.
- A quick service or "fast food" style restaurant with drive-through.
- A fuel / service station that may include a convenience store and/or a car wash.

The proposed development takes into consideration the existing adjacent live/work units. The site will be developed generally in accordance with the attached site plan. The parties acknowledge that the attached site plan shows three (3) legal parcels as being part of the site, and that the number of parcels may change subject to the mutual agreement of the parties.

**EXHIBIT D
TO
AGREEMENT AFFECTING REAL PROPERTY
(Beach and Oranewood)**

SCHEDULE OF PERFORMANCE

- A. Days shall be calendar days, unless otherwise specified.
- B. The City Manager is authorized by City to make minor changes to the schedule of ninety (90) calendar days or less.
- C. In the event of any conflict between this schedule and the Agreement, the terms and provisions of this schedule shall control, subject to extension for Unavoidable Delays.
- D. All defined terms indicated by initial capitalization used in this schedule shall have the meanings ascribed to the same terms in the Agreement.

Action	Date Action to be Completed By
Initial submittal of entitlements for the Project	[Action completed on April 11, 2016]
Obtain an amendment to the applicable City specific plan, and obtain all necessary Approvals from the City including, but not limited to, all entitlements, and necessary CEQA documents for the Project	[Action completed on November 10, 2016]
Close of Escrow	By the Outside Closing Date (as defined in the Purchase and Sale Agreement)
Completion of construction of the Project	Within 36 months after the Close of Escrow



**EXHIBIT E
TO
AGREEMENT AFFECTING REAL PROPERTY
(Beach and Oranewood)**

FORM OF CERTIFICATE OF COMPLETION

[Attached Behind This Cover Page]

Exhibit E

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

(Space above for Recorder's Use Only)

CERTIFICATE OF COMPLETION
(Beach and Oranewood)

We, _____, Mayor and _____, City Manager of the City of Stanton
("City") certify that:

By its Resolution No. _____, adopted and approved on _____, 20____,
the City resolved:

Section 1. The _____ required to be constructed in
accordance with that certain Agreement Affecting Real Property (Beach and Oranewood) (the
"Agreement") dated _____, by and between the City and Beach and Oranewood
LLC, a California limited liability company ("Developer"), on that certain real property
specifically described in the legal description(s) attached to this Certificate of Completion as
Exhibit "A" (the "Property"), is complete in accordance with the provisions of the Agreement.

Section 2. This Certificate of Completion constitutes conclusive evidence of
City's determination of Developer's satisfaction of its obligation under the Agreement to
construct and install the _____ on the Property, including any and all
buildings, parking areas, landscaping areas and related improvements necessary to support or
meet any requirements applicable to the _____ and its use and
occupancy on the Property, whether or not such improvements are located on the Property or on
other property subject to the Agreement, excluding any normal and customary tenant
improvements and minor building "punch-list" items. Notwithstanding any provision of this
Certificate of Completion, the City may enforce any covenant surviving this Certificate of
Completion in accordance with the terms and conditions of the Agreement. The Agreement is an
official record of the City and a copy of the Agreement may be inspected at the City of Stanton's
offices located at _____, Stanton, California, during the regular business hours of the City.

DATED AND ISSUED this ____ day of _____, _____.

Carol Warren, Mayor

✓

James A. Box, City Manager

**EXHIBIT 1
TO
CERTIFICATE OF COMPLETION**

Legal Description of Property

[To Be Inserted]

✓

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and City Council

DATE: November 12, 2019

SUBJECT: RESOLUTION AMENDING THE POSITION CLASSIFICATION MANUAL

REPORT IN BRIEF:

The attached Resolution makes changes to the Position Classification Manual by adding the job classification of Human Resources/Risk Management Analyst, deleting the job classifications of Grants Administrator and Human Resources Specialist, revising the Assistant to the City Manager classification, converting a part-time Facilities Maintenance Worker I position to full-time and adding a full-time Maintenance Worker I position.

RECOMMENDED ACTION

That City Council:

1. Declare that this project is exempt from the California Environmental Quality Act ("CEQA") under Section 15378(b)(2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy or procedure making.
2. Adopt Resolution No. 2019-48 amending the Position Classification Manual.

ANALYSIS AND JUSTIFICATION:

Several position changes are proposed to ensure the efficiency and effectiveness of the organization and meet the needs of the community. A description of the position changes is provided below.

The Facilities Maintenance team consists of one Senior Facilities Maintenance Worker, three full-time Facilities Maintenance Worker IIs and one part-time Facilities Maintenance Worker I. These positions perform a wide variety of duties and responsibilities pertaining to the construction, maintenance and repair of City streets, parks, facilities and vehicles. Staff has determined the facilities maintenance worker crew is in need of more manpower which will significantly contribute to carrying out all duties and responsibilities more efficiently.

Accordingly, staff recommends converting its current Facilities Maintenance Worker I part-time position into a full-time position and adding an additional full-time Facilities Maintenance Worker I. The fully burdened increase to the City to implement these changes for the remainder of the fiscal year is \$66,646.

All human resources and risk management programs and activities including recruitment and selection, classification and compensation, employee benefits, staff development and training, employee relations, general liability, workers' compensation, safety, property and general insurance administration and loss control are being handled by the Human Resources Specialist position. Staff evaluated this position and recommends a title change from Human Resources Specialist to Human Resources/Risk Management Analyst, modification of the job description as well as a salary range change. The fully burdened increase to the City for the current fiscal year is \$3,783.

On September 12, 2017, City Council approved the job classification of Grants Administrator to focus on coordinating the administrative framework and wraparound effort to meet the North Orange County Public Safety Task Force's goals and objectives of the services in the region. Staff evaluated this position and recommends the elimination of the Grants Administrator classification and funding of the already existing Assistant to the City Manager classification with modifications to the job description and a salary range change. This position will still handle responsibilities related to the Task Force, but in addition will also provide professional-level managerial support to the City Manager on a variety of difficult and sensitive administrative matters and special projects. The fully burdened increase to the City for the current fiscal year is \$4,580.

The resolution amending the Position Classification can be found as Attachment 1. The adjustments to the Position Classification Manual can be found as Exhibit A. The job descriptions for the new and modified classifications can be found as Exhibit B.

FISCAL IMPACT:

The staff changes outlined in this report would result in an estimated cost of \$75,009 for the remainder of the fiscal year. However, this cost can be offset by the vacancies that occurred this fiscal year.

ENVIRONMENTAL IMPACT:

Not applicable.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

6. Maintain and Promote a Responsive, High Quality and Transparent Government.

PUBLIC NOTIFICATION:

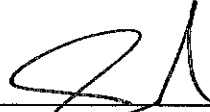
Through the normal agenda process.

Prepared by:



Cynthia Guzman
Human Resources Specialist

Approved by:



Jarad L. Hildenbrand
City Manager

Attachments:

1. Resolution No. 2019-48

Exhibit A: Adjustments to the Position Classification Manual

Exhibit B: New and Revised Job Descriptions

RESOLUTION NO. 2019-48

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA,
AMENDING THE POSITION CLASSIFICATION MANUAL**

WHEREAS, Chapter 2.44.02 of the Stanton Municipal Code requires the establishment of a Position Classification Plan; and

WHEREAS, Resolution No. 87-15 adopted that Position Classification Plan as a Position Classification Manual; and

WHEREAS, Resolution No. 2018-42 included the most recent revisions to the Position Classification Manual: and

WHEREAS, there is a need to change that plan by adding or deleting job classifications, and or changing certain elements of job classifications; and

WHEREAS, those changes are detailed in Exhibit "A" of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AS FOLLOWS:

1. The changes as detailed in Exhibit "A" are incorporated into the Position Classification Manual.
2. The position descriptions included as Exhibit "B" to this Resolution are hereby adopted.
3. All parts of the Position Classification Manual not changed by Exhibits "A" and "B" shall remain effective.

ADOPTED, SIGNED AND APPROVED this 12th day of November, 2019.

DAVID J. SHAWVER, MAYOR

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

ATTEST:

I, Patricia Vazquez, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2019-48 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 12, 2019, and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA VAZQUEZ, CITY CLERK

EXHIBIT "A"

Pursuant to Resolution 2019-48, the following position classification and associated salary range is added or modified in the Position Classification Manual:

POSITION – NEW CLASSIFICATION

SALARY RANGE

Delete: Human Resources Specialist
Insert: Human Resources/Risk Management Analyst
Delete: Grants Administrator

21
26
26

POSITION – SALARY RANGE CHANGE

Assistant to the City Manager

35

EXHIBIT "B"
CITY OF STANTON

Job Title: **Human Resources/Risk Management Analyst**

Department: Administration

Salary Range: 26

Reports to: City Manager

SUMMARY DESCRIPTION

Under general direction of the City Manager, the purpose of this position is to perform a variety of professional, analytical and technical administrative responsibilities in support of human resources and risk management programs and activities, including recruitment and selection, classification and compensation, employee benefits, staff development and training, employee relations, general liability, workers' compensation, safety, property and general insurance administration and loss control; provides staff assistance on a variety of human resources and/or risk management matters and performs related work as required.

Successful performance in this position requires the possession of specialized knowledge in a broad range of personnel administration areas and the ability to exercise a high degree of confidentiality and discretion in performing the duties of the position. The incumbent works independently under general direction and within a broad frame of guidelines in handling complex and confidential matters and is required to exercise considerable initiative, judgment and discretion. The work requires creativity and resourcefulness to accomplish goals and objectives and to apply concepts, plans and strategies under general direction.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Coordinate and conduct all phases of recruitment and selection activities to ensure citywide consistency, job-related screening and evaluation techniques and conformance to federal and state laws and regulations; evaluate the effectiveness of recruiting methods and seeks opportunities to improve on the process; coordinate placement of recruitment ads and posting of job flyers for current openings.
- Administer employee health and benefits programs and provide assistance and information to employees concerning City benefits, disability and retirement programs and related personnel policies and procedures; conduct new employee orientation; coordinate open enrollment procedures and process insurance enrollments and changes.
- Conduct classification reviews of existing positions and requests for addition of new positions; recommend classification and/or salary allocation for existing or new positions; develop or revise class specifications.

- Coordinate the City's workers' compensation program; tracks and monitors industrial injuries; serves as a liaison between the City, injured workers, and the third party administrator.
- Work with third party administrators to conduct the investigation of property and liability claims and evaluate the extent of City liability.
- Assist in managing the self-insured liability program and insured real/personal property protection programs including working with the City's insurance broker in the purchase and maintenance of needed insurance coverage.
- Advise departments on employee relations practices; disciplinary matters; reduction and avoidance of future liability.
- Provides assistance and advice to employees and management and supervisory staff regarding human resources/risk management policy interpretation, procedures, employee programs and related departmental projects/activities.
- Monitor employees' performance evaluation system and prepare Personnel Action Forms (PAF) for salary adjustments and benefit changes.
- May assist with budget preparation by collecting data necessary to prepare and monitor operating budget for Human Resources and Risk Management.
- Conduct surveys and perform research and statistical analysis on administrative, personnel, fiscal and operational issues, monitor legislation concerning human resources and risk management issues.
- Analyze, interpret and apply state and federal legislation and regulations regarding employment law and practices; makes recommendations and implements changes; interpret and apply personnel policies and procedures and advise City staff on correct interpretation. Conducts research, gathers and analyzes data.
- Oversee and coordinate the City's safety training program; update Safety manual and maintain employees' safety training records.
- Staff the Citywide Safety Committee and coordinate safety and loss control programs.
- Coordinate employee holiday functions and employee recognition programs. Participate in or represent the City at a variety of meetings or professional groups/associations including Joint Powers Authority boards.
- Prepare and complete required state and federal reports.
- Type and proofread a variety of documents related to area of assignment. Organize, reproduce, disseminate, scan and file documents.

Additional Tasks and Responsibilities:

- Perform other related duties as assigned.

KNOWLEDGE

- Principles and practices of human resource administration, labor and employment laws and regulations; recruitment and selection, employee benefits administration, training and development, risk management, liability and workers' compensation; and employee relations techniques.

- Federal, State and Local laws, regulations and ordinances related to equal opportunity and fair employment practices and workers' compensation.
 - Principles, practices and procedures involved in risk management program development; California tort and liability laws, claim practices and funding techniques.
 - Principles and practices of public administration, organization and management, and research and information sources.
 - Municipal insurance coverage needs.
 - English usage, spelling, grammar and punctuation.
 - Modern office procedures, methods, and computer equipment.
 - Basic methods and practices of statistical and general record-keeping.
 - Pertinent federal, state and local laws.
 - Safe driving principles and practices.
-

ABILITIES/SKILLS

- Maintain tactfulness and courtesy in explaining City procedures and requirements.
 - Conduct research and analysis and use independent judgment and initiative.
 - Perform mathematical calculations quickly and accurately.
 - Assemble, check and organize a variety of City records and documents.
 - Operate a computer and use word processing and spreadsheet software applications programs and electronic communications.
 - Type, proofread and disseminate letters, correspondence, and memos.
 - Communicate clearly and concisely, both orally and in writing.
 - Maintain confidentiality with discretion and independence and work with little direction.
 - Establish, maintain and foster positive and harmonious working relationships with those contacted in the course of work.
-

EXPERIENCE/TRAINING/EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

- Three years of responsible human resources/risk management experience, preferably in a municipal environment.
 - Bachelor's degree from an accredited college or university with major course work in human resources, public administration, business administration or a closely related field.
-

LICENSE/CERTIFICATE

- Possession of, or ability to obtain, an appropriate, valid California driver's license.
-

PHYSICAL ACTIVITIES AND REQUIREMENTS

- Ability to work in a standard office environment requiring prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting, crouching and stooping in the performance of daily activities.
 - Movements frequently and regularly require using the wrists, hands and fingers to operate computers and office equipment.
 - Occasional overtime, weekend and/or evening work may be required.
 - Ability to hear and convey detailed or important instructions or information verbally and accurately.
 - Average visual acuity to prepare and read documents.
 - Ability to communicate with both the public and co-workers in a clear and concise manner.
 - Adapt to standard office sounds generated by office equipment as well as standard noise levels resulting from communication with co-workers and the general public.
-

The City of Stanton is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer

CITY OF STANTON

Job Title: **Assistant to the City Manager**

Department: Administration

Salary Range: 35

Reports to: City Manager

SUMMARY DESCRIPTION

Under administrative direction, provides professional-level managerial support to the City Manager on a variety of difficult, complex and sensitive administrative matters; provides high-level research and analysis; reviews, reports, and monitors legislative and other intergovernmental activities; participates in the development, administration and implementation of assigned administrative processes, procedures and programs; manages and coordinates the City's housing and homeless resources programs and activities and performs related work as required.

The Assistant to the City Manager is a professional-level, single position job class with responsibility for coordinating and overseeing a variety of complex and confidential matters including, but not limited to, legislative policy analysis and intra/inter-governmental relations.

ESSENTIAL FUNCTIONS AND BASIC DUTIES

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Supports the City Manager and department directors on matters pertaining to assigned functions, programs and projects; prepares the City Manager's Office budget and oversees the expenditures of funds.
- Conducts major analytical and research assignments, and develops recommendations on administrative and operational issues and problems with citywide impact.
- Develops and assists in the development of strategies to accomplish City goals and objectives.
- Provides guidance to City departments according to the directives of the City Manager; coordinated activities with those of other departments and outside agencies.
- Manages the City's Community Development Block Grant (CDBG), affordable housing projects and ensures compliance with applicable requirements.
- Monitors, develops and recommends policy in the area of housing and homelessness.
- Coordinates homelessness policy and long-term planning with other local government agencies, law enforcement, city staff and community based organizations.
- Directs and participates in the preparation of various documents, including but not limited to correspondence, reports, resolutions, ordinances, contracts, and presentation materials.
- Researches, prepares and presents oral and written reports, responds to citizen inquiries.

- Monitors, analyzes and evaluates legislation and other intergovernmental activities affecting the City; prepares and/or coordinates appropriate responses to legislation impacting City operations and/or the community at large.
- Maintains effective and extensive professional relationships with representatives of other local, state and federal agencies.
- Attends a variety of meetings and civic functions; serves as the City Manager's representative/staff liaison at meetings of City management and staff, commissions, committees and other organizations as needed; represents the city in multi-jurisdictional meetings and with community groups, advisory boards and other governmental agencies.
- Respond to and resolve difficult inquiries and complaints.

Additional Tasks and Responsibilities:

- Perform other related duties as assigned.

KNOWLEDGE

- Principles and practices of municipal government administration, including goal setting, program development, implementation and evaluation.
- Municipal governance structure, practices and policies.
- Organizational and management practices applicable to the analysis and evaluation of programs, policies and operational needs.
- Methods and techniques of research, analysis, and statistical and analytical report preparation.
- Methods and techniques of contract negotiation and administration.
- Principles and practices of budget preparation and administration.
- Customer services and public relations.
- Modern office procedures, methods, and computer equipment.
- Pertinent Federal, State, and local laws, codes, and regulations.
- Safe driving principles and practices.

ABILITIES/SKILLS

- Develop alternative resolutions to problems and recommend a balanced use of strategic and administrative approaches in resolving issues.
- Analyze, appraise, and organize facts, data, and information and present findings and recommendation in oral and written reports.
- Manage a variety of complex and challenging projects simultaneously to completion.
- Exercise judgment, initiative, decisiveness, and creativity necessary in situations involving the direction, control, and planning of multiple programs, and in critical or unexpected situations involving considerable risk or loss to the City.
- Review, discuss, and advise regarding legislative and policy issues.
- Interact with public officials; work cooperatively with employees, customers, clients, and the public.

- Produce documents written in the English language using proper sentence structure, punctuation, grammar, and spelling.
 - Ability to communicate clearly and concisely both orally and in writing.
 - Establish, maintain and foster positive and harmonious working relationships with those contacted in the course of work.
-

EXPERIENCE/TRAINING/EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

- Five (5) years of increasingly responsible experience conducting complex administrative analysis, managing legislative affairs, or other professional-level municipal management support activities.
 - Bachelor's degree from an accredited college or university with major course work in public or business administration, political science or a closely related field.
-

LICENSE/CERTIFICATE

- Possession of, or ability to obtain an appropriate valid California driver's license.
-

PHYSICAL ACTIVITIES AND REQUIREMENTS

- Ability to work in a standard office environment requiring prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting, crouching and stooping in the performance of daily activities.
 - Movements frequently and regularly require using the wrists, hands and fingers to operate computers and office equipment.
 - Willingness to work variable hours including nights, weekends and/or holidays.
 - Ability to hear and convey detailed or important instructions or information verbally and accurately.
 - Average visual acuity to prepare and read documents.
 - Ability to read and interpret laws, specifications and requirements.
 - Ability to communicate with both the public and co-workers in a clear and concise manner.
 - Ability to travel to different sites and locations.
 - May be exposed to outdoor conditions.
 - Adapt to standard office sounds generated by office equipment as well as standard noise levels resulting from communication with co-workers and the general public.
-

The City of Stanton is an Equal Opportunity Employer. In compliance with the American Disabilities Act, the City will provide reasonable accommodations to qualified individuals with

disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 12, 2019

SUBJECT: AWARD OF CONTRACT FOR PROFESSIONAL CROSSING GUARD SERVICES TO ALL CITY MANAGEMENT SERVICES BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

REPORT IN BRIEF:

Staff solicited Proposals to provide crossing guard services for the local Stanton schools. Two proposals were received and evaluated. Based on this qualifications-based selection process, staff recommends awarding the contract to All City Management Services. The cost for completing these services is a maximum amount of \$121,590.

RECOMMENDED ACTIONS:

1. Declare this project to be categorically exempt under the California Environmental Quality Act, Class 1, Section 15301 (c); and
2. City Council award a contract for professional crossing guard services to All City Management Services to provide crossing guard services for a maximum contract amount of \$121,590; and
3. Authorize the City Manager to bind the City of Stanton and All City Management Services in a three-year contract to provide professional crossing guard services.

BACKGROUND:

For over twenty years, the City of Stanton provided crossing guard services to the local schools at an annual cost of approximately \$50,000 for six locations in three school districts including: Magnolia School District, Savanna School District and Anaheim Union High School District. During the adoption of the FY 11/13 budget, the crossing guards were eliminated from the budget. The school districts were notified of the change and they requested that the City continue to manage the contract for the crossing guards, but that the school districts would pay for the cost. In conjunction with the change, the number of sites serviced was reduced to three sites.

ANALYSIS/JUSTIFICATION:

School safety has always been a priority of the City of Stanton. City Council was pleased to be able to include funding in the FY 15/16 budget for crossing guards servicing the local school district thanks to additional funding received from the approval of Measure GG and the corresponding transactions and use tax.

On October 15th 2019, staff issued a request for proposals (RFP) for FY 19/20- FY 21/22 Crossing Guard Services. Staff reached out to many security and crossing guard companies in an effort to receive the best proposals. Two proposals were received and evaluated on a qualifications-based selection process.

The result was that All City Management Services was selected to perform the required services for this project. The City has had a longstanding positive relationship with All City Management Services and they currently have over 150 agencies to whom they provide crossing guard services. The total amount of this contract will not exceed \$121,590.

Fee schedules were opened after selection to make sure that the fees were reasonable.

Company	Hourly Fee	Hours	Total
All City Management Services	\$ 22.63	1,791 per year	\$ 40,530.00 per year
California Panther Security	\$ 31.50	120 per week	\$ 3,780.00 per week

Staff found that the fees from All City Management Services were much less than the fees proposed by the other firms. As such their fees were found to be reasonable. They also provided summer school services.

FISCAL IMPACT:

The cost of this contract will be \$40,530 per year for the next three fiscal years. Funds for these services are available from the Crossing Guard Services account # 102-2100-608175.

ENVIRONMENTAL IMPACT:

This project is categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301 (c) as replacement of existing facilities.

LEGAL REVIEW:

None.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

3 – Provide a quality infrastructure.

PUBLIC NOTIFICATION:

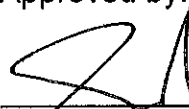
Notifications and advertisement were performed as prescribed by law.

Prepared by:



Allan Rigg, P.E., AICP
Director of Public Works/City Engineer

Approved by:



Jared Hildenbrand
City Manager

Attachment:

(1) Professional Services Agreement

CITY OF STANTON

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and effective as of October 12, 2019, between the City of Stanton, a California Municipal Corporation ("City") and All City Management Service, Inc. ("Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **TERM**

This Agreement shall commence on October 12, 2019 and shall remain and continue in effect until tasks described herein are completed, but in no event later than June 30, 2022 unless sooner terminated pursuant to the provisions of this Agreement. Prior to the expiration of this agreement on June 30, 2022, the City may in its sole discretion extend this agreement for additional one-year periods upon terms acceptable to the City for up to two years.

2. **SERVICES**

Consultant shall perform the tasks described and set forth in Exhibit A, attached hereto and incorporated herein as though set forth in full. Consultant shall complete the tasks according to the schedule of performance which is also set forth in Exhibit A.

3. **PERFORMANCE**

Consultant shall at all times faithfully, competently and to the best of his/her ability, experience, and talent, perform all tasks described herein. Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.

4. **CITY MANAGEMENT**

The City Manager shall represent City in all matters pertaining to the administration of this Agreement, review and approval of all products submitted by Consultant, but not including the authority to enlarge the Tasks to Be Performed or change the compensation due to Consultant. City's City Manager shall be authorized to act on City's behalf and to execute all necessary documents that enlarge the Tasks to Be Performed or change Consultant's compensation, subject to Section 5 hereof.

5. **PAYMENT**

(a) The City agrees to pay Consultant monthly, in accordance with the payment rates and terms and the schedule of payment as set forth herein, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This amount shall not exceed \$40,530 for the total term of the Agreement unless additional payment is approved as provided in this Agreement. The total amount consists of \$40,530 annually for 1,791 hours a year at the rate of \$22.63 per hour. In the event of legislatively-mandated increases in wages and benefits for California employees during the Term of the Contract, Consultant may request an increase of the Contract rate of \$22.63 per hour, subject to City's approval. The Consultant shall provide the City 60 days' notice and justification of its request to adjust pricing. The City retains sole discretion to approve the Consultant's request, but in any event agrees to review and respond to the Consultant's notice and request within 30 days of receipt. Should the City exercise its discretion not to approve the Consultant's request, the Consultant shall have the right to terminate the Contract within 90 days of notice of disapproval by the City.

(b) Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement that are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Manager. Consultant shall be compensated for any additional services in the amounts and in the manner as agreed to by City Manager and Consultant at the time City's written authorization is given to Consultant for the performance of said services. The City Manager may approve additional work not to exceed ten percent (10%) of the amount of the Agreement, but in no event shall such sum exceed ten thousand dollars (\$10,000). Any additional work in excess of this amount shall be approved by the City Council.

(c) Consultant will submit invoices monthly for actual services performed. Invoices shall be submitted on or about the first business day of each month, or as soon thereafter as practical, for services provided in the previous month. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of Consultant's fees it shall give written notice to Consultant within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice.

6. **SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE**

(a) The City may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon the consultant at least ten (10) days prior written notice. Upon receipt of said notice, the Consultant shall immediately cease all work under this Agreement, unless the notice provides otherwise. If the City

suspends or terminates a portion of this Agreement such suspension or termination shall not make void or invalidate the remainder of this Agreement.

(b) In the event this Agreement is terminated pursuant to this Section, the City shall pay to Consultant the actual value of the work performed up to the time of termination, provided that the work performed is of value to the City. Upon termination of the Agreement pursuant to this Section, the Consultant will submit an invoice to the City pursuant to Section 3.

7. **DEFAULT OF CONSULTANT**

(a) The Consultant's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in default for cause under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default and can terminate this Agreement immediately by written notice to the Consultant. If such failure by the Consultant to make progress in the performance of work hereunder arises out of causes beyond the Consultant's control, and without fault or negligence of the Consultant, it shall not be considered a default.

(b) If the City Manager or his/her delegate determines that the Consultant is in default in the performance of any of the terms or conditions of this Agreement, he/she shall cause to be served upon the Consultant a written notice of the default. The Consultant shall have ten (10) days after service of said notice in which to cure the default by rendering a satisfactory performance. In the event that the Consultant fails to cure its default within such period of time, the City shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

8. **OWNERSHIP OF DOCUMENTS**

(a) Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts, and other such information required by City that relate to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of City or its designees at reasonable times to such books and records; shall give City the right to examine and audit said books and records; shall permit City to make transcripts there from as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this

Agreement. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

(b) Upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of the City and may be used, reused, or otherwise disposed of by the City without the permission of the Consultant. However, use of data by City for other than the project that is the subject of this agreement shall be at City's sole risk without legal liability or exposure to Consultant. With respect to computer files, Consultant shall make available to the City, at the Consultant's office and upon reasonable written request by the City, the necessary computer software and hardware for purposes of accessing, compiling, transferring, and printing computer files.

9. **INDEMNIFICATION**

(a) Indemnification for Professional Liability. Where the law establishes a professional standard of care for Consultant's Services, to the fullest extent permitted by law, Consultant shall indemnify, protect, defend and hold harmless City, and any and all of its officials, employees and agents (collectively "Indemnified Parties"), from and against any and all claims, charges, complaints, liabilities, obligations, promises, benefits, agreements, controversies, costs, losses, debts, expenses, damages, actions, causes of action, suits, rights, and demands of any nature whatsoever, including but not limited to the extent same are caused or contributed to in whole or in part which relate to or arise out of any negligent, intentional or willful act, omission, occurrence, condition, event, transaction, or thing which was done, occurred, or omitted to be done (collectively "Claims"), by Consultant, its officers, agents, employees or subcontractors (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of professional services under this Agreement without regard to whether such Claims arise under the federal, state, or local constitutions, statutes, rules or regulations, or the common law. With respect to the design of public improvements, the Consultant shall not be liable for any injuries or property damage resulting from the reuse of the design at a location other than that specified in Exhibit A without the written consent of the Consultant.

(b) Indemnification for Other Than Professional Liability. In addition to indemnification related to the performance of professional services and to the full extent permitted by law, Consultant shall further indemnify, protect, defend and hold harmless the City and Indemnified Parties from and against any liability (including Claims) where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by Consultant or by any individual or entity

for which Consultant is legally liable, including but not limited to officers, agents, employees or subcontractors of Consultant.

(c) General Indemnification Provisions. Consultant agrees to obtain executed indemnity agreements which indemnify, protect, defend and hold harmless the City from liability, with provisions identical to those set forth here in this Section 9 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required, this failure shall be a material breach of this Agreement, and Consultant agrees to be fully responsible according to the terms of this entire Section 9. City has no obligation to ensure compliance with this Section by Consultant and failure to do so will in no way act as a waiver. This obligation to indemnify and defend City is binding on the successors, assigns or heirs of Consultant, and shall survive the termination of this Agreement or this section.

(d) Obligation to Defend. It shall be the sole responsibility and duty of Consultant to fully pay for and indemnify the City for the costs of defense, including but not limited to reasonable attorney's fees and costs, for all Claims against the City and the Indemnified Parties, whether covered or uncovered by Consultant's insurance, against the City and the Indemnified Parties which arise out of any type of omission or error, negligent or wrongful act, of Consultant, its officers, agents, employees, or subcontractors. City shall have the right to select defense counsel.

10. **INSURANCE**

Consultant shall maintain prior to the beginning of and for the duration of this Agreement insurance coverage as specified in Exhibit B attached to and part of this Agreement.

11. **INDEPENDENT CONSULTANT**

(a) Consultant is and shall at all times remain as to the City a wholly independent Consultant. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City nor any of its officers, employees, or agents shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that it or any of its officers, employees, or agents are in any manner officers, employees, or agents of the City. Consultant shall not incur or have the power to incur any debt, obligation, or liability whatever against City, or bind City in any manner.

(b) No employee benefits shall be available to Consultant in connection with the performance of this Agreement. Except for the fees paid to

Consultant as provided in the Agreement, City shall not pay salaries, wages, or other compensation to Consultant for performing services hereunder for City. City shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing services hereunder.

12. **LEGAL RESPONSIBILITIES**

The Consultant shall keep itself informed of State and Federal laws and regulations, which in any manner affect those employed by it or in any way, affect the performance of its service pursuant to this Agreement. The Consultant shall at all times observe and comply with all such laws and regulations. The City, and its officers and employees, shall not be liable at law or in equity occasioned by failure of the Consultant to comply with this Section.

13. **UNDUE INFLUENCE**

Consultant declares and warrants that no undue influence or pressure is used against or in concert with any officer or employee of the City of Stanton in connection with the award, terms or implementation of this Agreement, including any method of coercion, confidential financial arrangement, or financial inducement. No officer or employee of the City of Stanton will receive compensation, directly or indirectly, from Consultant, or from any officer, employee or agent of Consultant, in connection with the award of this Agreement or any work to be conducted as a result of this Agreement. Violation of this Section shall be a material breach of this Agreement entitling the City to any and all remedies at law or in equity.

14. **NO BENEFIT TO ARISE TO LOCAL EMPLOYEES**

No member, officer, or employee of City, or their designees or agents, and no public official who exercises authority over or responsibilities with respect to the Project during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any agreement or sub-agreement, or the proceeds thereof, for work to be performed in connection with the Project performed under this Agreement.

15. **RELEASE OF INFORMATION/CONFLICTS OF INTEREST**

(a) All information gained by Consultant in performance of this Agreement shall be considered confidential and shall not be released by Consultant without City's prior written authorization. Consultant, its officers, employees, agents, or sub consultants, shall not without written authorization from the City Manager or unless requested by the City Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning

the work performed under this Agreement or relating to any project or property located within the City. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

(b) Consultant shall promptly notify City should Consultant, its officers, employees, agents, or sub consultants be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request, court order, or subpoena from any person or party regarding this Agreement and the work performed there under or with respect to any project or property located within the City. City retains the right, but has no obligation, to represent Consultant and/or be present at any deposition, hearing, or similar proceeding. Consultant agrees to cooperate fully with City and to provide the opportunity to review any response to discovery requests provided by Consultant. However, City's right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

16. **NOTICES**

Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

To City:	City of Stanton 7800 Katella Ave Stanton, California 90680 Attention: City Clerk
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To Consultant:	All City Management 10440 Pioneer Blvd. Suite 5 Santa Fe Springs, CA 90670
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17. **ASSIGNMENT**

The Consultant shall assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the City. Because of the personal nature of the services to be rendered

pursuant to this Agreement, only All City Management Services, Inc. shall perform the services described in this Agreement.

18. **LICENSES**

At all times during the term of this Agreement, Consultant shall have in full force and effect, all licenses required of it by law for the performance of the services described in this Agreement.

19. **GOVERNING LAW**

The City and Consultant understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the municipal, superior, or federal district court with jurisdiction over the City of Stanton.

20. **ENTIRE AGREEMENT**

This Agreement contains the entire understanding that between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

21. **CONTENTS OF PROPOSAL**

Consultant is bound by the contents of the proposal submitted by the Consultant, Exhibit "A" hereto.

22. **AUTHORITY TO EXECUTE THIS AGREEMENT**

The person or persons executing this Agreement on behalf of Consultant warrants and represents that he/she has the authority to execute this Agreement on behalf of the Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF STANTON

By: _____
Jarad Hildenbrand
City Manager

CONSULTANT

By: _____
(Signature)

(Typed Name)

Its: _____

Attest:

Patricia A. Vazquez, City Clerk

Approved As To Form:

Matthew E. Richardson, City Attorney

EXHIBIT A

TASKS TO BE PERFORMED

Consultant agrees to provide three (3) crossing guards at the three sites selected by the City with normal off site supervision. The agreement shall be for three years, and subsequently renew from year to year with the same terms and conditions provided the parties agree in writing to any changes relative to the number of crossing guards, the hourly fee to be charged, and any other matters deemed necessary by either party.

The guards will be located at the following three intersections within or near the City:

1. Chanticleer and Dale Avenue (Robert M. Pyles Elementary)
2. Magnolia and Pacific Avenue (Ester L. Walter Elementary)
3. Cerritos and Knott Avenue (Hansen Elementary)

Consultant agrees that all individuals employed under this agreement will be employees of Consultant and that the Consultant will provide the recruitment, hiring, firing, payroll services, and yearly tax reporting of and for employees. Consultant will maintain personnel records on all employees, conduct background investigations on each individual hired to assure that the individual is qualified to serve as a crossing guard and represents to the City that each person will be competent to provide said services.

Consultant agrees to provide the service during such hours as are established by the City and on all days when public schools in the City are in session. Any guard hours required by the City in excess of the established hours shall result in an increase in the contract time.

Crossing guards will assist students and other pedestrians to cross the streets at their assigned intersection.

Consultant will be responsible for the supervision of all employees at all sites, including placement of alternate guards, monitoring of guard performance, and all guard training. All personnel complaints will be referred to and handled by the Consultant.

Consultant shall provide all equipment to be used by the crossing guards. This equipment typically consists of, but is not limited to; a jacket, stop sign, whistle, safety vest, shirt, and rain gear. Equipment shall be worn and used at all times in accordance with accepted standards within the industry and shall be properly and adequately maintained.

EXHIBIT B

INSURANCE REQUIREMENTS

Prior to the beginning of and throughout the duration of the Work, Consultant will maintain insurance in conformance with the requirements set forth below. Consultant will use existing coverage to comply with these requirements. If that existing coverage does not meet the requirements set forth here, Consultant agrees to amend, supplement or endorse the existing coverage to do so. Consultant acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. Any insurance proceeds available to City in excess of the limits and coverage required in this Agreement and which is applicable to a given loss, will be available to City.

Consultant shall provide the following types and amounts of insurance:

1. **Commercial General Liability Insurance** using Insurance Services Office "Commercial General Liability" policy form CG 00 01 or the exact equivalent. Defense costs must be paid in addition to limits. There shall be no cross liability exclusion for claims or suits by one insured against another. Limits are subject to review but in no event less than \$1,000,000 per occurrence.
2. **Business Auto Coverage** on ISO Business Auto Coverage form CA 00 01 including symbol 1 (Any Auto) or the exact equivalent. Limits are subject to review, but in no event to be less than \$1,000,000 per accident. If Consultant owns no vehicles, this requirement may be satisfied by a non-owned auto endorsement to the general liability policy described above. If Consultant or Consultant's employees will use personal autos in any way on this project, Consultant shall provide evidence of personal auto liability coverage for each such person.
3. **Workers Compensation** on a state-approved policy form providing statutory benefits as required by law with employer's liability limits no less than \$1,000,000 per accident or disease.

General conditions pertaining to provision of insurance coverage by Consultant. Consultant and City agree to the following with respect to insurance provided by Consultant:

1. Consultant agrees to have its insurer endorse the third party general liability coverage required herein to include as additional insureds City, its officials, employees and agents, using standard ISO endorsement No. CG 2010 with an edition prior to 1992. Consultant also agrees to require all contractors, and subcontractors to do likewise.

2. No liability insurance coverage provided to comply with this Agreement shall prohibit Consultant, or Consultant's employees, or agents, from waiving the right of subrogation prior to a loss. Consultant agrees to waive subrogation rights against City regardless of the applicability of any insurance proceeds, and to require all contractors and subcontractors to do likewise.
3. All insurance coverage and limits provided by Contractor and available or applicable to this Agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to the City or its operations limits the application of such insurance coverage.
4. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to City and approved of in writing.
5. No liability policy shall contain any provision or definition that would serve to eliminate so-called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured or of any contractor or subcontractor.
6. All coverage types and limits required are subject to approval, modification and additional requirements by the City, as the need arises. Consultant shall not make any reductions in scope of coverage (e.g. elimination of contractual liability or reduction of discovery period) that may affect City's protection without City's prior written consent.
7. Proof of compliance with these insurance requirements, consisting of certificates of insurance evidencing all of the coverages required and an additional insured endorsement to Consultant's general liability policy, shall be delivered to City at or prior to the execution of this Agreement. In the event such proof of any insurance is not delivered as required, or in the event such insurance is canceled at any time and no replacement coverage is provided, City has the right, but not the duty, to obtain any insurance it deems necessary to protect its interests under this or any other agreement and to pay the premium. Any premium so paid by City shall be charged to and promptly paid by Consultant or deducted from sums due Consultant, at City option.
8. Certificate(s) are to reflect that the insurer will provide 30 days notice to City of any cancellation of coverage. Consultant agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, or that any party will "endeavor" (as opposed to being required) to comply with the requirements of the certificate.

9. It is acknowledged by the parties of this Agreement that all insurance coverage required to be provided by Consultant or any subcontractor, is intended to apply first and on a primary, non-contributing basis in relation to any other insurance or self insurance available to City.
10. Consultant agrees to ensure that subcontractors, and any other party involved with the project that is brought onto or involved in the project by Consultant, provide the same minimum insurance coverage required of Consultant. Consultant agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. Consultant agrees that upon request, all agreements with subcontractors and others engaged in the project will be submitted to City for review.
11. Consultant agrees not to self-insure or to use any self-insured retentions or deductibles on any portion of the insurance required herein and further agrees that it will not allow any contractor, subcontractor, Architect, Engineer or other entity or person in any way involved in the performance of work on the project contemplated by this Agreement to self-insure its obligations to City. If Consultant's existing coverage includes a deductible or self-insured retention, the deductible or self-insured retention must be declared to the City. At that time the City shall review options with the Consultant, which may include reduction or elimination of the deductible or self-insured retention, substitution of other coverage, or other solutions.
12. The City reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the Consultant ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the Consultant, the City will negotiate additional compensation proportional to the increased benefit to City.
13. For purposes of applying insurance coverage only, this Agreement will be deemed to have been executed immediately upon any party hereto taking any steps that can be deemed to be in furtherance of or towards performance of this Agreement.
14. Consultant acknowledges and agrees that any actual or alleged failure on the part of City to inform Consultant of non-compliance with any insurance requirement in no way imposes any additional obligations on City nor does it waive any rights hereunder in this or any other regard.
15. Consultant will renew the required coverage annually as long as City, or its employees or agents face an exposure from operations of any type pursuant to this Agreement. This obligation applies whether or not the Agreement is canceled or terminated for any reason. Termination of this

obligation is not effective until City executes a written statement to that effect.

16. Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from Consultant's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to City within five days of the expiration of the coverages.
17. The provisions of any workers' compensation or similar act will not limit the obligations of Consultant under this Agreement. Consultant expressly agrees not to use any statutory immunity defenses under such laws with respect to City, its employees, officials and agents.
18. Requirements of specific coverage features or limits contained in this section are not intended as limitations on coverage, limits or other requirements nor as a waiver of any coverage normally provided by any given policy. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue, and is not intended by any party or insured to be limiting or all-inclusive.
19. These insurance requirements are intended to be separate and distinct from any other provision in this Agreement and are intended by the parties here to be interpreted as such.
20. The requirements in this Section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this Section.
21. Consultant agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Consultant for the cost of additional insurance coverage required by this Agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.
22. Consultant agrees to provide immediate notice to City of any claim or loss against Consultant arising out of the work performed under this Agreement. City assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve City.

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 12, 2019

SUBJECT: AUTHORIZATION TO PURCHASE TWO NEW HONDA PLUG-IN CLARITYS

REPORT IN BRIEF:

The city has two 2012 Ford Escapes which function as “pool” cars for city staff. Both cars have experienced significant mechanical issues with one recently breaking down on the freeway. Staff would like to replace both cars with new Honda Hybrid Claritys. Funding for both vehicles is available from restricted funding from the South Coast Air Quality Management District (SCAQMD).

RECOMMENDED ACTIONS:

1. Declare that the purchase of two vehicles is not a project per the California Environmental Quality Act; and
2. Approve the purchase of two Honda Hybrid Claritys in the amount of \$31,274.32 each; and
3. Authorize the City Manager to execute the purchase of both vehicles.

BACKGROUND:

The city receives funding from SCAQMD to reduce emissions from vehicles, referred to as the AB 2766 Subvention Fund Program. These funds can be used for a variety of purposes including the purchase of low-emission vehicles. SCAQMD determines which vehicles qualify to be purchased using these funds and produces annual lists of eligible vehicles, which are attached to this report. Many of the vehicles in the city's fleet have been purchased using this funding source, including the two Ford Escapes that are being replaced.

ANALYSIS/JUSTIFICATION:

Staff reviewed the lists from SCAQMD and determined that a plug-in hybrid vehicle would be a better choice than all electric due to the potential lack of electricity to charge

the cars in the event of an emergency. A plug-in hybrid vehicle could still be fueled at the City Yard and be available for use.

Out of the eligible plug-in hybrids, staff was very impressed with the reviews for the Honda Plug-In Clarity. Additionally two staff members have purchased these and have found them to be reliable and functional.

Three quotes were received from local Honda dealers:

	Vehicle Description	Vendor	Quote
1	2019 Honda Clarity	Honda World	\$32,159.52
2	2019 Honda Clarity	Buena Park Honda	\$34,012.00
3	2019 Honda Clarity	Norm Reeves	\$31,274.73

The two Ford Escapes will be sold at auction and the revenue will be placed back into the SCAQMD fund.

FISCAL IMPACT:

Funding for this purchase is available from SCAQMD Subvention Funds, with the current fund balance being \$231,114. The fund balance will be \$168,564 after these purchases. Staff is anticipating purchasing new electric trucks once they become available next year.

ENVIRONMENTAL IMPACT:

This action is not a project per CEQA.

LEGAL REVIEW:

None.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

6 – Maintain and Promote a Responsive, High-Quality, and Transparent Government

PUBLIC NOTIFICATION:

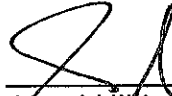
Notifications and advertisement were performed as prescribed by law.

Prepared by:



Allan Rigg, P.E., AICP
Director of Public Works/City Engineer

Approved by:



Jarad Hildenbrand
City Manager

Attachments:

- (1) SCAQMD Vehicle Lists
- (2) Quotes from Honda Dealers

2019 Clean Air Choice Vehicles

Advanced Technology Partial Zero-Emission Vehicles (AT-PZEVs) and (TZEVs)

AT-PZEV is an acronym for Advanced Technology Partial Zero-Emission Vehicle. These are vehicles that meet the super ultra-low emission vehicle (SULEV) and PZEV tailpipe emissions requirements, but also include components on the cutting edge of technology that help to improve the fuel mileage of PZEVs. Hybrid drivetrain components are a good example. PZEVs run on gasoline, yet offer extremely clean SULEV tailpipe emissions with zero evaporative emissions and 150,000 mile emission warranty.

The term AT-PZEV is being replaced by the term **TZEV**, and is an acronym for **Transitional Zero-Emission Vehicle**.

Make	Models	MPG City/Hwy	Carbon Footprint	Test Group
BMW	I3, I3S REX (120 Ah, Plug-In hybrid gasoline-electric)	35 (gasoline) 111 (electric)	0.4	KBMXV00.613R
	530E, 530E XDRIVE (Plug-In hybrid gasoline-electric)	28 - 29 (gasoline) 67 - 72 (electric)	3.2 - 3.3	KBMXV02.0H30
Chevrolet	Volt Low Emissions Package ONLY (Plug-In hybrid gasoline-electric)	42 (gasoline) 106 (electric)	0.8	KGMXV01.5030
Chrysler	Pacifica Hybrid (Plug-In hybrid gasoline-electric)	30 (gasoline) 82 (electric)	2.0	KCRXT03.65P6
Ford	Fusion Energi (Plug-In hybrid gasoline-electric)	42 (gasoline) 103 (electric)	1.6	KEMXV02.0VZ0
	Fusion Special Service Vehicle (Plug-In hybrid gasoline-electric)			
Honda	Clarity Plug-In Hybrid (Plug-In hybrid gasoline-electric)	42 (gasoline) 110 (electric)	0.9	KHNXV01.5D92
Hyundai	Ioniq Plug-In Hybrid (Plug-In hybrid gasoline-electric)	52 (gasoline) 119 (electric)	1.2	KHYXV01.6P21
	Sonata Plug-In Hybrid (Plug-In hybrid gasoline-electric)	39 (gasoline) 99 (electric)	1.7	KHYXV02.0E2T
Kia	Optima Plug-In Hybrid 2.0L (Plug-In hybrid-gasoline electric)	40 (gasoline) 103 (electric)	1.6	KKMXV02.0D2T
	Niro (Plug-In hybrid-gasoline electric)	46 (gasoline) 105 (electric)	1.5	KKMXV01.6L2T
Mitsubishi	Outlander PHEV (Plug-In hybrid gasoline-electric)	25 (gasoline) 74 (electric)	2.9	KMTXT02.0H3M
Mercedes Benz	GLC 350E 4MATIC (Plug-In hybrid gasoline-electric)	25 (gasoline) 56 (electric)	3.9	KMBXJ02.0H11
Subaru	Crosstrek Hybrid (Plug-In hybrid gasoline-electric)	35 (gasoline) 90 (electric)	2.5	KFJXT02.0EVC
Toyota	Prius Prime (Plug-In hybrid gasoline-electric)	54 (gasoline) 133 (electric)	1.3	KTYXV01.8P35
Volvo	S60 T8 AWD (Plug-In hybrid gasoline-electric)	31 (gasoline) 74 (gasoline)	2.7	KVXXJ02.0P30
	S90 T8 AWD (Plug-In hybrid gasoline-electric)	29 (gasoline) 71 (gasoline)	2.7	KVXXJ02.0P30
	XC60 T8 AWD (Plug-In hybrid gasoline-electric)	26 (gasoline) 58 (gasoline)	3.5	KVXXJ02.0P30
	XC90 T8 AWD (Plug-In hybrid gasoline-electric)	25 (gasoline) 58 (gasoline)	3.6	KVXXJ02.0P30



CleanAir
CHOICES

2019 Clean Air Choice Vehicles

Advanced Technology - Zero-Emission Vehicles (ZEVs)

ZEV is an acronym for Zero-Emission Vehicle. A ZEV has zero tailpipe emissions and emits 98-percent cleaner emissions than the current model year's average vehicle. Electric-only vehicles and fuel-cell vehicles qualify as ZEVs.

Make	Models	MPG City/Hwy*	Carbon Footprint	Test Group
Audi	E-Tron SS Quattro	Not Available	0.00	KVGAT00.0AZE
BMW	i3S (120 AH)	124/102	0.00	KBMXV00.013B
	i3 BEV (120 AH)	124/102	0.00	KBMXV00.013B
Chevrolet	Bolt EV	128/110	0.00	KGMXV00.0002
Fiat	500e	121/103	0.00	KCRXV00.05PR
Honda	Clarity Electric	150/122	0.00	KHNXV00.0BE9
	Clarity Fuel Cell	69/67	0.00	KHNXV00.0AE9
Hyundai	Ionic Electric	150/122	0.00	KHYXV00.0P31
	Kona Electric	132/108	0.00	KHYXV00.0K31
	Nexo Blue, Limited (Fuel Cell)	65/58, 59/54	0.00	KHYXV00.0R41
Jaguar	I-PACE HSE, S, SE	80/72	0.00	KJLXT00.0TZA
Kia	Soul Electric	124/93	0.00	KKMXV00.0B31
	Niro Electric	123/102	0.00	KKMXV00.0L31
Nissan	Leaf S, SL, SV (40 kW-hr battery pack) Electric	124/99	0.00	KNSXV0000TL2
	Leaf S Plus, SL Plus, SV Plus	118/94	0.00	KNSXV0000TS3
Smart	FourTwo Electric Drive (Coupe)	124/94	0.00	KMBXV00.0ED1
	FourTwo Electric Drive (Convertible)	112/91	0.00	KMBXV00.0ED2
Tesla	Model S 100 D, Model S 75D, Model S P100 D	102/105	0.00	KTSLV00.0L2S
	Model X 100D, Model X 75D, Model X P100D	91/95	0.00	KTSLV00.0L2X
	Model 3 Long Range, Mid Range, Standard Range Plus	136/123	0.00	KTSLV00.0L13
	Model 3 LongRange AWD, LR AWD Perform	120/112	0.00	KTSLV00.0L23
Toyota	Mirai (fuel cell)	67/67	0.00	KTYXV00.0DA7
Volkswagen	e-Golf	126/111	0.00	KVGAV00.0VZZ

Vehicles on the ZEV, AT-PZEVs & TZEVS (except non-plug-in hybrids) lists are eligible for Clean Air Vehicle Decals (allow single occupant HOV Lane Usage), and are also eligible to receive incentives through the Clean Vehicle Rebate Project (AB 118); and Replace Your Ride program within SCAQMD subject to income qualification.

More information is available at <https://www.dmv.ca.gov/portal/dmv/detail/vr/decal>, www.cleanvehiderebate.org, and <https://xappprod.aqmd.gov/RYR/Home>.

*Approximate MPGe based on 2019 model year data; Tailpipe Carbon Footprint information based on vehicle driven 15,000 miles per year. Upstream emission vary by location. Source: www.fueleconomy.gov. For more information, see CARB's website at <http://www.arb.ca.gov/msprog/onroad/cert/cert.php> (Updated: 4/2/2019)

Visit South Coast AQMD's website at www.aqmd.gov and www.cleanairstchoices.org

Rigg, Allan

From: Art Munoz [Art.Munoz@drive.normreeveshb.com]
Sent: Monday, November 04, 2019 8:54 AM
To: Rigg, Allan
Subject: RE: Norm Reeves Honda Superstore Huntington Beach

I have zip code 90680 for sales tax.

Sales Price:\$28,269.00

Sales Tax:\$2,480.98

DMV:\$439.75

Doc:\$85.00

Total OTD:\$31,274.73 ea.

2019 Clarity Base White

let me know how i could help?

Thanks!

On Monday, November 4, 2019 at 8:38 AM, Rigg, Allan <arigg@ci.stanton.ca.us> wrote:

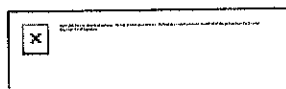
Hi,

Can I get a full quote for two white plug-in Claritys? They are for the City of Stanton.

Thank you,

Allan Rigg, PE AICP

Public Works Director/City Engineer



City of Stanton

7800 Katella Avenue, Stanton, CA 90680

(714) 890-4203 | (714) 890-1443 (fax)

"Community Pride and Forward Vision"

www.ci.stanton.ca.us

From: Art Munoz [mailto:Art.Munoz@drive.normreeveshb.com]
Sent: Monday, November 04, 2019 8:34 AM
To: Rigg, Allan
Subject: Norm Reeves Honda Superstore Huntington Beach

Hello Allan, your looking for the MOONLIT PEARL Clarity? we do have available on the lot.
MSRP:\$34,320.00
Your internet price is only:\$28,269.00+TT&L save over \$6,000 from MSRP
would you like to set up a time today to stop by?

Best Regards,

Art Munoz
Internet Consultant
Norm Reeves Honda Superstore Huntington Beach
19131 Beach Blvd.
Huntington Beach, CA 92648
Work: (714)842-5431
Cell: (818)401-7238
www.normreeveshuntingtonbeach.com

Store Hours: Monday - Saturday 8:30AM-9:00PM, Sunday 9:00AM-8:00PM

If you would like to remove yourself from the distribution list, [click here](#).

If you'd like to unsubscribe and stop receiving these emails [click here](#) .

Honda World

13600 Beach Blvd
Westminster, CA 92683
(714) 890-8900



Date: 10/31/2019 Salesperson: Abousamra, Malek
Deal Number: 393530
Customer Number: 207958

GUEST INFORMATION

Guest Name: City Of Stanton,
Address: 7800 Katella Ave Stanton, CA 90680
Home Telephone No.: Work Telephone No.: Cell Telephone No.:
Email Address: arigg@ci.stanton.ca.us Drivers License No (Buyer): Drivers License No (Co-Buyer):

VEHICLE DESCRIPTION

Make/Model/Description: 2019 Honda CLARITY PHEV PHEV
Stock No.: 394302 VIN No.: JHMZC5F11KC004800
Year: 2019 Color: White Miles: 3

TRADE DESCRIPTION

Make/Model/Description: 0
ID No.: VIN No.:
Year: 0 Color: Miles:

Suggested Retail Value: 34,330.00
Savings: -6,442.00

Sale Price: 27,888.00
Theft Deterrent/Accessories/
Protection Pkg: 1,190.00
Documentation/Smog Fee: 85.00

Net Sale Price: 29,163.00
Sales Taxes: 2,551.77
Gov't / Registration Fees: 414.75
EVR Charge: 30.00
Gap Protection: 0.00
Extended Service Contract: 0.00
Lease Term / Misc. Fees: 0.00

Total Sale Price: 32,159.52
Trade Value: 0.00
Trade Balance: 0.00

Net Trade: 0.00
Less Down Payment: 0.00

Balance Remaining: 32,159.52

Interest Rate: 0.00
Payment Frequency: Monthly Payments
Number of Payments: 1
Days to 1st Pmnt: 45
First Payment Date: 12/15/2019
Payment: 1 32,159.52

Printed Date: 10-31-2019, 3:10 PM
Created by User: DBORTOLUSSI

Rigg, Allan

From: Buena Park Honda [sales@buenahonda.edealerhub.com]
Sent: Wednesday, November 06, 2019 1:49 PM
To: Rigg, Allan
Subject: RE:RE: Your Quote from Buena Park Honda

\$34,012 Total

Hi,

What would the out the door price be?

Thank you,

Allan Rigg, PE AICP
Public Works Director/City Engineer

[City-Logo-Email-Signature]
City of Stanton
7800 Katella Avenue, Stanton, CA 90680
(714) 890-4203 | (714) 890-1443 (fax)
"Community Pride and Forward Vision"
www.ci.stanton.ca.us

From: Buena Park Honda [mailto:sales@buenahonda.edealerhub.com]
Sent: Thursday, October 31, 2019 1:04 PM
To: Rigg, Allan
Subject: Your Quote from Buena Park Honda

[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwd.eleadcrm.com%2fevo2%2fcompanies%2fCABPHONDA%2fimages%2fBuena%2520Park.jpg&c=E,1,h_junwwT42hn42s0b84fkxGCmHcl2TW2zpct6BNI2bo-ymCJqgO-Tk8_tziFsJsm4oxkw3DW2WJzpCF8hAKtRJROqLTW78jje_kmAIWUIKE8Zkx8B1w,&typo=0]

Hello Allan,

Great choice in the Honda Clarity Plug-In Hybrid. It's available for you! I'm Alex Lemus, at Buena Park Honda.

Our Sonic Internet Price on your Clarity Plug-In Hybrid, stock number KC005329, is:

MSRP: \$34330

Buena Park Savings

Sonic Price: \$30999

[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.elead.us%2fimages%2fC_635%2f300x300%2fvehicles%2fT

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 12, 2019

SUBJECT: CONSIDERATION OF ORDINANCE NO. 1095 AMENDING THE MUNICIPAL CODE SECTION 1.10.020 REGARDING ADVERTISEMENTS OF ILLEGAL ACTIVITY; SECTION 9.16.020 REGARDING PUBLIC NUISANCES; CHAPTER 9.48 REGARDING GRAFFITI; SECTION 9.94.010 REGARDING TRESSPASS; AND SECTION 10.08.010 REGARDING ON-STREET PARKING; AND ADDING CHAPTER 5.67 TO TITLE 5 OF THE STANTON MUNICIAL CODE RELATING TO TOBACCO RETAILER REGISTRATION

REPORT IN BRIEF:

As part of a periodic review of the Stanton Municipal Code, a series of updates are recommended to address various issues throughout the city. The issues addressed in Ordinance No. 1095 include prohibiting the advertisement of unlawful activity, a Tobacco Retailer Registration program as well as updated provisions related to graffiti, trespassing and parking requirements.

RECOMMENDED ACTION:

1. City Council conduct a public hearing; and
2. Declare that the project is not subject to CEQA in accordance with Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
3. Introduce Ordinance No. 1095 entitled:

“AN ORDINANCE NO. 1095 AMENDING THE MUNICIPAL CODE SECTION 1.10.020 REGARDING ADVERTISEMENTS OF ILLEGAL ACTIVITY; SECTION 9.16.020 REGARDING PUBLIC NUISANCES; CHAPTER 9.48 REGARDING GRAFFITI; SECTION 9.94.010 REGARDING TRESSPASS; AND SECTION 10.08.010 REGARDING ON-STREET PARKING; AND ADDING CHAPTER 5.67 TO TITLE 5 OF THE STANTON MUNICIAL CODE RELATING TO TOBACCO RETAILER REGISTRATION”; and

4. Set said Ordinance for adoption at the November 26, 2019 meeting.

BACKGROUND:

As a result of periodic review of the Stanton Municipal Code, the opportunity to strengthen the current code or bring portions of the code up to current standards was identified. Each of the elements included in the ordinance will be used to address issues that impact the community.

Section 1.10.020 Prohibited Acts

Prohibits the advertisement of illegal activity and subjects those engaging in the act of advertising illegal activities to administrative action.

Chapter 5.67 Tobacco Retailer Registration

The Tobacco Retailer Registration ordinance creates a requirement that tobacco retailers must register with the City and obtain specialized licensing. This requirement is similar to the process that is currently in place for massage establishments and will be utilized to establish a process to license and monitor tobacco retailer activity. The intent of the program is to create a safer environment for the community as well as protecting legitimate operators in this industry. In the past two years there have been numerous incidents of criminal activity at tobacco retailer locations known as smoke shops such as gambling establishments and illegal marijuana dispensaries. Shootings took place at two of these locations. The primary benefit of creating the licensing program is to ensure that City staff is granted full access to each location during inspections, failure to grant full access will be considered a failed inspection. Failed inspections can lead to fines and the revocation of the operating license.

Chapter 9.48 Graffiti

This is a minor revision to the existing code to include graffiti on vehicles. There are a number of cargo type trucks in the city that are covered in graffiti which negatively impacts the aesthetics of the affected areas.

Chapter 9.94.010 Trespass on private property prohibited

Provisions A and B of this ordinance were updated to include a provision that allows a peace officer to act on the behalf of the property owner to enforce trespassing on private property.

Section 10.008.010 On-street parking-General requirements

The primary focus of this revision is to include trailers and non-motorized vehicles in no parking regulations. Across the city, particularly in industrial areas, there is a serious problem related to unattached trailers, boats and other non-motorized vehicles being dumped on the public street. These trailers are an eyesore and take valuable parking spaces away from the residents of the area.

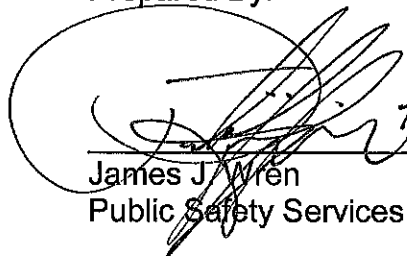
ANALYSIS/JUSTIFICATION:

Adjustments to the City's Municipal Code are made periodically to maintain a current set of guidelines that are used to address the changing conditions seen in the community. Although these changes are relatively minor, each will impact the city in a positive manner and provide staff the tools needed to effectively efforts the rules and regulations of the city.

FISCAL IMPACT:


None.

Prepared By:

 *for James J. Wren*

James J. Wren
Public Safety Services Director

Approved by:



Jared Hildenbrand
City Manager

Attachment:

City Council Ordinance No. 1095

ORDINANCE NO. 1095

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING SECTION 1.10.020 REGARDING ADVERTISEMENTS OF ILLEGAL ACTIVITY; SECTION 9.16.020 REGARDING PUBLIC NUISANCES; CHAPTER 9.48 REGARDING GRAFFITI; SECTION 9.94.010 REGARDING TRESPASSES; AND SECTION 10.08.010 REGARDING ON-STREET PARKING; AND ADDING CHAPTER 5.67 TO TITLE 5 OF THE STANTON MUNICIPAL CODE RELATING TO TOBACCO RETAILER REGISTRATION

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City of Stanton ("City") has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the City Council desires to clarify and refine portions of the Stanton Municipal Code including, without limitation, a property owner's sign posting requirements for trespass enforcement. The City Council also wishes to specify prohibitions related to advertising illegal activity in the City, parking trailers and nonmotorized vehicles on public streets, and placing graffiti on vehicles. These clarifications, refinements, and specifications are to further the public health, welfare, and safety; and

WHEREAS, Cigarette and Tobacco Products Licensing Act of 2003 (Business and Professions Code section 22970 *et seq.*) expressly allows the City to enact regulations relating to tobacco and smoke shops in providing for the suspension or revocation of a local license for any violation of a state tobacco control law; and

WHEREAS, in recent months, the City has investigated a number of smoke shops in the City for violation of illegal gambling and illegal cannabis sales; and

WHEREAS, the City has an interest in protecting the public health, safety, and general welfare of its residents and desires to encourage responsible tobacco retailing by ensuring that tobacco/smoke shops operate lawfully within the City; and

WHEREAS, the registration requirements proposed herein are reasonable, related to objective health, safety, and welfare concerns, and are based upon compliance with other generally applicable laws; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

SECTION 2. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378), and 15061(b)(3) (common sense exemption) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. Section 1.10.020 of Title 1 of the Stanton Municipal Code is hereby amended in its entirety and restated to read as follows:

“Section 1.10.020 Prohibited Acts.

A. Whenever any act or omission is made unlawful by this code, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

B. It is a separate violation of this code for any responsible party to advertise an activity or use that is itself a violation of this code and that is advertised to take place within the city. For purposes of this subsection (B), a “responsible party” includes the property owner, business owner, operator, manager, lessor, lessee, and any other person that conducts or offers to conduct the illegal activity or use, but it does not include a person who publishes the advertisement, such as a newspaper publisher or online booking service.”

SECTION 4. Chapter 5.67 of Title 5 of the Stanton Municipal Code is hereby added to read as follows:

“Chapter 5.67 – TOBACCO RETAILER REGISTRATION

5.67.010	Title.
5.67.020	Definitions.
5.67.030	Requirements and prohibitions.
5.67.040	Limits on eligibility and location for a tobacco retailer registration.
5.67.050	Application procedure.
5.67.060	Issuance of registration.
5.67.070	Registration renewal and expiration.
5.67.080	Appeals for denial or nonrenewal of tobacco retailer registration
5.67.090	Registrations nontransferable.
5.67.100	Registration conveys a limited, conditional privilege.
5.67.110	Compliance monitoring.
5.67.120	Revocation of registration.
5.67.130	Tobacco retailing without a registration.
5.67.140	Enforcement.
5.67.150	Implementing rules and regulations.

5.67.010 Title.

This Chapter shall be known as the "Tobacco Retailer Registration Ordinance" of the City of Stanton.

5.67.020 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

"Arm's length transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two (2) informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this chapter is not an arm's length transaction.

"Department" means the Public Safety Services Department, and any other agency or person tasked by the city manager with administration and enforcement of this chapter.

"Director" and "Public Safety Director" mean the Public Safety Director of the City and any other person tasked by the city manager with enforcement of this chapter.

"Electronic smoking device" means an electronic and/or battery-operated device that can be used to deliver an inhaled dose of nicotine, or any other substance, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

"Electronic cigarette paraphernalia" means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, electronic cigarette batteries, electronic cigarette chargers, and any other item designed for the preparation, storing, charging, or use of electronic cigarettes.

"Pharmacy" means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

"Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten (10) percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or shares ultimate control over the day-to-day operations of a business.

“School” means any public, private, or charter school providing instruction in pre-school, transitional kindergarten, kindergarten, or grades one through 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

“Self-service display” means the open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

“Smoking” means the release of gases, particles, or vapors into the air as the result of combustion electrical ignition, or vaporization and/or inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any plant product, including, but not limited to, tobacco and marijuana, intended for human inhalation.

“Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.

“Tobacco product” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

“Tobacco retailer” means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia, and that has at least 50 percent of tobacco, tobacco products, or tobacco paraphernalia as the retailer’s regular stock in trade, as displayed for sale or exchange, in the retail establishment. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia actually sold or exchanged.

5.67.030 Requirements and prohibitions.

A. Tobacco Retailer Registration Required. It is unlawful for any person to act as a tobacco retailer in the city without first obtaining and maintaining a valid tobacco retailer’s registration pursuant to this chapter for each location at which that activity is to occur. Tobacco retailing without a valid tobacco retailer’s registration is a public nuisance as a matter of law. All permitting requirements and any other regulatory provisions of this chapter relating to tobacco retailing shall apply the same to the retailing of electronic cigarettes and electronic cigarette paraphernalia.

B. Lawful Business Operation. In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a registration issued, it shall be a violation of this chapter for a registered tobacco retailer, or any of the registered tobacco retailer's agents or employees, to violate any local, state, or federal law applicable to tobacco products, tobacco paraphernalia, electronic smoking devices, electronic cigarette paraphernalia or tobacco retailing.

C. Display of Registration. Each tobacco retailer registration shall be prominently displayed in a publicly visible location at the registered location.

D. Positive Identification Required. No person engaged in tobacco retailing shall sell or transfer a tobacco product, tobacco paraphernalia, electronic smoking device, or electronic cigarette paraphernalia to another person who appears to be under the age of twenty-seven (27) years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the tobacco product, tobacco paraphernalia, electronic smoking device, or electronic cigarette paraphernalia.

E. Minimum Age for Persons Selling Tobacco. No person who is younger than the minimum age established by state law for the purchase or possession of tobacco products shall engage in tobacco retailing.

F. Self-Service Displays Prohibited. Tobacco retailing by means of a self-service display is prohibited.

G. False and Misleading Advertising Prohibited. A tobacco retailer or proprietor without a valid tobacco retailer registration, including, for example, a person whose registration has been revoked:

1. Shall keep all tobacco products, tobacco paraphernalia, electronic smoking devices, and electronic cigarette paraphernalia out of public view. The public display of tobacco products or tobacco paraphernalia in violation of this provision shall constitute tobacco retailing without a registration under Section 5.67.130; and

2. Shall not display any advertisement relating to tobacco products, tobacco paraphernalia, electronic smoking devices, or electronic cigarette paraphernalia that promotes the sale or distribution of such products from the tobacco retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location.

H. Flavored Tobacco Products. Flavored Tobacco Products Prohibited. No tobacco retailer, nor any of the retailer's agents or employees, shall sell or offer for sale, or possess with intent to sell or offer for sale, any flavored tobacco product.

I. Minimum Pack Size for Cigars. Notwithstanding any other provision of this section, it shall be a violation of this chapter for any licensee or any of the licensee's agents or employees to sell, offer for sale, or exchange for any form of consideration:

- a. Any single cigar, whether or not packaged for individual sale;
- b. Any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer; or
- c. Any package of cigars containing fewer than five cigars.

J. No tobacco retailer shall sell any tobacco product to any consumer unless such product: (1) is sold in the original manufacturer's packaging intended for sale to consumers; and (2) conforms to all applicable federal labeling requirements.

K. Signage. In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a registration issued, it shall be a violation of this chapter for a registered tobacco retailer, or any of the registered tobacco retailer's agents or employees, to cover more than fifteen (15) percent of the area of each window and clear door of the location with signs of any sort, excluding signage mandated by local, state, or federal law. For the purposes of this subsection, the area covered shall be computed to include (i) all clear areas within signs; and (ii) signs that are not attached to windows or clear doors but are visible from exterior public rights of way in the same manner as if they were attached to windows or clear doors. All signs shall be placed and maintained to ensure law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from exterior public rights of way or from the entrance. However, this subsection shall not apply to premises where there are no windows, or where the design or location of windows or landscaping precludes a view of the interior of the premises from exterior public rights of way or from the entrance.

L. Requirements are Conditions of Registration. The operating requirements of this section shall be deemed conditions of any tobacco retailer registration issued pursuant to the provisions of this chapter. Sufficient evidence of failure to comply with any such requirement may be grounds for suspension, revocation, and/or the imposition of administrative fines in accordance with Section 5.67.120 of this chapter. The provisions of this chapter are intended to provide a minimum level of public health, safety and welfare protection at businesses engaging in tobacco retailing. Nothing in this chapter is intended nor shall prevent the city from imposing more stringent, site-specific operating requirements and conditions through other applicable permitting and approval processes, including, without limitation, environmental or land use approvals or permits. In the event of a conflict between an operating regulation set forth in this chapter and a requirement or condition contained in any other applicable permit or approval, the more stringent or restrictive requirement or condition shall apply.

5.67.040 Limits on eligibility and location for a tobacco retailer registration.

A. No registration may be issued under this chapter to authorize tobacco retailing at other than a fixed location. Tobacco retailing by persons on foot or from vehicles is prohibited.

B. No registration may be issued under this chapter to authorize any portion of a building that includes a tobacco retailer within 300 feet of a building or outdoor play area related to a school or a day care center, as defined in Health and Safety Code section 1596.76 , that is in existence at the time of date of the application for a tobacco retailer's registration. For purposes of this section, all distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the tobacco retailer is or will be located to the nearest building or outdoor play area related to a school or day care center.

C. No registration may be issued under this chapter to authorize tobacco retailing at a temporary or recurring temporary event, such as farmers' markets, special events, or mobile carts.

D. No registration may be issued under this chapter to authorize tobacco retailing at any location that violates any provision of the City zoning ordinance.

E. Pharmacies. No license may be issued to authorize tobacco retailing in a Pharmacy.

5.67.050 Application procedure.

A. Application for a tobacco retailer's registration shall be submitted in the name of each proprietor proposing to conduct retail tobacco sales for each location at which retail tobacco sales are being proposed and shall be signed by each proprietor or an authorized agent thereof.

B. It is the responsibility of each proprietor to be informed regarding all laws applicable to tobacco retailing, including those laws affecting the issuance of a tobacco retailer's registration. No person may rely on the issuance of a registration as a determination by the city that the proprietor has complied with all laws applicable to tobacco retailing. A registration issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information supplied by a proprietor may be revoked pursuant to Section 5.67.120(D) of this chapter. Nothing in this chapter shall be construed to vest in any person obtaining and maintaining a tobacco retailer's registration any status or right to act as a tobacco retailer in contravention of any provision of law.

C. All applications shall be submitted on a form supplied by the department and shall contain the following information:

1. The name, address, and telephone number of each applicant seeking a registration;

2. The business name, address, and telephone number of the single, fixed location for which a registration is sought;

3. A single name and mailing address authorized by the proprietor to receive all communications and notices (the "authorized address") required by, authorized by or convenient to the enforcement of this chapter. If an authorized address is not supplied, each proprietor shall be understood to consent to the provision of notice at the business address specified in subparagraph 2 above;

4. Proof that the location for which a tobacco retailer's registration is sought has been issued a valid state tobacco retailer's license by the California Board of Equalization;

5. A map showing that any portion of the building that includes the proposed tobacco retailer is located at least 300 feet away from any building or outdoor play area related to a school or a day care center, as defined in Health and Safety Code section 1596.76 , that is in existence at the time of date of the application. For purposes of this section, all distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the tobacco retailer is or will be located to the nearest building or outdoor play area related to a school or day care center;

6. Whether or not any proprietor has admitted violating, or has been found to have violated, this chapter and, if so, the dates and locations of all such violations within the previous five (5) years;

7. Whether or not any proprietor has been convicted in a court of competent jurisdiction of any crime or misdemeanor or felony offense which directly relates to the operation or conduct of a tobacco retail business or substantially the same type of business in the five (5) years immediately preceding the date of the application, and whether any proprietor has been convicted in a court of competent jurisdiction of any crime or misdemeanor or felony offense related to the unlawful sale, distribution, possession, or manufacture of a controlled substance within the past five (5) years immediately preceding the date of the application, unless that conviction has been dismissed, withdrawn, expunged, or set aside pursuant to Penal Code section 1203.4, 1000 or 1385;

8. Whether any proprietor has had revoked any business license, permit or similar approval for a tobacco retail business or a business of the same or substantially same type within the past three (3) years preceding the date of the application;

9. That the proprietor has read the requirements of this Chapter 5.67, and if issued a tobacco retailer's registration, will comply with all of the chapter's requirements;

10. A signed statement that if a tobacco retailer's registration is issued to the applicant, then the applicant agrees to indemnify the City for the issuance of the registration and any acts or omissions related to the registration and business operations; and

11. Such other information as the department deems necessary for the administration or enforcement of this chapter as specified on the application form required by this section.

D. A registered tobacco retailer shall inform the department in writing of any change in the information submitted on an application for a tobacco retailer's registration within ten (10) business days of a change.

E. All information specified in an application pursuant to this section shall be subject to disclosure under the California Public Records Act (California Government Code Section 6250 *et seq.*) or any other applicable law, subject to the laws' exemptions.

F. The city council may establish by resolution the amount of an application fee for the tobacco retailer's registration in an amount not to exceed the city's reasonable cost of providing the services required by this chapter, in which case no application shall be accepted by the city unless accompanied by payment of such fee.

5.67.060 Issuance of registration.

Upon the receipt of a complete application for a tobacco retailer's registration, the department shall issue a registration unless substantial evidence demonstrates that one or more of the following bases for denial exists:

A. The information presented in the application is inaccurate or false or a material fact has been omitted. Supplying inaccurate or false information or omitting a material fact shall be a violation of this chapter.

B. The application seeks authorization for tobacco retailing that is prohibited pursuant to this chapter, that is unlawful pursuant to this code, or that is unlawful pursuant to any other law.

C. The location for which a tobacco retailer's registration is sought lacks a valid State tobacco retailer's license by the California Board of Equalization.

D. Any portion of the building that includes the proposed tobacco retailer is located less than 300 feet away from any building or outdoor play area related to a school or a day care center, as defined in Health and Safety Code section 1596.76 , that is in existence at the time of date of the application.

E. Any proprietor has been convicted in a court of competent jurisdiction of any crime or misdemeanor or felony offense which directly relates to the operation or conduct of a tobacco retail business or substantially the same type of business in the five (5) years immediately preceding the date of the application, or any proprietor has been convicted in a court of competent jurisdiction of any crime or misdemeanor or felony offense related to the unlawful sale, distribution, possession, or manufacture of a controlled substance within the past five (5) years immediately preceding the date of the application, unless that conviction has been dismissed, withdrawn, expunged, or set aside pursuant to Penal Code section 1203.4, 1000 or 1385.

F. Any proprietor has had revoked any business license, permit or similar approval for a tobacco retail business or a business of the same or substantially same type within the past three (3) years preceding the date of the application.

5.67.070 Registration renewal and expiration.

A. Renewal of Registration. A tobacco retailer's registration is invalid if its term has expired. The term of a tobacco retailer registration is one year. Each tobacco retailer shall apply for the renewal of his or her tobacco retailer's registration no later than thirty (30) days prior to expiration of the term.

B. Registration renewal applications shall contain all the information required for new applications, and shall be subject to the same approvals required for new applications.

C. Notwithstanding an approval for a tobacco retailer registration the Director may add, delete or modify registration conditions if it is determined to be necessary to ensure compliance with State or local laws and regulations or to preserve the public health, safety or welfare.

5.67.080 Appeals for denial or non-renewal of tobacco retailer registration.

A. A proprietor may appeal the denial of a tobacco retailer registration or renewal thereof to a hearing officer by filing with the city clerk a notice of appeal within fifteen days from the date the notice of denial was issued. The appeal shall set forth the reasons why the notice of denial should be overturned and shall also be filed with any applicable appeal fee, as adopted via council resolution. Upon receiving the appeal request, a hearing officer shall be selected using the criteria in Chapter 1.12. The hearing officer shall set a time and place for hearing the appeal and notify each proprietor and the city. At the de novo appeal hearing, the city and each proprietor or agent thereof may each provide testimony and evidence relating to why the appeal should be affirmed or denied. Within seven days of the conclusion of the hearing or any continued hearing, the hearing officer shall render a decision affirming or denying the business license denial, based on whether substantial evidence demonstrates that the grounds set forth in Section 5.67.060 have been met. The proprietor or representative thereof, shall be given written notice of the hearing officer's decision by registered mail, and the notice shall state with specificity the reasons for the hearing officer's decision.

B. The action of the hearing officer shall be final and appealable to the Superior Court of the state of California pursuant to Code of Civil Procedure Section 1094.5.

5.67.090 Registrations nontransferable.

A. A tobacco retailer's registration may not be transferred from one person to another or from one location to another. A new tobacco retailer's registration is required to accomplish either change.

B. Notwithstanding any other provision of this chapter, prior violations at a location shall continue to be counted against a location and registration ineligibility periods shall continue to apply to a location unless:

1. The location has been fully transferred to a new proprietor or fully transferred to entirely new proprietors; and

2. The new proprietor(s) provide the city with clear and convincing evidence that the new proprietor(s) have acquired or is acquiring the location in an arm's length transaction.

5.67.100 Registration conveys a limited, conditional privilege.

Nothing in this chapter shall be construed to grant any person obtaining and maintaining a tobacco retailer's registration any status or right other than the limited conditional privilege to act as a tobacco retailer at the location in the city identified on the face of the registration. For example, nothing in this chapter shall be construed to render inapplicable, supersede or apply in lieu of, any other provision of applicable law, including, but not limited to, any provision of this code, and any condition or limitation on smoking in an enclosed place of employment pursuant to California Labor Code Section 6404.5 (e.g., obtaining a tobacco retailer registration does not make the retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code Section 6404.5).

5.67.110 Compliance monitoring.

A. Compliance with this chapter shall be monitored by the department. In addition, any peace officer may enforce the penal provisions of this chapter. The city may designate any number of additional persons to monitor compliance with this chapter.

B. Compliance checks shall be conducted so as to allow the department to determine, at a minimum, if a tobacco retailer is complying with laws regulating youth access to tobacco, gambling, and cannabis sales or transactions. When the department deems appropriate, the compliance checks shall determine compliance with other laws applicable to tobacco retailing.

C. The city shall not enforce any law establishing a minimum age for tobacco purchases or possession against a person who otherwise might be in violation of such law because of the person's age (hereinafter "youth decoy") if the potential violation occurs when:

1. The youth decoy is participating in a compliance check supervised by a peace officer or a code enforcement official of the city;

2. The youth decoy is acting as an agent of a person designated by the city to monitor compliance with this chapter; or

3. The youth decoy is participating in a compliance check funded in part, either directly or indirectly through subcontracting, by the city or the California Department of Health Services.

a. During business hours, the department or other person designated to enforce the provisions of this chapter shall have the right to enter any place of business for which a registration is required by this chapter for the purpose of making reasonable inspections to observe and enforce compliance with the provisions of this chapter and any other applicable regulations, laws, and statutes. Inspections may be conducted at any portion of the business premises, including, without limitation, back rooms, storage areas, drawers, cabinets, and storage containers. Failure to grant full and unobstructed access to any portion of the business shall constitute a violation of this chapter subject to the penalties and other remedies set forth in Sections 5.67.120 and 5.67.140.

5.67.120 Revocation of registration.

A. Revocation or Suspension of Registration for Violation. In addition to any other penalty authorized by law, a tobacco retailer's registration shall be revoked or, where circumstances warrant, suspended if any court of competent jurisdiction determines, or the department finds based on a preponderance of the evidence, after the registered tobacco retailer is afforded notice and an opportunity to be heard, that the registered tobacco retailer, or any of the registered tobacco retailer's agents or employees, has violated any of the requirements, conditions, or prohibitions of this chapter or has pleaded guilty, "no contest" or its equivalent, or admitted to, a violation of any law designated in Section 5.67.030.

B. Administrative Penalties. The remedies provided by these provisions are cumulative and in addition to any other remedies available at law or in equity. Upon a determination by the department that a tobacco retailer has engaged in any conduct that violates the provisions of this chapter, the department may impose the following administrative penalties:

1. Upon a finding by the department of a first registration violation within any thirty-six (36) month period, the department shall impose a fine of five hundred dollars (\$500).

2. Upon a finding by the department of a second violation of this chapter at a location within any sixty (60) month period, the tobacco retailer registration shall be revoked or suspended up to thirty (30) days.

3. Upon a finding by the department of a third violation of this chapter at a location within any sixty (60) month period, the tobacco retailer registration shall be revoked or suspended for up to sixty (60) days.

4. Upon a finding by the department of four or more violations of this chapter at a location within any sixty (60) month period, the tobacco retailer registration shall be revoked or suspended for up to one hundred eighty (180) days.

C. Appeal of Revocation or Suspension. A decision of the department to revoke a registration is appealable pursuant to the procedures provided in section 5.67.080. If such an appeal is made, it shall stay enforcement of the appealed action. An appeal to the director is not available for a revocation made pursuant to subsection D.

D. Revocation of Registration Wrongly Issued. A tobacco retailer's registration shall be revoked if the department finds, after the registered tobacco retailer is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a registration under Section 5.67.060 existed at the time application was made or at any time before the registration issued. The decision by the department shall be the final decision of the city not subject to administrative appeal.

E. If a proprietor has had a tobacco retailer registration revoked, such proprietor shall be prohibited from applying for a new tobacco retailer registration within the city for two years following the revocation.

5.67.130 Tobacco retailing without a registration.

A. In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the department finds based on a preponderance of evidence, after notice and an opportunity to be heard, that any person has engaged in tobacco retailing at a location without a valid tobacco retailer's registration, either directly or through the person's agents or employees, the person shall be ineligible to apply for, or to be issued, a tobacco retailing registration as follows:

1. After a first violation of this section at a location within any sixty (60) month period, no new registration may be issued for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction) until thirty (30) days have passed from the date of the violation.

2. After a second violation of this section at a location within any sixty (60) month period, no new registration may be issued for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction) until ninety (90) days have passed from the date of the violation.

3. After of a third or subsequent violation of this section at a location within any sixty (60) month period, no new registration may be issued for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction) until five years have passed from the date of the violation.

B. Tobacco products, tobacco paraphernalia, electronic smoking devices, or electronic cigarette paraphernalia offered for sale or exchange in violation of this section are subject to seizure by the department or any peace officer and shall be forfeited after the tobacco retailer and any other owner of the tobacco products, tobacco paraphernalia, electronic smoking devices, or electronic cigarette paraphernalia seized is given reasonable notice and an opportunity to demonstrate that the tobacco products, tobacco paraphernalia, electronic smoking devices, or electronic cigarette paraphernalia

were not offered for sale or exchange in violation of this chapter. The decision by the department may be appealed pursuant to the procedures set forth in Section 5.67.080. Forfeited tobacco products and tobacco paraphernalia shall be destroyed after all internal appeals have been exhausted and the time in which to seek judicial review pursuant to California Code of Civil Procedure Section 1094.6 or other applicable law has expired without the filing of a lawsuit or, if such a suit is filed, after judgment in that suit becomes final.

C. For the purposes of the civil remedies provided in this chapter:

1. Each day on which a tobacco product, tobacco paraphernalia, electronic smoking device, or electronic cigarette paraphernalia is offered for sale in violation of this chapter; or

2. Each individual retail tobacco product, tobacco paraphernalia, electronic smoking device, or electronic cigarette paraphernalia that is distributed, sold, or offered for sale in violation of this chapter; shall constitute a separate violation of this chapter.

5.67.140 Enforcement.

A. The remedies provided by this chapter are cumulative and in addition to any other remedies available by this code or otherwise at law or in equity.

B. Whenever evidence of a violation of this chapter is obtained in any part through the participation of a person under the age of eighteen (18) years old, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.

C. Violations of this chapter are subject to a civil action brought by the District Attorney or the City Attorney, punishable by a civil fine of one thousand dollars (\$1,000.00) per violation.

D. Violations of this chapter may, in the discretion of the City Attorney, be prosecuted as infractions or misdemeanors when the interests of justice so require.

E. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.

F. Violations of this chapter are hereby declared to be public nuisances.

G. Violations of this chapter shall be grounds for denial for renewal of registration as set forth in Section 5.67.070.

H. In addition to other remedies provided by this chapter, by another provision of this code, or by other law, any violation of this chapter may be remedied by a civil action brought by the city attorney, including, for example, administrative or

judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

5.67.150 Implementing rules and regulations.

The city manager is hereby authorized to make and promulgate any rules and regulations necessary to implement the requirements of this chapter. The rules and regulations shall be in addition to the requirements set forth in this chapter."

SECTION 5. Subsection (F) of Section 9.16.020 of Title 9 of the Stanton Municipal Code is hereby amended in its entirety and restated to read as follows:

"F. Any building or structure, wall, fence, pavement, walkway or vehicle upon which any graffiti, including paint, ink, chalk, dye, or other similar marking substances, is allowed to remain for more than twenty-four hours;"

SECTION 6. Chapter 9.48 of Title 9 of the Stanton Municipal Code is hereby amended in its entirety and restated to read as follow:

"Chapter 9.48 GRAFFITI

9.48.010 Intent and purpose.

9.48.020 Graffiti defined.

9.48.030 Prohibition.

9.48.040 Removal of graffiti.

9.48.050 Liability for cost of graffiti abatement.

9.48.060 Rewards.

9.48.070 Alternate actions.

9.48.010 Intent and purpose.

The city council of the city finds and declares that graffiti on public or private property creates a condition tending to reduce the value of such property, promoting blight and deterioration of surrounding property inviting further vandalism and loss of pride in affected neighborhoods and loss of business to neighboring commercial enterprises.

9.48.020 Graffiti defined.

For the purposes of this chapter, "graffiti" means any unauthorized etching, spraying of paint, or marking of paint, ink, chalk, dye or other similar substances depicting letters, numbers, words, symbols, figures, designs, or insignia on public or private buildings, structures, vehicles, fences, walls, signs, sidewalks, streets or other places.

9.48.030 Prohibition.

A. No person shall place graffiti upon any public or private buildings, structures, vehicles, fences, walls, signs, sidewalks, streets or other places within the city.

B. No person owning or otherwise in control of any buildings, structures, vehicles, fences, walls, signs, sidewalks, streets or other places within the city shall permit or allow any graffiti to be placed upon or remain on such property when the graffiti is visible from the street or other public or private property, for a period in excess of that described in this chapter for notice and removal of graffiti.

9.48.040 Removal of graffiti.

Graffiti may be removed by any of the following methods:

A. Any person who applies graffiti within the city shall have the duty to remove the same within twenty-four hours after notice by the city or the public or private owner of the property involved. The failure of any person to so remove the graffiti shall constitute an additional violation of this chapter. Where graffiti is applied by juveniles, the parent or parents shall be responsible for such removal or for the payment thereof.

B. Whenever the public safety director, public works director, community development director, or code enforcement supervisor, or their designated representative, determines that graffiti is located upon any public or private buildings, structures, vehicles, fences, walls, signs, sidewalks, streets or other places within the city, so as to be capable of being viewed by a person utilizing any public right-of-way in the city, the city is authorized to provide for the removal of the graffiti at the city's sole expense, without reimbursement from the property owner upon whose property the graffiti has been applied, upon the following conditions:

1. In removing the graffiti, the painting or repair of a more extensive area than necessary to remove the graffiti shall not be authorized.

2. When a building, structure, vehicle, fence, wall, sign, sidewalk, or street is owned by a public entity other than the city, the removal of the graffiti may be authorized only after securing the consent of the public entity which owns the building, structure, vehicle, fence, wall, sign, sidewalk, or street.

3. Where a building, structure, vehicle, fence, wall, sign, sidewalk, or street is privately owned, the removal of the graffiti by city forces, or by a private contractor under the direction of the city, may be authorized only after securing the consent of the owner or person having legal control over the property.

4. The city reserves the right to recover city costs and expenses pursuant to Section 9.48.050 of this chapter, Penal Code Section 594, Civil Code Sections 731 and 1714.1, and Government Code Section 38771 et seq., and Welfare and Institutions Code Section 742.10 et seq., from any person who has willfully damaged property in a manner described within Section 9.48.030 of this chapter.

C. Graffiti located on privately owned buildings, structures, vehicles, fences, walls, signs, sidewalks, or streets within the city, so as to be capable of being viewed by a person utilizing any public right-of-way in the city, may be removed by the city as a public nuisance, at the owner's expense, pursuant to the following provisions:

1. Whenever the public safety director or his or her designated representative is apprised of the presence of graffiti located on privately owned buildings, structures, vehicles, fences, walls, signs, sidewalks, or streets on privately owned real property within the city, the director or designated representative may cause a written notice to be served upon the owner of the affected premises as such owner's name and address appear on the last equalized assessment rolls, by depositing a copy of the notice with the U.S. Postal Service enclosed in a sealed envelope and with the postage thereon fully prepaid. The notice shall be registered or certified and addressed to the owner at the last known address of the owner, and if there is no known address, then in care of the property address. The service is complete at the time of such deposit. "Owner," as used in this chapter, means any person in possession as well as any person having or claiming to have any legal or equitable interest in the premises as described by a preliminary title search from any accredited title company. The failure of any person to receive such notice shall not affect the validity of any proceeding hereunder. The property owner shall have seven days after the date appearing on the notice to remove the graffiti or be subject to city removal of the graffiti and assessment of the costs of such removal as a lien on the subject property;

2. The notice shall be substantially in the following form:

NOTICE OF INTENT TO REMOVE GRAFFITI

Date:

NOTICE IS HEREBY GIVEN that you are required at your expense to remove or paint over the graffiti located on the property commonly known as _____ Stanton, California, within seven days after the date appearing on this notice. Said graffiti is visible to public view and therefore constitutes a public nuisance. If you fail to comply with this order, City employees or private City contractors will enter upon your property and abate the public nuisance by removal or painting over of the graffiti. The cost of the abatement by the City or its private contractors will be assessed against your property and such costs will constitute a lien upon the land until paid. All persons having any objection to, or interest in, said matters are hereby notified to submit any objections or comments to the public safety director for the City of Stanton or his or her designated representative within seven days from the date appearing on this notice. At the conclusion of this seven day period the City may proceed with the abatement of the graffiti inscribed on your property at your expense without further notice.

The service of this notice shall be made on the day the notice is dated and by affidavit filed with the city clerk;

3. If any objections are submitted to the public safety director or his or her designated representative within seven days after the date appearing on the notice of intent to remove graffiti, the director shall schedule and hold a hearing before the city council on the matter. The city council's decision on the appeal shall be deemed a final order and may be judicially reviewed pursuant to Code of Civil Procedure Section 1094.6;

4. Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the public safety director or his or her designated representative approves, then the director is authorized and directed to cause the graffiti to be abated by city forces or private contract, and the city or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate graffiti shall be as close as practicable to background color(s);

5. The cost of abatement by the city shall be recovered pursuant to Sections 9.16.110 and 9.16.120 of this code.

9.48.050 Liability for cost of graffiti abatement.

A. When the disposition of a criminal case or a proceeding pursuant to Welfare and Institutions Code Section 602 determines that a minor or other person in that case is responsible for creating, causing or committing the graffiti which was abated summarily by the city, that same person shall be liable for all abatement and related costs incurred by the city. These costs shall include, but are not limited to, court costs, attorneys' fees, costs of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, and the law enforcement costs incurred by the city in the identification and apprehension of the minor or other person responsible for the graffiti or other inscribed material on publicly or privately owned permanent real or personal property within the city, as prescribed within Government Code Sections 38772 through 38773.6 and 53069.3.

1. The determination of responsibility shall be presumed by any confession, admission, guilty plea, or plea of nolo contendere to any violation of Penal Code Section 594, 594.3, 640.5, 640.6, or 640.7.

2. In the case of a minor, responsibility shall be determined upon a conviction by final judgment or by the minor being made a ward of the Juvenile Court pursuant to Welfare and Institutions Code Section 602 by reason of the commission of any act prohibited under Penal Code Section 594, 594.3, 640.5, 640.6, or 640.7.

B. The city may recover all city funds used to remove graffiti, repair or replace graffiti damaged real or personal property within the city by making the expense of abatement of the nuisance, as defined by Government Code Section 38772, a lien against property of the minor or other person and a personal obligation against the minor or other person pursuant to Government Code Section 38773.2 or 38773.6. The parent(s) or guardian(s) having custody and control of the minor shall be jointly and severally liable with the minor pursuant to Government Code Sections 38772, 38773.2 and 38773.6. The graffiti nuisance abatement lien shall be created as follows:

1. The city shall give notice of intent to record a graffiti nuisance abatement lien to the minor or other person prior to recordation of a lien on the parcel of land owned by the minor or other person responsible for creating the graffiti nuisance. If appropriate, the city shall also give notice of intent to record a graffiti nuisance

abatement lien to the parent or guardian having custody of the minor responsible for creating the graffiti nuisance prior to recordation of a lien on the parcel of land owned by the parent or guardian. Any such notice of intent to record a graffiti nuisance abatement lien shall be served by personal service in the same manner as a civil action in accordance with the Code of Civil Procedure Section 415.10. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy of the notice in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Government Code Section 6062.

2. A graffiti nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

3. A graffiti nuisance abatement lien authorized by this section shall specify the amount of the lien; the name of the agency on whose behalf the lien is imposed; the date of the abatement order; the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed; and the name and address of the recorded owner of the parcel.

4. If the lien is discharged, released, or satisfied through payment or foreclosure, notice of the discharge containing the information specified in subsection (B)(3) shall be recorded by the governmental agency. A graffiti nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

5. A graffiti nuisance abatement lien may be satisfied through foreclosure in an action brought by the city.

6. The city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

C. As an alternate to the graffiti nuisance abatement lien, the city may recover its costs, as delineated above, as a special assessment against the parcel of land owned by the minor or other person responsible for creating the graffiti or by the parent or guardian having custody and control of the minor responsible for creating the graffiti. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes pursuant to Government Code Section 38773.6.

D. Second or Subsequent Criminal Judgment. Upon the entry of a second or subsequent civil or criminal judgment within a two-year period finding that a person described in paragraph (3) of subdivision (d) of Section 38772 is responsible for the defacement of property of another by graffiti or other inscribed material, the court may order damages in an amount treble the costs of abatement pursuant to Government Code Section 38773.7.

9.48.060 Rewards.

The city council may, by resolution, establish a reward for information leading to the identification, apprehension and conviction of any person who places graffiti upon any public or private property in the city. The resolution may require that the convicted offender reimburse the city for any reward paid and place responsibility for reimbursement upon the parent(s) or legal guardian(s) of any minor so convicted.

9.48.070 Alternate actions.

Nothing in this chapter shall be deemed to prevent the city from commencing a civil or criminal proceeding to abate a public nuisance, or from pursuing any other means available to it under provisions of applicable ordinances or state law to correct hazards or deficiencies in real property, in addition to or as alternatives to the proceedings set forth in this chapter."

SECTION 7. Section 9.94.010 of Title 9 of the Stanton Municipal Code is hereby amended and restated to read as follows:

9.94.010 Trespasses upon private property prohibited.

A. No person shall remain upon any private property or business premises, after being notified by the owner, owner's agent, lessee, or by a peace officer acting at the request of any of the above to remove therefrom. For purposes of this section, a lessee includes a tenant in lawful possession of real property.

B. No person, without permission, express or implied, from the owner, owner's agent, or lessee, shall enter upon the private property or business premises after having been notified by the owner, owner's agent, lessee, or a peace officer acting at the request of any of the above to keep off or keep away therefrom.

C. No person shall enter or remain upon posted private property without the permission, expressed or implied, of the owner, owner's agent, or lessee of such posted property or premises.

D. Exceptions. This section shall not apply in any of the following instances:

1. Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of sex, race, color, religion, creed, ancestry, national origin, disability, medical condition, marital status, or sexual orientation;

2. Where its application results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers;

3. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;

4. Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech such as (but not limited to) peaceful expressions of political or religious opinions, not involving offensive personal conduct; or

5. Where the person who is upon another's private property or business premises is there under claim or color of legal right. This exception is applicable (but not limited to) the following types of situations involving disputes wherein the participants have available to them practical and effective civil remedies: marital and postmarital disputes, child custody or visitation disputes, disputes regarding title to or rights in real property, landlord-tenant disputes, disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute, employer-employee disputes, business-type disputes such as those between partners, debtor-creditor disputes, and instances wherein the person claims rights to be present pursuant to order, decree or process of a court.

E. As used in this section, "posted property" means any property at each corner of which, at each entrance to which, a sign is posted three feet above the normal ground level, and said sign is composed of wood, metal or other equally substantial material, the face of which is not less than one square foot in area, and upon which, in legible letters not less than two inches, appear the words "NO TRESPASS." In addition, the sign may contain such other words as may be desired, indicating that trespassers are subject to prosecution. Where the area of such property exceeds one acre, the notice shall also be posted at intervals of not more than three hundred feet along or near the boundaries thereof.

F. Any person who violates any provision of this chapter is subject to the penalties provided in Chapters 1.10 and 1.12 of this code."

SECTION 8. Section 10.08.010 of Title 10 of the Stanton Municipal Code is hereby amended and restated to read as follows:

"Section 10.08.010 On-street parking—General requirements.

A. The city engineer is authorized to locate, install, designate, and maintain parking space markings on the public streets where vehicles are authorized to park.

B. Vehicles shall be parked parallel to and adjacent to the curb. If no curb exists, then vehicles shall be parked parallel to the right-of-way line; provided, however, if parking space markings have been placed on the street in a diagonal or other manner, then vehicles shall park in the manner indicated by the markings.

C. When parking space markings have been placed on the street, no vehicle shall be stopped, parked or left standing in a manner or location other than within the parameters of the space markings; and no vehicle shall occupy more than one space.

D. No person shall park or leave standing a vehicle on any street in the city in excess of a consecutive period of seventy-two hours. If a vehicle is parked or left

standing upon a street in excess of a consecutive period of seventy-two hours, any member of the city enforcement staff may remove the vehicle from the street in the manner and subject to the requirements of Section 22651 of the California Vehicle Code.

E. Trailers and Nonmotorized Vehicles. No person shall at any time park or leave standing a nonmotorized vehicle or trailer, including but not limited to boat trailers and campers, regardless of width or length, when it has been detached from its motor vehicle on any public street or highway in the City of Stanton, except for purposes of loading or unloading and for a period not to exceed two (2) hours. For purposes of this section, the word "trailer" shall have the same meaning as provided in Vehicle Code section 630.

F. No commercial vehicle having a manufacturer's gross vehicle weight rating in excess of ten thousand pounds shall be parked or left standing upon any street in the city between the hours of two a.m. and six a.m.,

G. No vehicle shall be parked in or on any alley in the city."

SECTION 9. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Stanton hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 10. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 11. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City.

[Signatures on following page]

SIGNATURE PAGE TO ORDINANCE NO. 1095

PASSED, APPROVED, AND ADOPTED this 26th day of November, 2019.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1095 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 12th day of November, 2019 and was duly adopted at a regular meeting of the City Council held on the 26th day of November, 2019, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

CITY CLERK, CITY OF STANTON

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and City Council

DATE: November 12, 2019

SUBJECT: CERTIFICATION OF THE FINAL EIR FOR THE TINA-PACIFIC NEIGHBORHOOD DEVELOPMENT PLAN PROJECT, A 10.27-ACRE SITE LOCATED AT THE INTERSECTION OF MAGNOLIA AVENUE AND PACIFIC AVENUE.

REPORT IN BRIEF:

For the last six years, the City has been working with Related California to develop a 161-unit multi-family affordable housing development in the Tina-Pacific Neighborhood. Before City Council for consideration is the Final Environmental Impact Report (EIR) for this development plan project.

RECOMMENDED ACTION:

1. Conduct a public hearing; and
2. Adopt Resolution No. 2019-47 – A resolution certifying Environmental Impact Report (SCH #2019039134) for the Tina-Pacific Neighborhood Development Plan.

BACKGROUND/ANALYSIS:

The Stanton Housing Authority ("Authority") has been working with Related California ("Developer") for the development of a 10.27-acre multi-parcel site for affordable housing. The Tina-Pacific Neighborhood Development Plan Project ("Project") involves constructing a 161-unit multi-family affordable housing development. The existing project site consists of 40 parcels. The City owns 25 parcels and is proposing to acquire the fifteen remaining properties; relocate all existing tenants; demolish all structures and existing street improvements; and vacate the two public streets (Tina Way and Pacific Avenue) and two alleyways.

PROJECT LOCATION – The Project site is generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue. More specifically, the 10.27-acre site is bounded by Tina Way to the north, Magnolia Avenue to the east, an alleyway south of Pacific Avenue to the south, and Sherrill Street to the west. The site encompasses 40 parcels as well as portions of two public streets (Tina Way and Pacific Avenue) and two alleyways.

PROJECT DESCRIPTION – The proposed Project involves constructing a 161-unit multi-family affordable housing development. In addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a preschool facility and additional recreational facilities. These two Project scenarios are described below. The inclusion of the preschool (Project Scenario Two), the most comprehensive iteration of the Project, is dependent on certain funding being made available in the future. Should funding become an obstacle, Scenario One would be implemented.

Development Scenario One (Proposed Project without Preschool) - Phase I encompasses 6.1 acres of the eastern portion of the Project site closer to Magnolia Avenue. Development of Phase I would involve constructing an 83-unit residential development, consisting of 50 two-bedroom units (one of which would be occupied by an on-site property manager) and 33 three-bedroom units rented to low-income households. Amenities would include a community center in the center of the site, two tot lots, and several landscaped pedestrian walkways between the proposed residential buildings.

Phase II of the Project encompasses approximately 4.1 acres of the western portion of the Project site. Development of Phase II would involve constructing a 78-unit residential development, consisting of 54 two-bedroom units and 24 three-bedroom units. This second phase would be integrated into Phase I of the Project as one cohesive livable community. In order to consolidate both phases of the Project, the City is proposing street vacations of Pacific Avenue and Tina Way and the two alleyways.

Development Scenario Two (Proposed Project with Preschool) - Development Scenario Two would include the same number of affordable housing units, at the same affordability levels and constructed in the same two phases as Development Scenario One. If funding is available, the Project would also include a 2,300-square foot preschool facility with a tot lot along Magnolia Avenue, and a community pool in the center of the site under Phase I.

PROPERTY ACQUISITION AND RELOCATION – As part of the Project, the City is proposing to acquire the 15 remaining non-City-owned parcels and relocate all existing tenants. Voluntary relocation of all tenants is anticipated but there may be a need for eminent domain. The property acquisition and tenant relocation process would occur as part of the Project. If eminent domain is necessary, the City Council would need to adopt a Resolution of Necessity. In order to move forward with the property acquisition process, the EIR would need to be certified by the City Council. The proposed Project requires approval of entitlements which would be presented to the City Council at a future hearing date.

ANALYSIS/JUSTIFICATION:

In order for the City to proceed with acquisition of the remaining properties and in accordance with the California Environmental Quality Act (CEQA), the City oversaw preparation of an Environmental Impact Report (EIR) to determine the potential

environmental effects of the proposed Project. Following acquisition of the properties and certification of the EIR, the applicant will submit detailed project plans for review through the entitlement process.

The purpose of an EIR is to act as an informational document that:

- Describes the proposed project in substantial detail, provides the project objectives, establishes the environmental setting, and identifies the potentially significant environmental effects of the project;
- Identifies feasible ways to minimize the significance of potential environmental effects; and
- Discusses reasonable alternatives to the project that minimize, reduce, or avoid identified environmental effects.

The EIR is not intended to recommend either approval or denial of a project. Instead, the EIR process is intended to inform decision makers and the public about the potential environmental effects of a project to facilitate informed decision making.

As required by section 15082 of the CEQA Guidelines, a Notice of Preparation ("NOP") and Initial Study were circulated to public agencies, special districts and members of the public who requested such notice on March 22, 2019 for a 30-day comment period which indicated the City's intent to prepare an EIR for the Project. Additionally, a public scoping meeting was held on April 1, 2019 in order to give interested individuals, groups and public agencies the opportunity to give input on the scope and focus of the EIR. On July 10, 2019, a Notice of Availability ("NOA") and Notice of Completion ("NOC") were published for the Draft EIR which commenced a 45-day public comment period.

ENVIRONMENTAL ANALYSIS:

The areas studied in the Draft EIR include:

- Aesthetics;
- Agriculture and Forestry Resources;
- Biological Resources;
- Geology and Soils;
- Land Use and Relevant Planning;
- Mineral Resources;
- Recreation;
- Wildfire;
- Tribal and Cultural Resources;
- Hydrology and Water Quality;
- Hazards and Hazardous Materials;
- Transportation;
- Air Quality;

- Greenhouse Gas Emissions;
- Noise;
- Population and Housing;
- Public Services and Utilities; and
- Energy.

EIR IMPACTS ANALYSIS AND MITIGATION - The impacts were analyzed in each environmental issue area for the proposed Project. If necessary, mitigation measures were incorporated to reduce any potentially significant impacts to the extent feasible. As described in section 4.0 of the Final EIR, project impacts were found to be less than significant or less than significant with mitigation in all of the topic areas. Recommended mitigation measures address impacts to:

- Tribal and Cultural Resources;
- Hydrology and Water Quality;
- Hazards and Hazardous Materials;
- Transportation;
- Air Quality;
- Greenhouse Gas Emissions;
- Noise;
- Population and Housing;
- Public Services and Utilities; and
- Energy.

To ensure that these measures are properly enacted, a mitigation monitoring program is necessary and will be enforced during the construction and operation of the Project, if approved. The proposed mitigation measures are provided in the Final EIR.

SIGNIFICANT ENVIRONMENTAL EFFECTS - The Draft EIR determined that the proposed Project would not result in any significant and unavoidable environmental impacts following implementation of mitigation measures and compliance with applicable Federal, State, and local regulatory requirements.

PROJECT ALTERNATIVES - CEQA requires that an environmentally superior alternative be identified. The EIR studied two alternatives to the proposed Project intended to reduce potential adverse environmental impacts: Alternative #1 "No Project" and Alternative #2 "Single-Family Residential".

Alternative #2 "Single-Family Residential": This alternative would develop the site with 61 market-rate detached single-family residential units based on the Low Density Residential designation and Single-Family Residential zoning density of 5.9 dwelling units per acre. This alternative would not provide affordable housing within the City that would help the City meet its Regional Housing Needs Allocation ("RHNA") requirements. The impact analysis for this alternative has indicated that a reduction in impacts related to transportation, air quality, greenhouse gas emissions, noise, population and housing, public services could occur.

The Final EIR found that the No Project Alternative would be environmentally superior to the proposed Project on the basis of the minimization or avoidance of physical environmental impacts. However, the No Project Alternative does not meet the Project objectives of providing new housing stock in the Tina Pacific neighborhood. The CEQA Guidelines require that if the environmentally superior alternative is the No Project alternative, that the EIR also identify an environmentally superior alternative among the other alternatives. Accordingly, the Single-Family Residential alternative would be the environmentally superior alternative. However, this alternative would not fully meet the Project objectives for providing affordable housing within Stanton that would help the City meet RHNA requirements; and redevelop the blighted neighborhood as proposed by the Stanton Redevelopment Agency prior to its dissolution.

PUBLIC INPUT - The Draft EIR for the proposed Project was distributed to responsible and trustee agencies, interested groups, and organizations. The public review period for the Draft EIR as established by the CEQA Guidelines commenced on July 10, 2019 and ended August 23, 2019. A total of four (4) comment letters were received. The letters are from agencies (i.e., State of California Governor's Office of Planning and Research, Orange County Fire Authority, Caltrans, and Orange County Transportation Authority). Comments centered on transportation facilities. Responses to all comments received are included in section 2.0 of the Final EIR.

Additionally, on November 16, 2019, the Planning Commission conducted a duly noticed public hearing to consider the EIR. At the conclusion of the public hearing, the Planning Commission unanimously voted to recommend the City Council certify the EIR.

FISCAL IMPACT:

The Authority anticipates expending approximately Fourteen Million Three Hundred Eleven Thousand Five Hundred Nineteen dollars (\$14,311,519) in the Authority loan to the developer. The Loan amount is also inclusive of previously expended funds to acquire the Authority Properties, relocate a portion of the tenants and demolition costs.

PUBLIC NOTIFICATION:

Notice of Public Hearing was posted at three public places, and made public through the agenda-posting process.

STRATEGIC PLAN:

5 – Provide a High Quality of Life

Prepared by:



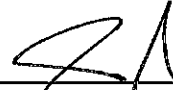
Rose Rivera
Senior Planner

Reviewed by:



Amy Stonich, AICP
City Planner

Approved by:



Jarad Hildenbrand
City Manager

Attachment:

- A. City Council Resolution No. 2019-47
- B. Tina-Pacific Neighborhood Development Plan Project Draft EIR
- C. Tina-Pacific Neighborhood Development Plan Project Final EIR

RESOLUTION NO. 2019-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2019039134), AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE TINA-PACIFIC NEIGHBORHOOD DEVELOPMENT PLAN PROJECT

WHEREAS, the Stanton Housing Authority ("Authority") has been working with Related California ("Developer") for the development of a 10.27-acre multi-parcel site as an affordable housing development consisting of 161 multi-family units;

WHEREAS, the project site is generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue and bounded by Tina Way to the north, Magnolia Avenue to the east, an alleyway south of Pacific Avenue to the south, and Sherrill Street to the west;

WHEREAS, the City of Stanton retained the services of Michael Baker, International to prepare an Environmental Impact Report for the Tina-Pacific Neighborhood Development Plan Project;

WHEREAS, the City of Stanton, acting as the Lead Agency under CEQA, published and distributed a Notice of Preparation ("NOP") of a Draft EIR for the proposed Project for comment period prior to work on a Draft EIR for the project, as required by the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines;

WHEREAS, as part of the Project, the City is proposing to acquire the 15 remaining non-City-owned parcels on-site and relocate all existing tenants. Voluntary relocation of all tenants is anticipated but there may be a need for eminent domain. In order to move forward with the property acquisition process, the EIR shall be certified by the City Council;

WHEREAS, a Notice of Preparation of an Environmental Impact Report for the Tina-Pacific Neighborhood Development Plan Project was issued on March 22, 2019;

WHEREAS, a Notice of Availability for the Draft Environmental Impact Report ("EIR") was issued on July 10, 2019 in compliance with the California Environmental Quality Act;

WHEREAS, the Draft EIR was circulated for a 45-day period which ended on August 23, 2019;

WHEREAS, the Draft EIR adequately addressed and mitigated, to the extent feasible, the potential environmental impacts associated with the proposed project;

WHEREAS, during the public review and comment period, the City consulted with and

requested comments from all responsible and trustee agencies, other regulatory agencies, and others pursuant to State CEQA Guidelines section 15086;

WHEREAS, the City received four (4) written comment letters on the Draft EIR, including an acknowledgement from the State Clearinghouse that the City has complied with CEQA environmental review requirements;

WHEREAS, the Final EIR, which consists of the Draft EIR, all technical appendices prepared in support of the Draft EIR, all written comment letters received on the Draft EIR, and errata to the Draft EIR and technical appendices, was published October 11, 2019;

WHEREAS, on October 16, 2019, the Planning Commission conducted a duly noticed public hearing to consider the EIR and unanimously voted to recommend the City Council certify the EIR;

WHEREAS, on November 12, 2019, the City Council held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the EIR, provided comments on the EIR;

WHEREAS, the EIR is attached to the City Council's November 12, 2019 staff report, and is available for inspection at City Hall and on the City's website;

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

WHEREAS, all the requirements of the Public Resources Code, and the State's CEQA Guidelines have been satisfied by the City in connection with the preparation of the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated;

WHEREAS, the City has made certain findings of fact, as set forth in **Exhibit A** to this Resolution, attached hereto and incorporated herein, based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference;

WHEREAS, all the mitigation measures identified in the EIR and necessary to reduce the potentially significant impacts of the proposed Project to a level of less than significant are set forth in the Mitigation Monitoring and Reporting Program (MMRP) in **Exhibit B** to this Resolution, attached hereto and incorporated herein;

WHEREAS, the City Council has carefully considered all pertinent testimony and information contained in the staff report prepared for this application as presented at the public hearing;

WHEREAS, the findings and conclusions made by the City Council in this Resolution are based upon the oral and written evidence presented as well as the entirety of the

administrative record for the Project, which is incorporated herein by this reference. The findings are not based solely on the information provided in this Resolution;

WHEREAS, prior to consideration, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including but not limited to the EIR, and all oral and written evidence presented to it during the hearing;

WHEREAS, the EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project;

WHEREAS, no comments made in the public hearings conducted by the City and no additional information submitted to the City have produced substantial new information requiring recirculation of the EIR or additional environmental review of the Project under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this resolution.

SECTION 1. Recitals. The Recitals set forth above are true and correct and incorporated herein.

SECTION 2: COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City Council has reviewed and considered the information contained in the EIR (SCH #2019039134), Initial Study, and other documents contained in the administrative record for the Project. The City Council finds that the EIR, Initial Study and administrative record contain a complete and accurate reporting on the environmental impacts associated with the Project and that the EIR has been completed in compliance with CEQA, and the State CEQA Guidelines. The City Council finds that the EIR reflects the City's independent judgment.

SECTION 3: CERTIFICATION OF THE FINAL EIR FOR THE TINA-PACIFIC NEIGHBORHOOD DEVELOPMENT PLAN PROJECT (SCH #2019039134). The City Council certifies the Final EIR for the Tina-Pacific Neighborhood Development Plan Project.

SECTION 4: The City Council hereby adopts the "CEQA Findings of Fact" where were prepared in accordance with State CEQA Guidelines sections 15091 and which are attached hereto as **Exhibit A** and incorporated herein by this reference.

SECTION 5. Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as **Exhibit B** and incorporated herein by this reference. Implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program is hereby made a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set forth in the EIR or the Findings of Fact and the

Resolution No. 2019-47

Page 3 of 7

Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

SECTION 6: The documents and materials that constitute the record of proceedings on which these findings are based are located at Stanton City Hall, 7800 Katella Avenue, Stanton, CA 90680. The City Clerk is the custodian of the record of proceedings.

SECTION 7: Severability. If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

SECTION 8. City staff shall cause a Notice of Determination to be filed and posted with the County Clerk and the State Clearinghouse within five working days of the adoption of this Resolution.

ADOPTED, SIGNED AND APPROVED this 12th day of November, 2019.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

ATTEST:

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2019-47 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 12, 2019, and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

EXHIBIT A
CEQA FINDINGS OF FACT

CEQA FINDINGS OF FACT FOR THE TINA-PACIFIC NEIGHBORHOOD DEVELOPMENT PLAN PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

State Clearinghouse No. 2019039134

Exhibit A

I. BACKGROUND

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of a project pursuant to Sections 15091 and 15093 of the *CEQA Guidelines* and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA and the specific reasons for considering a project acceptable even though a project may have significant impacts that are infeasible to mitigate.

The lead agency is responsible for the adequacy and objectivity of the EIR. The City of Stanton (City), as lead agency, has subjected the Draft EIR and Final EIR to the agency's own review and analysis.

A. PROJECT SUMMARY

Project Location

The City of Stanton (City) is located in the northwestern portion of Orange County. The City comprises approximately three square miles and is bordered by the cities of Anaheim to the north and east, Garden Grove to the south and west, and Cypress to the west. The proposed Tina-Pacific Neighborhood Development Plan Project (Project) is generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue. More specifically, the 10.27-acre Project site (Site) is bounded by Tina Way to the north, Magnolia Avenue to the east, an alleyway south of Pacific Avenue to the south, and Sherrill Street to the west. The Site encompasses 40 parcels as well as portions of two public streets (Tina Way and Pacific Avenue) and two alleyways. Regional access to the Site is provided via State Route 22 (SR-22) via the Beach Boulevard and Magnolia Avenue off-ramps, and Interstate 5 (I-5) via the Magnolia Avenue off-ramp. Local access to the Site is provided by Tina Way, Pacific Avenue, and two alleyways off Magnolia Avenue.

Project Description

The proposed Project involves constructing a 161-unit multi-family affordable housing development. To do so, the City is proposing to acquire the 15 remaining properties on-site; relocate all existing tenants; demolish all structures and existing street improvements; and vacate the two public streets (Tina Way and Pacific Avenue) and two alleyways on-site. In addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a preschool facility and additional recreational facilities. These two development scenarios are described below.

Development Scenario One (Proposed Project Without Preschool)

Phase I encompasses 6.1 acres of the eastern portion of the Site closer to Magnolia Avenue. Development of Phase I would involve constructing an 83-unit residential development, consisting of 50 two-bedroom



units (one of which would be occupied by an on-site property manager) and 33 three-bedroom units rented to low-income households. Amenities would include a community center in the center of the Site, two tot lots, and several landscaped pedestrian walkways between the proposed residential buildings.

Phase II of the Project encompasses approximately 4.1 acres of the western portion of the Site. Development of Phase II would involve constructing a 78-unit residential development, consisting of 54 two-bedroom units and 24 three-bedroom units. This second phase would be integrated into Phase I of the Project as one cohesive livable community. In order to consolidate both phases of the Project, the City is proposing street vacations of Pacific Avenue and Tina Way and the two alleyways.

Development Scenario Two (Proposed Project With Preschool)

Development Scenario Two would include the same number of affordable housing units, at the same affordability levels and constructed in the same two phases as Development Scenario One. In addition, the community center located in the center of the Site, two tot lots, and landscaped pedestrian walkways between the proposed residential buildings would also be constructed. However, if funding is available, the Project would also include a 2,300-square foot preschool facility, one additional tot lot along Magnolia Avenue, and a community pool in the center of the Site under Phase I.

Property Acquisition and Tenant Relocation Process

As part of the Project, the City is proposing to acquire the 15 remaining non-City-owned parcels on-site and relocate all existing tenants. Voluntary relocation of all tenants is anticipated but there may be a need for eminent domain. The property acquisition and tenant relocation process would occur as part of the Project.

B. PROJECT OBJECTIVES

The City's objectives for the Tina-Pacific Neighborhood Development Plan Project are as follows:

- Provide affordable housing within Stanton that would help the City meet Regional Housing Needs Allocation (RHNA) requirements detailed in the *City of Stanton 2014-2021 Housing Element*;
- Redevelop the blighted neighborhood as proposed by the Stanton Redevelopment Agency prior to its dissolution;
- Develop a well-designed residential community with attractive and unifying architecture, recreational facilities, outdoor spaces, and landscaping; and
- Provide existing residents on-site with tenant relocation assistance as required by State law.

C. ENVIRONMENTAL REVIEW PROCESS

The Final EIR includes the *Tina-Pacific Neighborhood Development Plan Project Draft EIR* (dated July 2019); written comments received during the Draft EIR public review period; written responses to those comments; an Errata; and a Mitigation Monitoring and Reporting Program (hereinafter referred to collectively as the Final EIR). In conformance with CEQA and the *CEQA Guidelines*, the City conducted an extensive environmental review of the proposed Project. The following is a summary of the City's



environmental review process:

- Pursuant to *CEQA Guidelines* Section 15082, as amended, the City circulated a Notice of Preparation (NOP) and Initial Study to public agencies, special districts, and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse and posted at the Orange County Clerk's office on March 21, 2019, with the 30-day review period beginning on March 22, 2019 and ending on April 22, 2019. Copies of the NOP and Initial Study were made available for public review at the City of Stanton Community Development Department Planning Division and on the City's website.
- To afford interested individuals, groups, and public agencies a forum in which to orally present input directly to the City in an effort to assist in further refining the intended scope and focus of the EIR, as described in the NOP and Initial Study, the City held a public scoping meeting on April 1, 2019 at 10:00 a.m. at the Stanton City Hall located at 7800 Katella Avenue, Stanton, California 90680.
- A Draft EIR was prepared and distributed for a 45-day public review beginning July 10, 2019 and ending August 23, 2019. A Notice of Availability (NOA) and Notice of Completion (NOC) was filed with the State Clearinghouse on July 10, 2019. The scope of the Draft EIR was determined, in part, on comments received in response to the NOP and Initial Study; refer to Draft EIR Section 2.3, *Initial Study/Notice of Preparation/Early Consultation (Scoping)*. The NOA was sent to interested persons and organizations, sent to the State Clearinghouse in Sacramento for distribution to public agencies, and posted at the Orange County Clerk's office on July 10, 2019. Copies of the Draft EIR were made available for public review at the City of Stanton Community Development Department Planning Division, Garden Grove/Chapman Library, and on the City's website.
- A Final EIR was prepared, which included comments on the Draft EIR, responses to those comments, an Errata, and a Mitigation Monitoring and Reporting Program. The Final EIR was released for a 10-day agency review period prior to certification of the Final EIR.
- Public hearings on the proposed Project were held, including one Planning Commission Hearing on October 16, 2019 and one City Council Hearing on November 12, 2019.

D. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed Project includes, but is not limited to, the following documents and other evidence:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the proposed Project;
- The Initial Study, Draft EIR, and the Final EIR for the proposed Project;
- All written comments submitted by agencies or members of the public during the public review comment period of the Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;



- All written and verbal public testimony presented during noticed public hearing(s) for the proposed Project;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR;
- The Resolutions adopted by the Planning Commission and City Council in connection with the proposed Project, and all documents incorporated by reference therein;
- Matters of common knowledge to the City, including but not limited to Federal, State, and local laws and regulations; and
- Any documents expressly cited in these Findings.

E. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the City's actions related to the Tina-Pacific Neighborhood Development Plan Project are at the City of Stanton Community Development Department Planning Division, 7800 Katella Avenue, Stanton, California 90680. The City Manager is the custodian of the administrative record for the Project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the City of Stanton Community Development Department Planning Division. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

F. INDEPENDENT JUDGMENT AND FINDING

The City selected and retained Michael Baker International ("Michael Baker") to prepare the EIR. Michael Baker prepared the EIR under the supervision and direction of the City of Stanton. All findings set forth herein are based on substantial evidence in the record, as indicated, with respect to each specific finding.

Finding:

The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant and directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and finds that the report reflects the independent judgment of the City.

The City Council has considered all the evidence presented in its consideration of the proposed Project and the EIR, including, but not limited to, the Final EIR, written and oral evidence presented at hearings on the Project, and written evidence submitted to the City by individuals, organizations, regulatory agencies and other entities. On the basis of such evidence, the City Council finds that with respect to each environmental impact identified in the review process, the impact (1) is less than significant and would not require mitigation; or (2) is potentially significant but would be avoided or reduced to less than a significant level



by implementation of identified mitigation measures. No impacts would be significant and unavoidable. Therefore, no Statement of Overriding Considerations is required.

II. FINDINGS AND FACTS

The City of Stanton, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft EIR and Final EIR.

Specifically, regarding findings, *CEQA Guidelines* Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. 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.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in *CEQA Guidelines* Section 15091(a)(1) may include a wide variety of measures or actions as set forth in *CEQA Guidelines* Section 15370, including:



- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

A. Format

This section summarizes the significant environmental impacts of the proposed Project, describes how these impacts are to be mitigated, and discusses various alternatives to the Project, which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

The remainder of this section is divided into the following subsections:

- **Section B, Findings on Impacts Determined to Be Less Than Significant**, presents the impacts of the proposed Project that were determined in the EIR to be less than significant without the addition of mitigation measures and presents the rationales for these determinations.
- **Section C, Findings on Impacts Mitigated to Less Than Significant**, presents significant impacts of the proposed Project that were identified in the Final EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, and the rationales for the findings.
- **Section D, Findings on Significant Unavoidable Impacts**, presents significant impacts of the proposed Project that were identified in the Final EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, the findings for significant impacts, and the rationales for the findings.
- **Section E, Findings on Recirculation**, presents the reasoning as to why recirculation is not required under *CEQA Guidelines* Section 15088.5.
- **Section F, Findings on Growth Inducing Impacts**, presents a discussion on the Project's potential to foster economic or population growth including ways in which the Project could remove an obstacle to growth.
- **Section G, Findings on Significant Irreversible Environmental Changes**, presents significant environmental changes that would occur as a result of the proposed Project.
- **Section H, Findings on Project Alternatives**, presents alternatives to the Project and evaluates them in relation to the findings set forth in *CEQA Guidelines* Section 15091(a)(3), which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, legal,



social, technological, or other considerations. This section also identifies the environmentally superior alternative.

B. FINDINGS ON IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

Consistent with *CEQA Guidelines* Sections 15162.2 and 15128, the EIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental effects. *CEQA Guidelines* Section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or as a “less than significant impact.”

1. Aesthetics

a) Would the Project have a substantial adverse effect on a scenic vista?

Support for this environmental impact conclusion is included in Section 4.1, *Aesthetics*, and in particular, starting on page 4.1-1 of the Initial Study.

The *City of Stanton General Plan* (General Plan) does not list any scenic vistas within the City of Stanton. No impact would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

Support for this environmental impact conclusion is included in Section 4.1, *Aesthetics*, and in particular, starting on page 4.1-1 of the Initial Study.

Based on the California Department of Transportation’s (Caltrans) California Scenic Highway Mapping System, there are no scenic highways near the Site. The closest officially designated or eligible State scenic highways are Highway 1 (Pacific Coast Highway) located approximately 8.3 miles to the southwest and State Route 91 (SR-91), located approximately 8.9 miles to the northeast. Views of the Site from Highway 1 or SR-91 are not readily afforded from the Site due to topographic conditions and intervening structures. Thus, Project development would have no impact on scenic resources within a State scenic highway.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

c) In non-urbanized areas, would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

Support for this environmental impact conclusion is included in Section 4.1, *Aesthetics*, and in particular, starting on page 4.1-1 of the Initial Study.



The Site is surrounded in all directions by urbanized uses. As a result, Project implementation would not substantially degrade the existing visual character or quality of the Site and its surroundings. The proposed Project would substantially enhance the visual quality of the Site and its surroundings by redeveloping the Site with a 161-unit, two-story multi-family residential apartment community spread across 13 buildings and connected by internal roadways. A variety of private residential open space would be distributed throughout the Site.

According to the City's Zoning Map, the Site is zoned High Density Residential (RH). Per *Stanton Municipal Code* (Municipal Code) Section 20.210.010(D), High Density Residential (RH) Zone, the RH zone is intended for a variety of multi-family attached housing types as well as accessory structures and uses, primarily located on larger lots along arterial highways. As indicated in Table 4.11-2, *Development Standards Consistency Analysis*, of the Initial Study, the Project would be consistent with development standards specific to residential zones within the City. Further, in conformance with Municipal Code Chapter 20.530, *Site Plan and Design Review*, the City would review the Project to ensure that it is compatible and complementary to its neighboring uses as part of its Site Plan and Design Review process. As a result, the Project would not conflict with applicable zoning or other regulations governing scenic quality, and impacts would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

d) Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Support for this environmental impact conclusion is included in Section 4.1, *Aesthetics*, and in particular, starting on page 4.1-2 of the Initial Study.

The Site is in an urbanized area of Stanton that has various sources of light and glare. Sources include street lights and vehicular lights along Tina Way, Magnolia Avenue, and Pacific Avenue, residential lighting to the north and west, and building and signage lighting from adjacent commercial uses to the east. The Site itself also has light sources generated by the existing apartment buildings, the Illuminations Foundation Children's Resource Center, and the portable building. The types of land uses that are typically sensitive to excess light and glare include residential uses, hospitals, senior housing, and other types of uses where excessive light may disrupt sleep. Existing light sensitive uses in the Site vicinity include residential uses to the north and west of the Site. The proposed Project would generate new light sources associated with nighttime illumination for the proposed buildings, parking areas, and internal roadways. Nighttime illumination would also be used to enhance security and safety for pedestrians and vehicles within the apartment community. Vehicular traffic generated by the Project would also contribute to light and glare in the Project area. These new light and glare sources would be partially visible to the light sensitive uses in the Site vicinity. Municipal Code Section 20.300.080, *Outdoor Light and Glare*, includes several requirements to minimize the impacts of outdoor lighting on sensitive uses. Additionally, the Project's light sources would be similar to those of the surrounding land uses. Because the surrounding area is largely developed, the lighting associated with the Project's improvements and structures would not substantially increase light and glare in the Site vicinity. Compliance with Municipal Code regulations would ensure light and glare impacts are less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



2. Agriculture and Forestry Resources

a) Would 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?

Support for this environmental impact conclusion is included in Section 4.2, *Agriculture and Forestry Resources*, and in particular, starting on page 4.2-1 of the Initial Study.

Per the California Department of Conservation, the Site is situated within urban and built-up land. As the Site is predominantly developed with residential properties and several disturbed lots, no agricultural resources exist within the Site. Land designated as Unique Farmland is located adjacent to the Project's southern boundary within a Southern California Edison (SCE) easement and is currently utilized as a nursery. Development of the Project would not impact the SCE easement area and thus, would not convert any farmland to non-agricultural use. No impacts would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Support for this environmental impact conclusion is included in Section 4.2, *Agriculture and Forestry Resources*, and in particular, starting on page 4.2-1 of the Initial Study.

The Site is zoned High Density Residential. Thus, the Project would not conflict with existing zoning for agricultural use. There are also no lands under an existing Williamson Act contract. As such, no impacts would occur.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

c) Would the Project 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))?

Support for this environmental impact conclusion is included in Section 4.2, *Agriculture and Forestry Resources*, and in particular, starting on page 4.2-1 of the Initial Study.

The Site is not zoned for any agricultural, forest land, timberland, or timberland production. Project implementation would not affect any existing lands zoned for forest land, timberland, or timberland production nor cause rezoning. Therefore, no impacts would occur.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

d) Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

Support for this environmental impact conclusion is included in Section 4.2, *Agriculture and Forestry Resources*, and in particular, starting on page 4.2-2 of the Initial Study.



Refer to Agriculture and Forestry Resources Response (c).

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

e) Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

Support for this environmental impact conclusion is included in Section 4.2, *Agriculture and Forestry Resources*, and in particular, starting on page 4.2-2 of the Initial Study.

Refer to Agriculture and Forestry Resources Responses (a) and (c).

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

3. Air Quality

d) Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Support for this environmental impact conclusion is included in Section 4.3, *Air Quality*, and in particular, starting on page 4.3-2 of the Initial Study.

Pursuant to SCAQMD Rule 402, projects that typically create emissions that could lead to odor nuisance include facilities such as wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. Emissions and odors generated by the proposed residential Project, which would not include Project-attributes or facilities that would create objectionable odors, are not expected to be significant or highly objectionable and would be required to comply with SCAQMD Rule 402. Therefore, no impacts would occur in this regard.

Emissions from construction equipment, such as diesel exhaust, and from volatile organic compounds from architectural coatings and paving activities, may generate odors; however, these odors would be temporary, intermittent, and not expected to affect a substantial number of people. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of the odor-producing materials. Therefore, impacts associated with operation- and construction-generated odors would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



AQ-1 Would implementation of the Project conflict with or obstruct implementation of the applicable air quality plan?

Support for this environmental impact conclusion is included in Section 5.5, *Air Quality*, and in particular, starting on page 5.5-12 of the Draft EIR.

On March 3, 2017, the South Coast Air Quality Management District (SCAQMD) Governing Board adopted the *2016 Air Quality Management Plan* (2016 AQMP), which incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth assumptions, Regional Transportation Plan/Sustainable Communities Strategies (RTP/SCS), and updated emission inventory methodologies for various source categories. According to the SCAQMD's *CEQA Air Quality Handbook*, two main criteria must be addressed.

Criterion 1

Would the Project 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?

The Project's short-term construction emissions, long-term operational emissions, and localized concentrations of carbon monoxide (CO), nitrous oxide (NO_x), and coarse and fine particulate matter (PM₁₀ and PM_{2.5}) would be less than significant during Project construction and operations. Therefore, the Project would not result in an increase in the frequency or severity of existing air quality violations. Because volatile organic compounds (VOCs) are not a criteria pollutant, there is no ambient standard or localized threshold for VOCs. Due to the role VOC plays in ozone (O₃) formation, it is classified as a precursor pollutant and only a regional emissions threshold has been established. As such, the Project would not cause or contribute to localized air quality violations or delay the attainment of air quality standard or interim emissions reductions specified in the 2016 AQMP.

Criterion 2

Would the Project exceed the assumptions in the AQMP based on the years of Project build-out phase?

In the case of the 2016 AQMP, three sources of data form the basis for the projections of air pollutant emissions: the General Plan, SCAG's regional growth forecast, and SCAG's RTP/SCS. The population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the City; these are used by SCAG in all phases of implementation and review.

Based on the City's average household size of 3.58, the 161 proposed units would introduce up to 576 additional residents within the City. For this reason, the Project is considered growth-inducing since it would generate population growth through its provision of a residential development. However, the Project's potential growth-inducing impacts would be considered less than significant since the 576 additional residents represent only a 1.5 percent increase from the City's current population of 39,470 persons; refer to Draft EIR Table 5.8-1, *Population Estimates and Projections*. Additionally, Draft EIR Table 5.8-5, *Proposed Project Compared to General Plan Buildout Assumptions*, and Table 5.8-6, *Proposed Project Compared to SCAG Growth Forecasts*, show that compared to the General Plan buildout assumptions, the Project would increase the City's housing stock by 161 dwelling units a (2.2 percent



increase) and population by 576 persons (a 2.1 percent increase), which is within the SCAG 2040 population growth forecast (27 percent increase) by 2040. Thus, the Project would be consistent with the types, intensity, and patterns of land use envisioned for the Site vicinity in the RTP/SCS. As the SCAQMD has incorporated these same projections into the 2016 AQMP, it can be concluded that the Project would be consistent with the projections.

It is also noted that the Project's construction and operational air emissions would not exceed the SCAQMD regional thresholds, and localized emissions during construction would be below SCAQMD localized significance thresholds. As such, the Project would not result in or cause national ambient air quality standards (NAAQS) or California ambient air quality standards (CAAQS) violations. As such, a less than significant impact would occur with regard to 2016 AQMP consistency under the Project.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

AQ-2 Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard?

Support for this environmental impact conclusion is included in Section 5.5, *Air Quality*, and in particular, starting on page 5.5-14 of the Draft EIR.

Short-Term Construction Air Emissions

Short-term air quality impacts are predicted to occur during grading and construction operations associated with implementation of the Project. The Project would be developed in two phases: Phase I would construct an 83-unit development and Phase II would construct a 78-unit development. If funding is available, Phase I would also include construction of the preschool and additional recreational facilities. Both phases would individually take approximately 12 months (24 months total) to construct and would include the use of the following construction equipment: concrete/industrial saws, excavators, rubber-tired dozers, graders, scrapers, tractors/loaders/ backhoes, cranes, forklifts, generator sets, welders, pavers, paving equipment, rollers, and air compressors. Emissions for each construction phase have been quantified based upon the phase durations and equipment types.

Table 5.5-4, *Maximum Daily Construction Emissions*, of the Draft EIR presents the Project's anticipated daily short-term construction emissions. As indicated in Draft EIR Table 5.5-4, *Maximum Daily Construction Emissions*, construction emissions would not exceed SCAQMD thresholds for any criteria pollutants. As such, construction emissions would be less than significant.

Long-Term Operational Air Emissions

Operational emissions generated by both stationary and mobile sources would result from normal daily activities on the Site after construction is complete (i.e., increased concentrations of O₃, PM₁₀, and CO). Stationary area source emissions would be generated by the consumption of natural gas for space and water heating devices, the operation of landscape maintenance and on-site equipment, and the use of consumer products. Stationary energy emissions would result from energy consumption associated with the Project. Mobile emissions would be generated by the motor vehicles traveling to and from the Site. The Project's long-term operational reactive organic gases (ROG), NO_x, CO, sulfur oxides (SO_x), PM₁₀, and



PM_{2.5} emissions from area, energy, and mobile traffic sources associated with the proposed land uses were calculated and are detailed in Table 5.5-5, *Long-Term Operational Air Emissions*, of the Draft EIR. As indicated, the operational emissions from the Project would not exceed regional thresholds of significance established by the SCAQMD for criteria air emissions. Therefore, a less than significant impact would occur in this regard.

Air Quality Health Impacts

Adverse health effects induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, and the number and character of exposed individual [e.g., age, gender]). In particular, ozone precursors VOCs and NO_x affect air quality on a regional scale. Health effects related to ozone are therefore the product of emissions generated by numerous sources throughout a region. Existing models have limited sensitivity to small changes in criteria pollutant concentrations, and, as such, translating Project-generated criteria pollutants to specific health effects or additional days of nonattainment would produce meaningless results. In other words, the Project's less than significant increases in regional air pollution from criteria air pollutants would have nominal or negligible impacts on human health.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

AQ-3 Would the Project expose sensitive receptors to substantial pollutant concentrations?

Support for this environmental impact conclusion is included in Section 5.5, *Air Quality*, and in particular, starting on page 5.5-19 of the Draft EIR.

Localized significance thresholds (LSTs) were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The LST methodology assists lead agencies in analyzing localized air quality impacts. The SCAQMD provides the LST screening lookup tables for projects that disturb/grade one, two, or five acres per day emitting CO, NO_x, PM_{2.5}, or PM₁₀. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways. The SCAQMD recommends that any project over five acres in size should perform air quality dispersion modeling to assess impacts to nearby sensitive receptors from area source emissions. For LST analysis purposes, SCAQMD is divided into 38 source receptor areas (SRAs), each of which contain specific localized air quality emission thresholds for CO, NO_x, PM_{2.5}, and PM₁₀ to determine local air quality impacts. The Project is located within SRA 17, Central Orange County.

Construction Impacts

SCAQMD provides LST thresholds for one-, two-, and five-acre site disturbance areas; SCAQMD does not provide LST thresholds for projects over five acres. Draft EIR Table 5.5-6, *Project Maximum Daily Disturbed Acreage*, identifies the maximum daily disturbed acreage for the purposes of LST modeling. As shown, the Project could actively disturb approximately 4.0 acres per day during the grading phase of construction. Therefore, the LST thresholds for two acres were conservatively utilized for the construction LST analysis. The closest sensitive receptors are adjoining residential uses to the north, south, and west of the Site. These sensitive land uses may be potentially affected by air pollutant emissions generated during on-site construction activities. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. As the nearest sensitive uses adjoin the Site (i.e., residential uses to the



west), the lowest available LST values for 25 meters were used.

Draft EIR Table 5.5-7, *Construction Localized Significance Emissions Summary*, shows the localized construction-related emissions for NO_x, CO, PM₁₀, and PM_{2.5} compared to the LSTs for SRA 17. As shown, the Project's localized construction emissions would not exceed the LSTs for SRA 17. Therefore, localized significance impacts from construction would be less than significant.

Operational Impacts

According to SCAQMD localized significance threshold methodology, LSTs would apply to the operational phase of a proposed project if the project includes stationary sources or attracts mobile sources that may spend extended periods queuing and idling at the Site (e.g., warehouse or transfer facilities). Occasional truck trash pickup (once per week) would occur at the Site. These truck trash pickup activities would be intermittent and would not include extended periods of idling time; therefore, idling emissions from truck deliveries would be minimal. Additionally, potential emergency vehicle trips to and from the Site would be sporadic and would not idle on-site or along adjacent roadways for long periods of time. Thus, due to the lack of such emissions, no long-term localized significance threshold analysis is needed. Operational LST impacts would be less than significant in this regard.

Carbon Monoxide Hotspots

According to the SCAQMD CEQA Air Quality Handbook, a potential CO hotspot may occur at any location where the background CO concentration already exceeds 9.0 parts per million (ppm), which is the 8-hour California ambient air quality standard. As previously discussed, the Site is located in SRA 17, Central Orange County. Communities within SRAs are expected to have similar climatology and ambient air pollutant concentrations. The monitoring station representative of SRA 17 is the Anaheim – Pampas Lane Station, which is located approximately 2.54 miles northeast of the Site. The highest CO concentration at the Anaheim – Pampas Lane Station monitoring station was measured at 2.46 ppm in 2017. As such, the background CO concentration does not exceed 9.0 ppm and a CO hotspot would not occur. Therefore, CO hotspot impacts would be less than significant in this regard.

Air Quality Health Impacts

As evaluated above, the Project's air emissions would not exceed the SCAQMD's LST thresholds, and CO hotspots would not occur as a result of the proposed Project. Therefore, the Project would not exceed the most stringent applicable Federal or State ambient air quality standards for emissions of CO, NO_x, PM₁₀, or PM_{2.5}. It should be noted that the ambient air quality standards are developed and represent levels at which the most susceptible persons (e.g., children and the elderly) are protected. In other words, the ambient air quality standards are purposefully set in a stringent manner to protect children, elderly, and those with existing respiratory problems. Thus, an air quality health impact would be less than significant in this regard.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



CUMULATIVE Would implementation of the Project and other related cumulative projects conflict with or obstruct implementation of the applicable air quality plan?

Support for this environmental impact conclusion is included in Section 5.5, *Air Quality*, and in particular, starting on page 5.5-22 of the Draft EIR.

The City is subject to the 2016 AQMP. Additionally, the City is located within the Orange County sub-region of SCAG's RTP/SCS, which governs population growth. The Project's anticipated population growth is within SCAG's 2040 forecast population projection for the City and region and is thus accounted for in the 2016 AQMP. Furthermore, the Project's construction and operational air emissions would not exceed the SCAQMD regional thresholds, and localized emissions during construction would be below SCAQMD LST thresholds. Thus, the Project would be consistent with the types, intensity, and patterns of land use envisioned for the Site vicinity in the RTP/SCS and would be consistent with the 2016 AQMP. As such, the Project would not have a cumulatively considerable contribution to impacts in this regard, and a less than significant impact would occur.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

CUMULATIVE Would short-term construction and long-term operational activities associated with the Project and other related cumulative projects, result in cumulatively considerable increased air pollutant emission impacts?

Support for this environmental impact conclusion is included in Section 5.5, *Air Quality*, and in particular, starting on page 5.5-23 of the Draft EIR.

Short-Term Construction Air Emissions

The SCAQMD neither recommends quantified analyses of cumulative construction emissions, nor does it provide separate methodologies or thresholds of significance to be used to assess cumulative construction impacts. The SCAQMD significance thresholds for construction are intended to meet the objectives of the 2016 AQMP to ensure the NAAQS and CAAQS are not exceeded. As the Project Applicant has no control over the timing or sequencing of the related projects, any quantitative analysis to ascertain the daily construction emissions that assumes multiple, concurrent construction would be speculative. The Project's construction emissions would not exceed SCAQMD thresholds, are temporary in nature, and would cease following Project completion. The proposed Project, in combination with other cumulative projects throughout the Basin (including those listed in Draft EIR Table 4-1, *Cumulative Projects List*, would be required to comply with SCAQMD rules and regulations (i.e., SCAQMD Rule 403 compliance, the implementation of all feasible mitigation measures, and compliance with adopted 2016 AQMP emissions control measures) to reduce construction-related emissions to the extent feasible. Therefore, as cumulative projects would be required to reduce their emissions per SCAQMD rules and mandates and the Project's construction emissions would be below SCAQMD thresholds, the Project would not contribute to an exceedance of the NAAQS and CAAQS and would comply with the 2016 AQMP goals. Thus, it can be reasonably inferred that the Project-related construction activities, in combination with those from other projects in the area, would not deteriorate the local air quality and would not result in cumulative construction-related impacts.



Long-Term Operational Air Emissions

The SCAQMD has set forth both a methodological framework as well as significance thresholds for the assessment of a project's cumulative operational air quality impacts. The SCAQMD's approach for assessing cumulative impacts is based on the 2016 AQMP forecasts of NAAQS attainment in accordance with FCAA and CCAA requirements. This forecast also considers the 2016 AQMP forecasted future regional growth. As such, the analysis of cumulative impacts focuses on determining whether a proposed project is consistent with the growth assumptions upon which the 2016 AQMP is based. If a project is consistent with the growth assumptions, then future development would not impede the attainment of NAAQS and a significant cumulative air quality impact would not occur. As discussed above, the Project's operational emissions would not exceed SCAQMD regional thresholds and would be consistent with the 2016 AQMP. Therefore, the Project would not be significantly cumulatively considerable. A less than significant impact would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

CUMULATIVE Would development associated with implementation of the Project and other cumulative projects result in cumulatively considerable localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations?

Support for this environmental impact conclusion is included in Section 5.5, *Air Quality*, and in particular, starting on page 5.5-24 of the Draft EIR.

As stated above, the LST methodology assists lead agencies in analyzing localized air quality impacts. The SCAQMD provides the LST screening lookup tables for one-, two-, and five-acre projects emitting CO, NO_x, PM_{2.5}, or PM₁₀. Because the disturbed acreages for each cumulative project site can vary, the LST thresholds utilized also vary on a project-by-project basis. Localized emissions only affect the areas immediately adjacent to the Site. As discussed above, construction and operational source emissions for the Project would not exceed the applicable LSTs. Thus, the Project's construction localized emissions impacts would not be cumulatively considerable toward exposing sensitive receptors to substantial pollutant concentrations.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

4. Biological Resources

a) Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Support for this environmental impact conclusion is included in Section 4.4, *Biological Resources*, and in particular, starting on page 4.4-1 of the Initial Study.

The Site is located within a developed, urbanized area with no sensitive species or habitats. The Site is improved with apartment buildings and several structures with minimal landscaping and scattered



ornamental trees along Tina Way and Pacific Avenue. The area to the south of the Site is designated Open Space and is currently utilized as a nursery. Based on the Site's disturbed condition, demolition of existing on-site uses and development of the Project would not adversely impact any candidate, sensitive, or special status biological resources. The existing nursery to the south of the Site also would not be impacted by Project construction or operations. Thus, no impacts would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Support for this environmental impact conclusion is included in Section 4.4, *Biological Resources*, and in particular, starting on page 4.4-1 of the Initial Study.

There are no riparian habitats in the Project area. The closest mapped riparian habitat is the Stanton Storm Channel approximately 0.3 miles to the west of the Site across Dale Avenue and the Southern California Edison easement area. Additionally, the Stanton Storm Channel is a concrete-lined channel with no riparian habitat within the channel. Given the distance from the Site, construction and operations of the Project would not impact the Stanton Storm Channel. Overall, the Site has been heavily disturbed by existing development and no riparian habitat or other sensitive natural community exists within the Project area. Additionally, the Project area is not included in local or regional plans, policies, or regulations that identify riparian habitat or other sensitive natural communities. No impacts would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

c) Would the Project have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Support for this environmental impact conclusion is included in Section 4.4, *Biological Resources*, and in particular, starting on page 4.4-2 of the Initial Study.

The Site is completely developed and surrounded by urban development; no State or Federally protected wetlands are located on-site. As stated above, the closest mapped wetland is the Stanton Storm Channel, which is a concrete-lined channel, and thus, does not support wetland habitat. As such, the proposed development would not involve the direct removal, filling, hydrological interruption, or other direct or indirect impact to wetlands under jurisdiction of regulatory agencies. No impacts are anticipated in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.



d) Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Support for this environmental impact conclusion is included in Section 4.4, *Biological Resources*, and in particular, starting on page 4.4-2 of the Initial Study.

The Site consists entirely of developed or disturbed habitat and is surrounded by other urban uses. While a nursery is located to the south of the Site, the Site itself does not have any significant areas that may currently be used as wildlife corridors or nursery sites for native and migratory wildlife. The minimal landscaping and vegetation on-site also do not provide suitable nesting habitat for migratory birds. Additionally, the Migratory Bird Treaty Act (MBTA) governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. Therefore, if any nesting migratory birds are found within the ornamental trees on-site, construction workers would be required to halt activities until the young have fledged, until a qualified biologist has determined the nest is inactive, or until appropriate mitigation measures that respond to the specific situation have been developed and implemented in consultation with the regulatory agencies. Compliance with the MBTA would ensure impacts are reduced to less than significant levels.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Support for this environmental impact conclusion is included in Section 4.4, *Biological Resources*, and in particular, starting on page 4.4-2 of the Initial Study.

Street trees in Stanton are protected under Municipal Code Chapter 12.20, *Street Tree Plan*, which states that no person, firm or corporation is allowed to plant, remove, replace or cause to be planted, removed or replaced any tree within a dedicated right-of-way without having first obtained a permit in writing from the City engineer to do so. Additionally, all work in planting, removing or replacing a street tree is required to be done to the satisfaction of the City's Community and Economic Development Director. Project development would involve removing ornamental trees along Tina Way and Pacific Avenue and planting of new trees based on the proposed landscape plan; refer to Draft EIR Exhibit 2-4, *Conceptual Landscape Plan*. As such, Project compliance with Municipal Code Chapter 12.20 would ensure impacts are less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

f) Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

Support for this environmental impact conclusion is included in Section 4.4, *Biological Resources*, and in particular, starting on page 4.4-3 of the Initial Study.



According to the California Department of Fish and Wildlife, the proposed Project is located within the plan area of the Orange County Transportation Authority (OCTA) Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The OCTA NCCP/HCP encompasses all of Orange County and involves the acquisition, conservation, and enhancement of natural habitat as mitigation for impacts on biological resources from freeway capital improvement projects. No natural habitat is present on-site and thus, the Site would not be a candidate for conservation or enhancement under the OCTA NCCP/HCP. Additionally, the Project is not a freeway capital improvement project. As such, development of the Project would not conflict with the OCTA NCCP/HCP and no impacts would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

5. Cultural Resources

CUL-1 Would the Project cause a significant impact to an historical resource?

Support for this environmental impact conclusion is included in Section 5.1, *Cultural Resources*, and in particular, starting on page 5.1-13 of the Draft EIR.

Based on the Cultural/Paleontological Resources Assessment, one historical resource was observed, the mid-20th century on-site residential development of the Tina-Pacific Apartments. Since construction of the Tina-Pacific Apartments in 1963, significant loss to the integrity of the complex as a whole has occurred through the loss or demolition of the entire recreation facility, including the manager's residence, cabana, pool, and other original landscaping features. The recreation facility was part of the original design of the apartment complex and an important part of its sociocultural identity. In addition, only 28 of the original 40 buildings within the complex survive (112 of the original 160 apartments), and many existing units have undergone various alterations, ranging from new windows and doors, new siding, and modified concrete block privacy walls. Today, gaping holes within the complex are a reminder of the former four-plex units, most of which now serve as parking lots, and two of which are now occupied by modular buildings. Based on the historic evaluation, the Tina-Pacific Apartments is recommended ineligible for the National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR).

As detailed above, mid-20th century dense residential developments, such as the Tina-Pacific apartment complex are ubiquitous to Stanton and Orange County, and were built with materials, methods, engineering, and architecture common to the period and region. The buildings are not tied to a specific event or specific person of history, and there is no indication that there are buried archaeological resources under the historic district. All of the contributing buildings to the historic district are the same with no major architectural or engineering variation; therefore, this historic district is not eligible for the NRHP/CRHR and is not considered a historical resource under CEQA.

As such, demolition of the existing apartment complex and construction of the proposed multi-family development on-site would not impact any historical resources under CEQA and impacts in this regard would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



6. Energy

EN-1 Would the Project result in wasteful, inefficient, or unnecessary consumption of energy resources?

Support for this environmental impact conclusion is included in Section 5.10, *Energy*, and in particular, starting on page 5.10-6 of the Draft EIR.

The Project's estimated energy consumption is summarized in Table 5.10-4, *Energy Consumption*, of the Draft EIR. As shown, the electricity usage as a result of the Project would constitute an approximate 0.004 percent increase over Orange County's typical annual electricity consumption and an approximate 0.005 percent increase in the typical annual natural gas consumption in Orange County. The Project-related vehicle fuel consumption would increase Orange County's consumption by 0.008 percent.

Construction-Related Energy Consumption

Project construction would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass. Fuel energy consumed during construction would be temporary and would not represent a significant demand on energy resources. In addition, some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest Environmental Protection Agency (EPA) and California Air Resources Board (CARB) engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption.

Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The Project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ all reasonable energy conservation practices in the interest in minimizing the cost of doing business.

As indicated in Draft EIR Table 5.10-4, *Energy Consumption*, the Project's fuel from construction would be 58,017 gallons, which would increase fuel use in the County by 0.036 percent. As such, construction would have a nominal effect on the local and regional energy supplies. It is noted that construction fuel use is temporary and would cease upon completion of construction activities. There are no unusual Project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or State. Therefore, construction fuel consumption would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. As such, a less than significant impact would occur in this regard.



Operational Energy Consumption

Draft EIR Table 5.10-4, *Energy Consumption*, provides an estimate of the daily fuel consumed by vehicles traveling to and from the Site. As indicated, Project operations is estimated to consume approximately 93,616 gallons of fuel per year, which would increase Orange County's automotive fuel consumption by 0.008 percent. The Project would not result in any unusual characteristics that would result in excessive operational fuel consumption. Fuel consumption associated with Project-related vehicle trips would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

The Project would consume energy for interior and exterior lighting, heating/ventilation and air conditioning (HVAC), refrigeration, electronics systems, appliances, and security systems, among other things. The Project would be required to comply with Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of the Title 24 standards significantly reduces energy usage. Furthermore, the electricity provider, SCE, is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 50 percent of total procurement by 2030. Operational energy consumption would represent an approximate 0.004 percent increase in electricity consumption over the current Countywide usage. Therefore, the Project would not result in the inefficient, wasteful, or unnecessary consumption of building energy.

For the reasons described above, the Project would not place a substantial demand on regional energy supply or require significant additional capacity, or significantly increase peak and base period electricity demand, or cause wasteful, inefficient, and unnecessary consumption of energy during Project construction, operation, and/or maintenance, or preempt future energy development or future energy conservation.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

EN-2 Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Support for this environmental impact conclusion is included in Section 5.10, *Energy*, and in particular, starting on page 5.10-8 of the Draft EIR.

The City currently does not have a plan pertaining to renewable energy or energy efficiency. State and local plans for renewable energy and energy efficiency include the California Public Utilities Commission's (CPUC) *Energy Efficiency Strategic Plan*, the 2019 Title 24 Code, and the 2016 CALGreen standards. The Project would be required to comply with Title 24 and CALGreen standards. Compliance with 2019 Title 24 Code and 2016 CALGreen standards would ensure the Project incorporates energy efficient windows, solar panels, insulation, lighting, ventilation systems, as well as water efficient fixtures and electric vehicles charging infrastructure. Adherence to the CPUC's energy requirements would ensure conformance with the State's goal of promoting energy and lighting efficiency. Therefore, the proposed Project would result in less than significant impacts associated with renewable energy or energy efficiency plans.



Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

CUMULATIVE Would implementation of the Project and other cumulative projects result in wasteful, inefficient, or unnecessary consumption of energy resources?

CUMULATIVE Would implementation of the Project and other cumulative projects conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Support for this environmental impact conclusion is included in Section 5.10, *Energy*, and in particular, starting on page 5.10-9 of the Draft EIR.

The geographic context for cumulative energy consumption impacts for electricity and natural gas is Countywide and relative to SCE and Southern California Gas Company's (SCGC) service areas. While the geographic context for the transportation-related energy use is more difficult to define, it is meaningful to consider the Project in the context of County-wide consumption. Future growth within the County is anticipated to increase the demand for electricity, natural gas, and transportation energy, as well as the need for energy infrastructure. As shown above, the Project would nominally increase the County's electricity, natural gas, and operational fuel consumption by 0.004, 0.005, and 0.008 percent, respectively. Additionally, per the RPS, the Project and cumulative projects identified in Table 4-1, *Cumulative Projects List*, of the Draft EIR would utilize electricity provided by SCE that would be comprised of 33 percent renewable energy by 2020 and 50 percent renewable energy by 2030. Furthermore, the Project and other cumulative projects in the Site vicinity would be subject to Title 24, CalGreen, and the CPUC's *Energy Efficiency Strategic Plan*. Thus, the Project and related projects would comply with energy conservation plans and efficiency standards required to ensure that energy is used efficiently. As such implementation of the Project and other cumulative projects would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

7. Geology and Soils

a) i. Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Support for this environmental impact conclusion is included in Section 4.7, *Geology and Soils*, and in particular, starting on page 4.7-1 of the Initial Study.

The Site is not underlain by an Alquist-Priolo Earthquake Fault Zone. Thus, Project implementation would not involve impacts associated with earthquake fault rupture.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.



a) ii. Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Support for this environmental impact conclusion is included in Section 4.7, *Geology and Soils*, and in particular, starting on page 4.7-1 of the Initial Study.

The Project area, like the rest of Southern California, is situated within a seismically active region as the result of being located near the active margin between the North American and Pacific tectonic plates. According to the General Plan, active faults in the region include the Newport-Inglewood – Rose Canyon Fault Zone, Elsinore Fault Zone – Whittier Section, Norwalk Fault, Elysian Park Fault, and San Andreas Fault. Active and potentially active faults within southern California could produce seismic shaking at the Site, and it is likely that the proposed Project would periodically experience ground shaking as a result of moderate to large magnitude earthquakes.

In accordance with the California Building Code (CBC) and Municipal Code Section 16.36.010, *California Existing Building Code Adopted*, structures built for human occupancy must be designed to meet or exceed the CBC standards for earthquake resistance. The CBC includes earthquake safety standards based on a variety of factors including occupancy type, types of soils and rocks on-site, and strength of probable ground motion at the Site. Pursuant to Municipal Code Section 16.55.014, *Soil Engineering and Engineering Geology Reports*, a Site-specific soil and engineering geology report would be required for the proposed Project to determine on-site geologic conditions and appropriate design parameters. The City Building Official or City Engineer would ensure incorporation of the soil and engineering geology report's recommended actions as a condition to the grading permit. Compliance with the CBC and the recommendations identified in the Project's soil and engineering geology report would reduce impacts to less than significant levels.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

a) iii. Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Support for this environmental impact conclusion is included in Section 4.7, *Geology and Soils*, and in particular, starting on page 4.7-2 of the Initial Study.

According to the General Plan, the entire City is located in a liquefaction hazard zone. Pursuant to Municipal Code Section 16.55.014, a Site-specific soil and engineering geology report would be required for the proposed Project to determine on-site geologic conditions and appropriate design parameters. The City Building Official or City Engineer would ensure incorporation of the soil and engineering geology report's recommended actions as a condition to the Project's grading permit. Thus, upon implementation of the recommendations identified in the in the Project's soil and engineering geology report, as required by the Municipal Code, impacts related to seismic-related ground failure would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



a) iv. Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Support for this environmental impact conclusion is included in Section 4.7, *Geology and Soils*, and in particular, starting on page 4.7-2 of the Initial Study.

According to the General Plan, the City does not have the potential for landslides. Further, the Site and surrounding areas are generally flat, and void of topographical features capable of producing a landslide.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

b) Would the Project result in substantial soil erosion or the loss of topsoil?

Support for this environmental impact conclusion is included in Section 4.7, *Geology and Soils*, and in particular, starting on page 4.7-2 of the Initial Study.

Construction Activities

Project grading activities would have the potential to result in soil erosion or loss of topsoil. However, soils would be balanced on-site (no soil import or export activities) and development of the Site is subject to local and State codes and requirements for erosion control and grading during construction. The Project would be required to demonstrate compliance with the National Pollutant Discharge Elimination System (NPDES) permitting process to reduce short-term construction-related impacts, including the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The proposed Project's construction contractor would be required to prepare and implement a SWPPP and associated best management practices (BMPs) in compliance with the Construction General Permit during grading and construction. Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. The Project would be required to comply with SCAQMD Rule 403, which would reduce the potential for wind erosion by requiring implementation of dust control measures during construction. Following compliance with the established regulatory framework (i.e., NPDES and SCAQMD Rule 403), Project construction would result in less than significant impacts involving soil erosion and loss of topsoil.

Operational Activities

The Site is located within a highly urbanized area with minimal elevation changes. At Project completion, the Site would be developed as a multi-family residential apartment community complete with landscape improvements and would not contain exposed soil. As a result, Project operations would not result in substantial soil erosion or loss of topsoil and no impact would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



c) Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Support for this environmental impact conclusion is included in Section 4.7, *Geology and Soils*, and in particular, starting on page 4.7-3 of the Initial Study.

Evaluation of liquefaction and landslides is provided in Geology and Soils Responses (a)(iii) and (iv), respectively. Pursuant to Municipal Code Section 16.55.014, a Site-specific soil and engineering geology report would be required for the proposed Project to determine on-site geologic conditions and appropriate design parameters as they relate to lateral spreading, subsidence, and collapse. The City Building Official or City Engineer would ensure incorporation of the soil and engineering geology report's recommended actions as a condition to the Project's grading permit. Thus, upon implementation of the recommendations identified in the Project's soil and engineering geology report, as required by the Municipal Code, impacts related to unstable geologic units or soils would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

d) Would the Project 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?

Support for this environmental impact conclusion is included in Section 4.7, *Geology and Soils*, and in particular, starting on page 4.7-3 of the Initial Study.

Expansive soils are found associated with soils, alluvium, and bedrock formations that contain clay minerals susceptible to expansion under wetting conditions and contraction under drying conditions. Depending upon the type and amount of clay present in a geologic deposit, these volume changes (shrink and swell) can cause severe damage to slabs, foundations, and concrete flatwork. Collapsible soils undergo a volume reduction when the pore spaces become saturated causing loss of grain-to-grain contact and possibly dissolving of interstitial cement holding the grains apart. The weight of overlying structures can cause uniform or differential settlements and damage to foundations and walls. Pursuant to Municipal Code Section 16.55.014, a Site-specific soil and engineering geology report would be required for the proposed Project to determine on-site geologic conditions and appropriate design parameters as they relate to expansive soils. The City Building Official or City Engineer would ensure incorporation of the soil and engineering geology report's recommended actions as a condition to the Project's grading permit. Thus, upon implementation of the recommendations identified in the in the Project's soil and engineering geology report, as required by the Municipal Code, impacts related to expansive soils would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



e) Would the Project 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?

Support for this environmental impact conclusion is included in Section 4.7, *Geology and Soils*, and in particular, starting on page 4.7-4 of the Initial Study.

No septic tanks or alternative wastewater disposal systems are proposed for the Project. The proposed Project would be connected to existing sewer mainlines and service lines, which are currently available in the Project area. Therefore, no impact would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

f) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Support for this environmental impact conclusion is included in Section 8.0, *Effects Found Not To Be Significant*, and in particular, starting on page 8-1 of the Draft EIR.

According to the Cultural/Paleontological Resources Assessment, the Project area is located on young alluvial fan deposits. Young alluvial fan deposits in this area are composed of unconsolidated to moderately consolidated silt, sand, pebbly cobbly sand, and boulders from the late Pleistocene (2.5 million to 11,700 years ago) and Holocene (11,700 years ago to today) Epochs. These deposits result from debris flows in alluvial fans, sourced from the nearby Santa Ana Mountains and Coyote Hills. Borehole logs from a nearby project (approximately 0.5 miles to the west) have also documented alluvial fan deposits to a depth of 51.5 feet.

As part of the Cultural/Paleontological Resources Assessment, a search of the online collections of the University of California, Museum of Paleontology and San Diego Natural History Museum, the online Paleobiology Database and Quaternary Faunal Mapping Project, and other published literature was conducted for fossil localities from similar deposits within three miles of the Site. Additionally, the Department of Vertebrate Paleontology at the Natural History Museum of Los Angeles County performed a records search for paleontological resources within the Site vicinity. This records search did not produce any fossil localities near the Project (i.e., within three miles), with the nearest fossil localities located over ten miles to the east at a depth of 10 feet. Based on the results of these searches, the young alluvial fan deposits underlying the Site are assigned a low paleontological sensitivity above 10 feet. Based on the lack of documented paleontological resources in the Site vicinity, and the nearest fossil locality documented over ten miles away and 10 feet below ground surface, the potential for Project-related construction to impact paleontological resources is low. Additionally, Project construction would require a maximum excavation depth of five feet. As such, Project impacts are less than significant, and no mitigation is required.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



8. Greenhouse Gas Emissions

GHG-1 Would greenhouse gas emissions generated by the Project have a significant impact on global climate change?

Support for this environmental impact conclusion is included in Section 5.6, *Greenhouse Gas Emissions*, and in particular, starting on page 5.6-11 of the Draft EIR.

The proposed Project involves constructing a 161-unit multi-family affordable housing development. Project-related GHG emissions would include emissions from direct and indirect sources. The Project would result in direct and indirect emissions of carbon dioxide (CO₂), nitrous oxide (N₂O), and methane (CH₄), and would not result in other greenhouse gas (GHG) emissions that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct Project-related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from electricity consumption, water demand, and solid waste generation. Operational GHG estimations are based on energy emissions from natural gas usage and automobile emissions. Table 5.6-1, *Projected Annual Greenhouse Gas Emissions*, of the Draft EIR presents the Project's estimated CO₂, N₂O, and CH₄ emissions.

As shown in Draft EIR Table 5.6-1, *Projected Annual Greenhouse Gas Emissions*, the total amount of GHG emissions from Project-related direct and indirect sources combined would total 1,124.74 metric tons of CO₂ equivalent per year (MTCO₂eq/year), or 1.96 MTCO₂eq/year per service population (SP). As such, the Project would not exceed the SCAQMD's project level efficiency threshold of 3.0 MTCO₂eq/year per SP, and the Project would have a less than significant impact in this regard.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

GHG-2 Would implementation of the Project conflict with an applicable greenhouse gas reduction plan, policy, or regulation?

Support for this environmental impact conclusion is included in Section 5.6, *Greenhouse Gas Emissions*, and in particular, starting on page 5.6-13 of the Draft EIR.

CARB's Scoping Plan identifies strategies to reduce California's GHG emissions in support of Assembly Bill 32. Many of the strategies identified in the Scoping Plan are not applicable at the Project level, such as long-term technological improvements to reduce emissions from vehicles. Some measures are applicable and supported by the Project, such as energy efficiency. While some measures are not directly applicable, the Project would not conflict with their implementation. Reduction measures are grouped into 18 action categories by the CARB. Draft EIR Table 5.6-2, *Scoping Plan Consistency Analysis*, summarizes the Project's consistency with the CARB Scoping Plan. As summarized, the Project would not conflict with any of the provisions of the Scoping Plan and would support four of the action categories through energy efficiency, water conservation, recycling, and landscaping. Furthermore, as described above, the Project's combined long-term operational and amortized construction emissions would not exceed the applicable SCAQMD's threshold of significance. Although these thresholds have not been formally adopted at the time of this analysis, they are considered the allowable amount of emissions for the Project to ensure the Project does not impede regional and/or State GHG reduction goals. Therefore, the Project would not conflict with



any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Impacts would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

CUMULATIVE Would greenhouse gas emissions generated by the Project and other related cumulative projects have a cumulatively considerable impact on global climate change?

Support for this environmental impact conclusion is included in Section 5.6, *Greenhouse Gas Emissions*, and in particular, starting on page 5.6-17 of the Draft EIR.

It is generally the case that an individual project of this size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. Therefore, potentially significant direct impacts associated with the Project also serve as the Project's cumulative impact. As analyzed above, Project-generated GHG emissions would not exceed the post-2020 SCAQMD's project-level efficiency GHG threshold of 3.0 MTCO₂eq/year per SP. Therefore, cumulative GHG emissions impacts from the Project would not be significantly cumulatively considerable, and a less than significant impact would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

CUMULATIVE Would implementation of the Project and other related cumulative projects cause a cumulatively considerable conflict with an applicable greenhouse gas reduction plan, policy, or regulation?

Support for this environmental impact conclusion is included in Section 5.6, *Greenhouse Gas Emissions*, and in particular, starting on page 5.6-17 of the Draft EIR.

GHG impacts are recognized as exclusively cumulative impacts, and there are no non-cumulative GHG emission impacts from a climate change perspective. As such, significant direct impacts associated with the Project also serve as the Project's cumulative impact. The analysis above concludes that the Project would be consistent with the applicable measures in the Scoping Plan and would not interfere with the goals of Senate Bill 32. In addition, the Project-generated GHG emissions would not exceed the post-2020 SCAQMD's project-level efficiency GHG threshold of 3.0 MTCO₂eq/year per SP. Thus, cumulative GHG impacts under the Project would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



9. Hazards and Hazardous Materials

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

Support for this environmental impact conclusion is included in Section 4.9, *Hazards and Hazardous Materials*, and in particular, starting on page 4.9-2 of the Initial Study.

Government Code Section 65962.5 requires the Department of Toxic Substance Control and State Water Resources Control Board to compile and update a regulatory sites listing (per the criteria of the Section). The California Department of Health Services is also required to compile and update, as appropriate, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Section 116395 of the Health and Safety Code. Section 65962.5 requires the local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Code of Regulations (CCR), to compile, as appropriate, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. The Site is not listed pursuant to Government Code Section 65962.5. Thus, no impact would result in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?

Support for this environmental impact conclusion is included in Section 4.9, *Hazards and Hazardous Materials*, and in particular, starting on page 4.9-2 of the Initial Study.

The closest public use airport is the Fullerton Municipal Airport approximately 4.4 miles to the north of the Site. Given the distance, the Site is not located within the Fullerton Municipal Airport Impact Zone. Thus, no impact would result in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

f) Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Support for this environmental impact conclusion is included in Section 4.9, *Hazards and Hazardous Materials*, and in particular, starting on page 4.9-2 of the Initial Study.

The City of Stanton does not have an adopted emergency response plan or emergency evacuation plan. However, the County of Orange Emergency Operations Center (EOC) functions as the communication and coordination center for the County and disaster preparedness, providing a central point for coordinating operational, administrative, and support needs of the County. It also assists in coordination and communication between the County and the State Office of Emergency Services during Countywide and Statewide emergency response and recovery operations. Construction and operations of the proposed



residential development would not impair implementation of or physically interfere with the County-adopted emergency operations plans. Impacts would be less than significant in this regard.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

g) Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Support for this environmental impact conclusion is included in Section 4.9, *Hazards and Hazardous Materials*, and in particular, starting on page 4.9-3 of the Initial Study.

The Site consists of, and is surrounded by, urban/developed land; no areas of wildland are present in the Site vicinity. Additionally, the California Department of Forestry and Fire Protection does not identify any Very High Fire Hazard Severity Zones in the City of Stanton. Therefore, Project implementation would not expose people or structures to a significant risk involving wildland fires, and no impacts would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

10. Hydrology and Water Quality

d) In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to project inundation?

Support for this environmental impact conclusion is included in Section 4.10, *Hydrology and Water Quality*, and in particular, starting on page 4.10-3 of the Initial Study.

According to the Federal Emergency Management Agency (FEMA) flood hazard maps, the Site is designated as Zone X. Zone X is located outside of the special flood hazard areas subject to inundation by the one percent annual chance of flood (100-year floodplain), and no floodplain management regulations are required. Further, according to the General Plan, no areas within the City are located within a 100-year flood zone.

A tsunami is a sea wave caused by a sudden displacement of the ocean floor, most often due to earthquakes. The Site is located approximately 8.3 miles inland of the Pacific Ocean. Thus, Project implementation would not subject people or structures to risk of tsunami inundation and no impacts would occur.

A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. There are no water bodies in the Project area that could pose a flood hazard due to a seiche. No impact would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.



11. Land Use and Planning

a) Would the Project physically divide an established community?

Support for this environmental impact conclusion is included in Section 4.11, *Land Use and Planning*, and in particular, starting on page 4.11-1 of the Initial Study.

The proposed Project would not physically divide an established community. The adjacent single-family residences to the north, east, and west are already physically separated from the Site by Tina Way, Magnolia Avenue, and Sherrill Street, respectively. A nursery currently occupies land to the south of the Site, and commercial uses are located to the east across Magnolia Avenue. Thus, development of the proposed Project would not physically divide an established community, and no impacts would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

b) Would the Project 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?

Support for this environmental impact conclusion is included in Section 4.11, *Land Use and Planning*, and in particular, starting on page 4.11-1 of the Initial Study.

General Plan Consistency

Based on the General Plan Land Use Map, the Site is designated High Density Residential. The General Plan intends High Density Residential areas for the development of multi-family neighborhoods that provide a variety of housing types, with particular emphasis on ownership, and with provision for affordable housing. Densities range from 11.1 to 18 dwelling units per acre with an allowed density bonus of up to 35 percent (above the 18 dwelling units per acre) if developments provide affordable housing for low- and moderate-income households. The proposed affordable housing development would be permitted under the current General Plan land use designation. Thus, no General Plan Amendment would be required, and the Project would be consistent with the General Plan.

Table 4.11-1, *General Plan Community Development Chapter Strategy Consistency Analysis*, of the Initial Study, analyzes the Project's consistency with relevant General Plan Community Development Chapter (the City's Land Use Element) goals and strategies. As demonstrated in Initial Study Table 4.11-1, *General Plan Community Development Chapter Strategy Consistency Analysis*, the Project is consistent with the relevant General Plan Community Development Chapter goals and strategies.

Zoning Code Consistency

According to the City's Zoning Map, the Site is zoned High Density Residential (RH). Per Municipal Code Section 20.210.010(D), High Density Residential (RH) Zone, the RH zone is intended for a variety of multi-family attached housing types as well as accessory structures and uses, primarily located on larger lots along arterial highways. The RH zone may also allow nonresidential uses that complement and serve the immediate neighborhood, including schools, parks, libraries, and public facilities. Quasi-residential uses (e.g., convalescent hospitals, supportive housing, and transitional housing) are also allowed. In accordance with the General Plan Housing Element Residential Land Resources Appendix and California



Government Code Section 65583.2, properties in the RH zone may be developed at a net density of thirty dwelling units per acre or greater in order to meet lower income growth needs. The proposed multi-family affordable housing development would be permitted under the existing RH zone and would not require a Zone Change.

Municipal Code Section 20.210.030, Residential Zone Development Standards, identifies development standards specific to residential zones within the City. As detailed in Initial Study Table 4.11-2, *Development Standards Consistency Analysis*, the Project would be consistent with applicable development regulations.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

12. Mineral Resources

a) Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

Support for this environmental impact conclusion is included in Section 4.12, *Mineral Resources*, and in particular, starting on page 4.12-1 of the Initial Study.

Areas designated by the California Geological Survey as Mineral Resource Zone (MRZ) 2 are areas where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists. The Site is not mapped as MRZ 2, instead it is mapped as MRZ 4, which is defined as areas where available information is inadequate for assignment to any other MRZ. Additionally, the Site is currently developed with 28 existing fourplex apartment buildings, the Illuminations Foundation Children's Resource Center, a community garden, a portable building, and several vacant lots from previously demolished residential buildings, and thus, is not available as a mining site. As such, Project development would not cause the loss of availability of mineral resources valuable to the region and State, and no impact would occur.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

b) Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Support for this environmental impact conclusion is included in Section 4.12, *Mineral Resources*, and in particular, starting on page 4.12-1 of the Initial Study.

Refer to Mineral Resources Response (a).

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.



13. Noise

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?

Support for this environmental impact conclusion is included in Section 4.14, *Noise*, and in particular, starting on page 4.13-1 of the Initial Study.

The closest private airstrip to the Site is the Joint Forces Training Base (JFTB) Los Alamitos, which includes the Los Alamitos Army Airfield in the City of Los Alamitos approximately 3.5 miles to the southwest of the Site. Given the distance, the Project would not expose future residents to excessive noise levels associated with the Los Alamitos Army Airfield. The closest public use airport is the Fullerton Municipal Airport approximately 4.4 miles to the north of the Site. Given the distance, the Site is not located within the Fullerton Municipal Airport Impact Zone. Thus, no impact regarding excessive airport noise levels would occur.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

N-2 Would Project implementation result in significant vibration impacts to nearby sensitive receptors?

Support for this environmental impact conclusion is included in Section 5.7, *Noise*, and in particular, starting on page 5.7-18 of the Draft EIR.

Project operations would not generate substantial levels of vibration due to the lack of vibration-generating sources associated with residential uses, and therefore, is not analyzed below. Conversely, Project construction would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s).

The Federal Transit Administration (FTA) has published standard vibration velocities for construction equipment operations. This evaluation uses the FTA architectural damage criterion for continuous vibrations at older residential structures of 0.2 inch-per-second peak particle velocity (PPV). As the nearest structures to Project construction are residences, this threshold is considered appropriate. Construction vibration impacts include human annoyance and building damage. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. The typical vibration produced by construction equipment is illustrated in Table 5.7-8, *Typical Vibration Levels for Construction Equipment*, of the Draft EIR.

The nearest structures to the Site would be residential uses to the west (approximately 27 feet away) along Pacific Avenue. As indicated in Draft EIR Table 5.7-8, *Typical Vibration Levels for Construction Equipment*, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.003 to 0.187 inch-per-second PPV at 27 feet from the source of activity.



Therefore, architectural damage would not occur as vibration from construction activities experienced at the nearest structure would be below the 0.2 inch-per-second PPV significance threshold. Thus, a less than significant impact would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

CUMULATIVE Would Project implementation result in cumulatively significant vibration impacts to nearby sensitive receptors?

Support for this environmental impact conclusion is included in Section 5.7, *Noise*, and in particular, starting on page 5.7-21 of the Draft EIR.

Construction activities associated with the proposed Project and cumulative projects may overlap. Despite the potential for overlap, groundborne vibration generated at the Site during construction would not exceed the FTA's 0.2 inch-per-second threshold. The nearest cumulative project is located approximately 745 feet north of the proposed Site. Given the distance, no cumulative vibration impacts would occur. Therefore, vibration impacts of the proposed Project would not be cumulatively considerable. Further, cumulative development projects would be required to implement any required mitigation measures that may be prescribed pursuant to CEQA provisions. Therefore, the Project's contribution to cumulative vibration impacts would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

14. Population and Housing

PHE-1 Would the Project directly or indirectly induce substantial unplanned population growth?

Support for this environmental impact conclusion is included in Section 5.8, *Population, Housing, and Employment*, and in particular, starting on page 5.8-7 of the Draft EIR.

The Project involves demolishing 28 existing fourplex apartment buildings (112 units) and constructing 161 new multi-family units. Therefore, Project implementation could induce direct population growth in the City through development of new residences. It is speculative at this point to determine whether all existing residents on-site would relocate within or outside of the City. Thus, this analysis conservatively assumes the existing residents could relocate elsewhere within the City. Based on the City's average household size of 3.58, the 161 proposed units would introduce up to 576 additional residents within the City. Nevertheless, the potential population growth associated with the Project would represent only a 1.5 percent increase from the City's current population of 39,470 persons.

Draft EIR Table 5.8-5, *Proposed Project Compared to General Plan Buildout Assumptions*, compares the Project's population and housing growth to the General Plan's population and housing forecasts for the City at buildout. The City's housing stock is forecast to total approximately 18,572 dwelling units at General Plan buildout, with a resultant population of approximately 66,488 persons. Compared to the General Plan buildout assumptions, the Project would increase the City's housing stock by 161 dwelling units (2.2 percent increase) and increase the City's population by 576 persons (2.1 percent increase). As shown, the Project would not exceed the General Plan buildout population or housing forecasts, and thus



would have a less than significant impact on population and housing growth in the City with respect to the General Plan assumptions.

Draft EIR Table 5.8-6, *Proposed Project Compared to SCAG Growth Forecasts*, compares the Project's forecast housing and population growth with SCAG's 2040 growth projections for the City. As indicated, SCAG projects that the City's housing stock will total 12,279 dwelling units with a resultant population of 41,600 persons by 2040. Compared to SCAG's growth forecasts, the Project would increase the City's housing stock by 161 dwelling units (17.9 percent increase) and increase the City's population by up to 576 persons (27.0 percent increase). As shown, Project implementation would not exceed SCAG 2040 growth forecasts for dwelling units and population and impacts in this regard would be less than significant.

Additionally, SCAG's regional growth projections are based upon long-range development assumptions (i.e., General Plans) of the relevant jurisdiction. Therefore, since the Project is consistent with the Site's High Density Residential land use designation, buildout of the Site based on such assumptions is captured in SCAG's regional growth projections for the City. Overall, although the proposed density would increase at the Site, the Project is consistent with the Site's General Plan designation and would not result in unplanned growth significantly exceeding existing conditions or regional population projections (i.e., General Plan and SCAG RTP/SCS). Therefore, Project impacts related to population and housing growth would be less than significant.

Jobs/Housing Balance

The jobs/housing ratio is used as a general measure of balance between a community's employment opportunities and the housing needs of its residents. As of 2018, the City's jobs/housing ratio is approximately 1.62. The proposed Project is a residential development; therefore, no new jobs would be created with Project development. Instead, the Project would increase the City's population by 161 dwelling units. Based on existing conditions, the Project would slightly decrease the City's jobs/housing ratio to 1.59. A ratio of 1.0 or greater generally indicates that a community provides adequate employment opportunities, potentially allowing its residents to work within the community (rather than commuting to neighboring cities). As such, Project implementation would nominally decrease the City's jobs/housing ratio and result in a less than significant impact.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

PHE-2 Would the Project displace existing housing or people, necessitating the construction of replacement housing?

Support for this environmental impact conclusion is included in Section 5.8, *Population, Housing, and Employment*, and in particular, starting on page 5.8-9 of the Draft EIR.

The Site is currently developed with 24 fourplex apartment buildings with a total of 112 units. Of the 112 units, 110 are currently occupied by tenants. As part of the Project, the City is proposing to acquire all parcels and relocate existing tenants in order to construct the proposed multi-family development. The Project's tenant relocation process would conform to the requirements of the California Relocation Assistance Law, California Government Code Section 7260 et seq.; the Relocation Assistance and Real Property Acquisition Guidelines; California Code of Regulations, Title 25, Division 1, Chapter 6, Guidelines;



and the City's adopted right-of-way policies and procedures. More specifically, the City has developed a Project-specific Relocation Program that consists of two principal elements: advisory assistance and financial assistance (relocation benefits). Advisory assistance services would inform existing tenants about the Relocation Program; help in the process of finding appropriate replacement accommodations; facilitate claims processing; and coordinate the involvement of any outside service providers. Financial assistance or relocation benefits would be specific to each resident (displacee).

As part of the Relocation Program's relocation benefits, the City would be required to conduct personal interviews and follow-up visits to counsel each displacee with available options. In compliance with State laws, the City would be required to provide all displacees with residential moving expense payments. Moving expense payments would be made based on the actual cost of a licensed professional mover or a fixed payment based on the number of rooms currently occupied in the displaced unit. The City would also be required to provide rental assistance to displacees who choose to rent, or down payment assistance to displacees who choose to purchase. The rental and down payment amounts would be calculated based on State guidelines detailed in the California Relocation Assistance Law, California Government Code Section 7260 et seq.; the Relocation Assistance and Real Property Acquisition Guidelines; and California Code of Regulations, Title 25, Division 1, Chapter 6, Guidelines. Further, if displacees still do not have the financial means to pay new monthly rental costs with the financial rental assistance, the City would be required to provide Last Resort Housing (LRH). Under the Project's Relocation Program, LRH would be provided in the form of supplemental financial payments to ensure the displacee can afford comparable replacement housing. The City would also be required to process advanced payment requests to mitigate hardship for displacees who do not have access to sufficient funds to pay move-in costs, such as first month's rent and/or security deposits.

As such, while the Project would displace the 112 housing units and existing residents currently on-site, compliance with State relocation laws and local policies and procedures would minimize impacts to existing residents and no replacement housing that could result in environmental impacts would need to be constructed.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

CUMULATIVE Would development in accordance with the Project and cumulative development result in cumulatively considerable impacts related to population and housing?

CUMULATIVE Would implementation of the Project cumulatively displace existing housing or people, necessitating the construction of replacement housing?

Support for this environmental impact conclusion is included in Section 5.8, *Population, Housing, and Employment*, and in particular, starting on page 5.8-10 of the Draft EIR.

Cumulative impacts involving population and housing are analyzed in terms of consistency with SCAG growth assumptions for Stanton. As stated above, the Project would introduce up to 576 additional residents and 161 multi-family units to the City. Draft EIR Tables 5.8-5 and 5.8-6 compare the Project's anticipated population and housing increase to the General Plan buildout assumptions and SCAG growth forecasts, respectively. As shown, the Project would not exceed anticipated buildout for either plan. Further, since the Project is consistent with the Site's High Density Residential land use designation, buildout of the Site based on the land use designation is already contemplated in SCAG's regional growth



projections for the City. As such, the Project's incremental effects involving population and housing growth are not cumulatively considerable.

The Project would displace existing tenants and demolish the 112 housing units on-site. The cumulative projects detailed in Draft EIR Table 4-1, *Cumulative Projects List*, do not involve demolishing existing residences or displacing tenants and are predominately redevelopment projects of existing commercial and industrial uses. Therefore, the Project would not incrementally contribute towards a cumulative impact in regard to the displacement of existing housing and residents.

Overall, the Project's incremental effects involving population, housing, and employment are not cumulatively considerable and impacts would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

15. Public Services

a) iv. Would the Project result in the need for additional park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Support for this environmental impact conclusion is included in Section 4.15, *Public Services*, and in particular, starting on page 4.15-2 of the Initial Study.

The City does not have a parkland-to-population standard; however, the General Plan notes that while the City may not realistically be able to meet the Quimby Act's standard of 3.0 acres per 1,000 residents, the City has a goal of providing facilities to meet community demand. Currently, the City owns and operates ten parks that total 37.11 acres. Based on the City's existing population of 39,470, the existing parkland to population ratio is 1.06 acres per 1,000 residents.

Based on the City's average household size of 3.58, the Project would introduce up to 576 new residents on-site. As a result, the Project would have a parkland demand of 1.73 acres, based on the State's standard of 3.0 acres per 1,000 residents. Additionally, the population demand associated with the proposed Project could increase the use of existing neighborhood and regional parks and other recreational facilities.

It should be noted that a variety of private residential open space would be distributed throughout the Site. Due to the amount and variety of open spaces provided by the Project, it is not anticipated that Project residents would use external parks and recreational facilities such that substantial physical deterioration would occur or be accelerated. Nonetheless, Municipal Code Chapter 19.42, *Dedication of Land for Park Facilities and Payment of In-Lieu Fees*, requires that developments involving tentative maps, tentative parcel maps, or condominium projects consisting of 51 or more dwelling units dedicate land to the City for park facilities and/or pay in lieu fees. Compliance with Municipal Code Chapter 19.42 would ensure the Project's impacts concerning parks and recreational facilities and increased use of existing facilities would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



PSU-1 Would the Project result in the need for additional fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Support for this environmental impact conclusion is included in Section 5.9, *Public Services and Utilities*, and in particular, starting on page 5.9-14 of the Draft EIR.

Construction-Related Impacts

The Project does not involve construction of any new or physically altered fire protection facilities. Construction activities associated with the Project would create a temporary incrementally increased demand for OCFA fire protection services. All construction activities would be subject to compliance with all applicable State and local regulations in place to reduce risk of construction-related fire (i.e., installation of temporary construction fencing to restrict site access and maintenance of a clean construction site). Therefore, Project construction would not result in the need for additional fire protection facilities, the construction of which could cause significant environmental impacts, and would not adversely impact service ratios, response times, or other OCFD performance standards. A less than significant impact would occur in this regard.

Operational Impacts

Project implementation would increase demands for OCFA fire protection services. However, this increase would not require the construction of new OCFA fire protection facilities or expansion of existing fire protection facilities. The City's demands on OCFA fire protection services are offset through the collection of property taxes, intergovernmental revenues, and other sources which the County collects to ensure adequate fire facilities and staffing. Further, the Project would be designed in compliance with Municipal Code Chapter 17.08, *Fire Code*, which adopts by reference the 2016 edition of the California Fire Code, and several General Plan actions intended to reduce operational risks to fire. Pursuant to General Plan Action CHS-4.1.1 (c), the City would evaluate the Project's potential to impact fire protection services during the development review process to ensure that any increased demand for emergency services would be adequately served. OCFA would also review the Project for its compliance with applicable fire life safety codes and regulations as part of its construction document plan check process. Based on correspondence from OCFA, Project implementation would result in a less than significant impact to OCFA fire services following conformance with applicable standard conditions and regulations related to development, including water supply, built-in fire protection systems, road grades and width, access, and building materials. Specific OCFA standard conditions and regulations applicable to the Project include those requiring automatic fire sprinkler systems, adequate water supply system to supply fire hydrants and fire sprinkler systems, and adequate fire apparatus and personnel access to and around on-site structures.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



PSU-2 Would the Project result in the need for additional police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Support for this environmental impact conclusion is included in Section 5.9, *Public Services and Utilities*, and in particular, starting on page 5.9-15 of the Draft EIR.

Construction-Related Impacts

The Project does not involve construction of any new or physically altered police protection facilities. Construction would create a temporary incrementally increased demand for OCSD sheriff services. However, all construction activities would be subject to compliance with Municipal Code Chapter 16.04, *California Building Code Adopted*, which adopts by reference the CBSC. CBSC Chapter 33, *Safeguards During Construction*, includes emergency access requirements that would minimize Site safety hazards and potential construction-related impacts to OCSD sheriff services. Therefore, Project construction would not result in the need for additional OCSD sheriff facilities, the construction of which could cause significant environmental impacts, and would not adversely impact service ratios, response times, or other OCSD performance standards. A less than significant impact would occur in this regard.

Operational Impacts

As noted, the Site is currently occupied by four-plex apartment buildings on 15 parcels. Project implementation would increase demands for OCSD sheriff services. However, this increase would not require the construction of any new OCSD facilities or expansion of existing OCSD facilities. Project implementation would be subject to compliance with applicable local regulations to reduce impacts to OCSD services, including Municipal Code Chapter 16.04, which adopts by reference the CBSC. The CBSC includes emergency access requirements, which would minimize Site safety hazards and potential operational impacts to police services. Pursuant to General Plan Action CHS-4.4.1 (a), the Project's development proposal would be forwarded to the OCSD for their review and comment regarding crime safety measures as part of the development review process.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

PSU-3 Would the Project result in the need for additional school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Support for this environmental impact conclusion is included in Section 5.9, *Public Services and Utilities*, and in particular, starting on page 5.9-16 of the Draft EIR.

Construction-Related Impacts

The Project does not involve construction of any new or physically altered school facilities. The Project has been sited such that its construction would not disrupt school services. Due to its temporary nature, Project construction activities would not generate additional students and impacts to school services would be less than significant.



Operational Impacts

As noted, the Site is currently occupied by four-plex apartment buildings on 15 parcels. The Project involves the construction of up to 161 multi-family residential units, which would result in the addition of approximately 112 school-age children who could attend Magnolia School District (MSD) and Anaheim Union High School District (AUHSD) schools; refer to Draft EIR Table 5.9-3, *Estimated Student Generation*.

It is the City's goal to support efforts to maintain and improve facilities in local school districts and to monitor the impacts of new development and redevelopment on City-serving school districts (General Plan Action ICS-4.2.1 (b)). Pursuant to Senate Bill 50 and in furtherance of General Plan Action ICS-4.2.1 (b), individual development projects are required to pay statutory fees to MSD and AUHSD at the time of development to offset impacts on school capacities. Pursuant to Government Code Section 65996, payment of statutory fees is considered to be full mitigation for new development projects. Thus, payment of school impact fees would offset the cost of providing service for the approximately 112 additional students generated by the Project. Additionally, it should be noted that should Development Scenario Two (Proposed Project With Preschool) be developed, the Project would provide a 2,300-square foot preschool facility on-site available to future Project residents as well as neighboring residents within the MSD. Impacts would be less than significant in this regard.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

PSU-4 Would the Project result in the need for additional library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Support for this environmental impact conclusion is included in Section 5.9, *Public Services and Utilities*, and in particular, starting on page 5.9-17 of the Draft EIR.

Construction-Related Impacts

The Project does not involve construction of any new or physically altered library facilities. The Project has been sited such that its construction would not disrupt library services. Due to its temporary nature, Project construction activities would not generate additional students and impacts to library services would be less than significant.

Operational Impacts

Project implementation would generate a population increase of approximately 576 persons, with a resultant demand for approximately 0.75 volumes, 0.11 feet of library space, and a circulation of 2.59 per capita. Although the Project would increase demands for library services within the Project area, the Stanton Public Library has access to a circulation of more than two million volumes in the Orange County Public Library (OCPL) system, including those available in surrounding branch libraries. Funding for OCPL services is primarily provided through County property taxes dedicated to the library. These funds would be used to maintain existing performance objectives for the OCPL system. Thus, adequate materials would be available to serve the Project, and impacts related to library services would be less than significant.



Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

16. Recreation

a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Support for this environmental impact conclusion is included in Section 4.16, *Recreation*, and in particular, starting on page 4.16-1 of the Initial Study.

Refer to Public Services Response (a)(iv).

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Support for this environmental impact conclusion is included in Section 4.16, *Recreation*, and in particular, starting on page 4.16-1 of the Initial Study.

Refer to Public Services Response (a)(iv). Development Scenario One would include several recreational amenities on-site, including a community center, two tot lots, and several landscaped pedestrian walkways between the proposed residential buildings. Development Scenario Two would include those same amenities with the addition of a preschool facility and one additional tot lot along Magnolia Avenue along with a pool at the community center. The Project is not anticipated to require the construction of new or expansion of existing recreational facilities in the Project area. As such, impacts would be less than significant in this regard.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

17. Transportation

TRA-1 Would development of the Project conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Support for this environmental impact conclusion is included in Section 5.4, *Transportation*, and in particular, starting on page 5.4-8 of the Draft EIR.

The Site is located adjacent to a number of existing transportation facilities. Pedestrian sidewalks are provided along the roadways adjacent to the Site, including Magnolia Avenue, Pacific Avenue, Sherrill Street, and Tina Way, and Orange County Transportation Authority (OCTA) bus stops served by OCTA Route 33 are located on the east and west side of Magnolia Avenue at its intersection with Pacific Avenue. There are no existing bicycle facilities in the immediate Site vicinity.



Project development would involve vacating Tina Way, Pacific Avenue, and two alleyways on-site, which would eliminate existing sidewalks along Tina Way and Pacific Avenue. Nevertheless, pedestrian circulation in the Site vicinity would be provided by existing sidewalks along Magnolia Avenue, Sherrill Street, and Stardust Lane. The proposed multi-family development would also have internal walkways and pedestrian paths adjacent to the residential units, tot lots, community center, and surface parking areas. Therefore, the Project would not conflict with any adopted pedestrian plan and impacts would be less than significant in this regard.

Existing OCTA transit service in the Site vicinity would similarly not be impacted by Project development. The two bus stops along Magnolia Avenue to the east of the Site would continue to be served by OCTA Route 33. No impacts to transit services would occur in this regard.

As stated, there are no bicycle facilities in the Site vicinity. According to Traffic Impact Analysis Figure 5, City of Stanton Bicycle Route Map, the City is proposing Class II bicycle lanes along Magnolia Avenue and Cerritos Avenue. Project development would occur within Site boundaries and thus, would not impact the City's plans to develop bicycle facilities in the Site vicinity. Impacts would be less than significant in this regard.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

TRA-3 Would Project operations cause a significant increase in traffic when compared to the traffic capacity of the street system?

Support for this environmental impact conclusion is included in Section 5.4, *Transportation*, and in particular, starting on page 5.4-11 of the Draft EIR.

Draft EIR Table 5.4-4, *Project Trip Generation Forecast*, summarizes the trip generation rates used in forecasting vehicular trips generated by the Project. As shown, the existing residential neighborhood generates approximately 805 daily vehicle trips, including 51 trips during the a.m. peak hour and 62 trips during the p.m. peak hour. The proposed Project is forecast to generate approximately 1,289 daily vehicle trips, including 99 trips during the a.m. peak hour and 116 trips during the p.m. peak hour. Therefore, the Project is forecast to generate a total of approximately 484 net new daily vehicle trips, including 48 net new vehicle trips during the a.m. peak hour and 54 net new vehicle trips during the p.m. peak hour.

"Existing Plus Project" Conditions

"Existing Plus Project" volume forecasts were derived by adding the Project-generated trips to existing traffic volumes. The intersection levels of service for "Existing Plus Project" conditions are detailed in Draft EIR Table 5.4-5, *Existing Plus Project Intersection Level of Service*. As shown, the study intersections are forecast to operate at LOS C or better during the peak hours under "Existing Plus Project" conditions.

Draft EIR Table 5.4-6, *Existing Plus Project Significant Impact Evaluation*, summarizes the significant impact assessment under "Existing Plus Project" conditions. As shown, the proposed Project would not result in any significant impacts based on the thresholds of significance established by the cities of Stanton and Garden Grove. Therefore, traffic impacts under the "Existing Plus Project" conditions would be less than significant.



“Opening Year (2022) Without Project” Conditions

To develop “Opening Year (2022) Without Project” volume forecasts, existing volumes were combined with ambient growth and trips generated by other cumulative developments. As shown in Draft EIR Table 5.4-7, *Opening Year (2022) Without Project Intersection Level of Service*, study intersections are forecast to operate at LOS C or better during peak hours under “Opening Year (2022) Without Project) conditions.

“Opening Year (2022) With Project” Conditions

“Opening Year (2022) With Project” volume forecasts were developed by adding Project-generated trips to the “Opening Year (2022) Without Project” forecast. The intersection levels of service under “Opening Year (2022) With Project” conditions are detailed in Draft EIR Table 5.4-8, *Opening Year (2022) With Project Intersection Level of Service*. The study intersections are forecast to operate at LOS C or better during peak hours.

Draft EIR Table 5.4-9, *Opening Year (2022) Significant Impact Evaluation*, summarizes the significant impact assessment under “Opening Year (2022) With Project” conditions. As shown, the Project would not result in any significant transportation impacts based on the thresholds of significance established by the cities of Stanton and Garden Grove. Impacts would be less than significant in this regard and no mitigation is required.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

TRA-4 Would the Project increase hazards due to geometric design features or incompatible uses?

Support for this environmental impact conclusion is included in Section 5.4, *Transportation*, and in particular, starting on page 5.4-16 of the Draft EIR.

The Project would not introduce hazards related to geometric design features or incompatible uses to the area roadways in a manner that would result in hazardous traffic conditions. The Project proposes to vacate Pacific Avenue, Tina Way, and two alleyways on-site, and would provide new ingress/egress points along Magnolia Avenue and Sherrill Street. Vehicular access to the Site would be provided from one main gated entry along Magnolia Avenue with one gated egress-only point at the northwest corner of the Site towards Sherrill Street. Emergency vehicle access would be provided via a gated entryway at the northeast corner of the Site along Magnolia Avenue with two gated egress points in the southwest corner of the Site. Additionally, the Project is a residential development within a residential area of Stanton and would not introduce any incompatible uses.

The proposed ingress/egress points and street vacations would not result in hazardous traffic conditions. As part of the Project’s entitlement review process, the City would review all Site access improvements to confirm compliance with all applicable safety standards and considerations concerning the proposed access configurations. Additionally, the Project would be required to adhere to site access and circulation requirements detailed in Municipal Code Title 12, *Streets and Sidewalks*. Overall, the Project would not increase hazards due to geometric design features or incompatible uses and impacts would be less than significant in this regard.



Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

CUMULATIVE Would development of the Project, and other related cumulative projects, cumulatively conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Support for this environmental impact conclusion is included in Section 5.4, *Transportation*, and in particular, starting on page 5.4-17 of the Draft EIR.

The Project would not conflict with any plans related to transit, bicycle, or pedestrian facilities. Similar to the proposed Project, future cumulative projects would be analyzed under CEQA to determine any potential conflicts with existing transit, bicycle, or pedestrian facilities plans, ordinances, or policies. Given that the Project would not impact existing OCTA transit stops along Magnolia Avenue or conflict with the City's plans to implement Class II bicycle lanes along Magnolia Avenue and Cerritos Avenue, the Project would not cumulatively contribute to impacts in this regard. Additionally, the proposed street vacation of Tina Way and Pacific Avenue and their associated sidewalks would not cumulatively result in a significant impact as there are no related projects in the immediate vicinity of the Site that could involve removing additional pedestrian facilities. Overall, impacts in this regard would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

CUMULATIVE Would implementation of the Project and other related cumulative projects, cause a cumulatively considerable increase in traffic for existing and future cumulative conditions when compared to the traffic capacity of the street system?

Support for this environmental impact conclusion is included in Section 5.4, *Transportation*, and in particular, starting on page 5.4-18 of the Draft EIR.

Study area intersections were evaluated for potential impacts under "Opening Year (2022) Without Project" and "Opening Year (2022) With Project" conditions, which include ambient traffic growth and traffic generated by cumulative related projects. Draft EIR Table 5.4-9, *Opening Year (2022) Significant Impact Evaluation*, assesses the Project's contribution to cumulative transportation impacts under Opening Year (2022) conditions. As shown, the Project would not result in any significant transportation impacts based on the thresholds of significance established by the cities of Stanton and Garden Grove. As such, cumulative impacts under the "Opening Year (2022) With Project" condition would be less than significant, and no mitigation is required. In addition, other cumulative projects would be evaluated on a project-by-project basis, as they are implemented. Each cumulative project would undergo a similar plan review process as the Project to determine potential traffic impacts. Individual projects would be required to implement required mitigation measures that may be prescribed pursuant to CEQA provisions. Overall, Project impacts would not be significantly cumulatively considerable.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.



CUMULATIVE Would development of the Project, and other related cumulative projects, cause cumulatively considerable hazardous traffic conditions?

Support for this environmental impact conclusion is included in Section 5.4, *Transportation*, and in particular, starting on page 5.4-19 of the Draft EIR.

Draft EIR Table 4-1, *Cumulative Projects List*, identifies the closest cumulative project to the Site to be a 1,065-square foot medical office building at 10441 Magnolia Avenue, approximately 0.2 miles to the north. Given the distance, development of the Project and the medical office building project would not result in cumulative hazardous traffic conditions. Neither project proposes new geometric design features or incompatible uses that could result in hazardous traffic conditions. Additionally, each cumulative project would be evaluated on a project-by-project basis and would undergo a similar plan review process as the Project to determine potential impacts related to hazardous traffic conditions. Related projects would also be required to comply with site access and circulation safety requirements detailed in Municipal Code Title 12, *Streets and Sidewalks*. Overall, the Project would not result in a significantly cumulatively considerable hazardous traffic condition.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

18. Utilities and Service Systems

d) Would the Project 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?

Support for this environmental impact conclusion is included in Section 4.19, *Utilities and Service Systems*, and in particular, starting on page 4.19-2 of the Initial Study.

Solid waste collection services in Stanton are contracted with CR&R, Incorporated, which operates Stanton Disposal Services. In 2017, the City disposed over 97 percent of its solid waste at the Frank R. Bowerman Sanitary Landfill at 11002 Bee Canyon Access Road in the City of Irvine. The Frank R. Bowerman Sanitary Landfill has a maximum permitted throughput of 11,500 tons per day, remaining capacity of 205,000,000 cubic yards, and anticipated closure date of 2053.

Construction

The proposed Project would require demolishing the existing residential units and the disposal of all construction/demolition debris (soil, asphalt, demolished materials, etc.) during the construction process. The construction/demolition debris would occur once and would not have the capability to substantially affect the capacity of regional landfills. As stated, the Frank R. Bowerman Sanitary Landfill has a remaining capacity of 205,000,000 cubic yards, which would adequately accommodate Project-generated construction waste.

Further, all construction activities would be subject to conformance with relevant Federal, State, and local requirements related to solid waste disposal. Specifically, the Project would be required to demonstrate compliance with the California Integrated Waste Management Act of 1989 (AB 939), which requires all California cities to “reduce, recycle, and re-use solid waste generated in the State to the maximum extent feasible.” The California Integrated Waste Management Act of 1989 requires that at least 50 percent of



waste produced is recycled, reduced, or composted. The Project would also be required to demonstrate compliance with the 2016 (or most recent) Green Building Code, which includes design and construction measures that act to reduce construction-related waste through material conservation measures and other construction-related efficiency measures. Compliance with these programs would ensure the Project's construction-related solid waste impacts would be less than significant.

Operation

Based on a multi-family residential solid waste generation rate of 4 pounds per household per day, the existing 110 occupied units on-site would generate approximately 440 pounds per day (ppd) of solid waste. Assuming the highest density development option is constructed, Development Scenario Two would introduce 161 multi-family units and a 2,300-square foot preschool facility. As such, Development Scenario Two would generate approximately 660 ppd of solid waste. Therefore, the net increase in solid waste generated on-site would be approximately 220 ppd; refer to Initial Study Table 4.19-1, *Project-Generated Solid Waste*.

As stated above, the Frank R. Bowerman Sanitary Landfill has a maximum daily throughput and remaining capacity substantially greater than the Project's net increase in solid waste generation of 220 ppd. As such, operational solid waste impacts would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

e) **Would the Project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?**

Support for this environmental impact conclusion is included in Section 4.19, *Utilities and Service Systems*, and in particular, starting on page 4.19-4 of the Initial Study.

Assembly Bill (AB) 939, the Integrated Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.), requires all local governments to develop source reduction, reuse, recycling, and composting programs to reduce tonnage of solid waste going to landfills. Cities must divert at least 50 percent of their solid waste generation into recycling. Compliance with AB 939 is measured for each jurisdiction, in part, as actual disposal amounts compared to target disposal amounts. Actual disposal amounts at or below target amounts comply with AB 939. Target solid waste disposal amounts for the City of Stanton are 6.7 ppd per resident and 35.1 ppd per employee. Actual disposal rates for Stanton in 2017, the latest year for which data are available, are 5.5 ppd per resident and 26.8 ppd per employee, which are below target rates.

AB 1327, the California Solid Waste Reuse and Recycling Access Act of 1991 (California Public Resources Code Sections 42900 et seq.) required the California Integrated Waste Management Board to develop a model ordinance requiring adequate areas for the collection and loading of recyclable materials in development projects. Local agencies were then required to adopt and enforce either the model ordinance or an ordinance of their own by September 1, 1993. Per Municipal Code Section 6.01.100, *Construction and Demolition Materials Management Plans*, the Project is required to prepare a construction and demolition materials management plan that details the estimated volume or weight of construction and demolition materials, the amount that would be diverted via reuse or recycling, and the vendor or facility that would collect or divert the materials, among other requirements.



Overall, the Project would be required to comply with laws and regulations governing solid waste disposal, and impacts would be less than significant.

Finding: The City finds that based on substantial evidence in the record, impacts would be less than significant.

19. Wildfire

a) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

Support for this environmental impact conclusion is included in Section 4.20, *Wildfire*, and in particular, starting on page 4.20-1 of the Initial Study.

According to the California Department of Forestry and Fire (CAL FIRE) *Orange County Very High Fire Hazard Severity Zones in SRA Map*, the City of Stanton is not located in or near a State responsibility area nor is the City classified as a very high fire hazard severity zone. Therefore, no impact would occur in this regard.

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

b) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Support for this environmental impact conclusion is included in Section 4.20, *Wildfire*, and in particular, starting on page 4.20-1 of the Initial Study.

Refer to Wildfire Response (a).

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

c) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?

Support for this environmental impact conclusion is included in Section 4.20, *Wildfire*, and in particular, starting on page 4.20-1 of the Initial Study.

Refer to Wildfire Response (a).

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.



d) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?

Support for this environmental impact conclusion is included in Section 4.20, *Wildfire*, and in particular, starting on page 4.20-1 of the Initial Study.

Refer to Wildfire Response (a).

Finding: The City finds that based on substantial evidence in the record, no impacts would occur.

C. FINDINGS ON IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The following summary describes impacts of the proposed Project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the Draft EIR, these impacts would be considered less than significant.

1. Cultural Resources

CUL-2 Would the Project cause a significant impact to an archaeological resource on-site?

Support for this environmental impact conclusion is included in Section 5.1, *Tribal and Cultural Resources*, and in particular, starting on page 5.1-14 of the Draft EIR.

The archaeological records search identified three cultural resource reports within one-half mile of the Site. One cultural resource, the Barre Substation, was previously recorded within one-half mile, although not within the Project boundaries. The Barre Substation was first constructed by Southern California Edison in 1939, and consists of buildings, structures, and utilities for transmission lines that carry electrical power for the northern Orange County region. The Barre Substation was recommended ineligible for the NRHP, CRHR, or local designation through survey evaluation. The Barre Substation is still in existence and is located 400 feet west of the Site. Given that the Barre Substation is not located on-site and is not eligible for the NRHP, CRHR, or local designation, Project development would have no impact on this archaeological resource.

Additionally, based on the record search and field surveys, there is no indication that there are intact archaeological resources under the Site surface due to the intensive built environment of the Site and Site vicinity. Overall, the Site has low sensitivity for archaeological resources. Project construction is anticipated to require an excavation depth of a maximum of five feet; therefore, there is limited potential for impacts to archaeological resources. Nevertheless, should archaeological resources be discovered during construction, a qualified archaeologist and Native American monitor shall be retained to monitor all initial ground disturbing activities associated with the Project and to assess the nature and significance of potential discoveries as detailed in Mitigation Measure CUL-1. Further, Mitigation Measure CUL-2 and CUL-3 establish protocol should any archaeological resources or tribal cultural resources be identified during grading and ground-disturbing activities. Adherence to these measures would reduce impacts related to potential archaeological resources on-site to less than significant levels.



Mitigation Measures:

CUL-1 Archaeological and Native American Monitoring. The Project Applicant (Developer) shall retain and compensate for services a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, and a qualified Native American monitor, approved by the Gabrieleño Band of Mission Indians – Kizh Nation Tribal Government and listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the region, to perform all mitigation measures related to prehistoric and historic cultural resources for the project. An archaeologist and Native American monitor shall be present to monitor all initial ground disturbing activities associated with the project, including but not limited to: demolition, removal of building foundations and asphalt, pot-holing or auguring, grubbing, tree removals/weed abatement, boring/grading of soils, drilling/trenching for utilities, excavations associated with development, etc. The monitors shall complete daily monitoring logs. The logs will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. In addition, the monitors are required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k).

If, during initial ground disturbance, the monitors determine that the ground disturbing activities have little or no potential to impact cultural resources, and/or the monitors determine that ground disturbances would occur within previously disturbed and non-native soils, the qualified archaeologist may recommend that monitoring may be reduced or eliminated. This decision will be made in consultation with the Native American monitor and the City of Stanton. The final decision to reduce or eliminate monitoring shall be at the discretion of the City of Stanton. If cultural resources are encountered during ground disturbing activities, work within the immediate area must halt and the find must be evaluated for local and/or State significance.

CUL-2 Unanticipated Discovery of Cultural Resources. If cultural resources are encountered during demolition and ground-disturbing activities, work in the immediate area shall halt and a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, shall be retained to assess the nature and significance of the discovery. If the discovery proves to be significant under CEQA, additional work such as data recovery excavation and Native American consultation may be warranted to mitigate any significant impacts.

CUL-3 Unanticipated Discovery of Tribal Cultural Resources. If any archaeological resources are unearthed during project demolition and construction activities, the resource shall be evaluated by the qualified archaeologist and Native American monitor approved by the Gabrieleño Band of Mission Indians – Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians – Kizh Nation shall coordinate with the property owner regarding treatment and curation of the resource(s). Typically, the Native American tribe will request reburial or preservation for educational purposes. If a resource is determined by the qualified archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or as a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist and Native American monitor shall coordinate



with the Project Applicant (Developer) and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resource(s) shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Stanton hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUL-3 Would the Project cause a significant impact to human remains?

Support for this environmental impact conclusion is included in Section 5.1, *Tribal and Cultural Resources*, and in particular, starting on page 5.1-15 of the Draft EIR.

Although no conditions exist that suggest human remains are likely to be found on the Site, development of the Site could result in the discovery of human remains and potential impacts to these resources. State of California Public Resources Health and Safety Code Sections 7050.5 to 7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the NAHC and consultation with the individual identified by the NAHC to be the “most likely descendant (MLD).” The MLD would have 48 hours to make recommendations to landowners for the disposition of any Native American human remains and grave goods found.

If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains until the County Coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with existing State regulations (Mitigation Measure CUL-4), which detail the appropriate actions necessary in the event human remains are encountered, impacts in this regard would be reduced to less than significant levels.

Mitigation Measures:

CUL-4 Unanticipated Discovery of Human Remains and Associated Funerary Objects. If human remains or associated funerary objects are discovered on-site, work shall be diverted a minimum of 150 feet from the find and an exclusion zone shall be placed around the burial. The qualified archaeologist and/or Native American monitor shall notify the construction manager who shall call the County Coroner. If the County Coroner determines the remains to



be Native American, the County Coroner shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) as mandated by State law who shall then appoint a Most Likely Descendent (MLD).

The discovery is to be kept confidential and secure to prevent any further disturbance. Prior to the continuation of ground disturbing activities, the property owner shall arrange a designated location with the Project footprint for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside of working hours. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, it may be determined that burials should be removed. The applicable Native American tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project Applicant (Developer) shall consult with the tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC. No scientific study or utilization of any invasive diagnostics on human remains is allowed.

Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on-site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location mitigated between the tribe and the property owner at the site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Would the Project, combined with other related cumulative projects, cause a cumulatively considerable impact to a historical resource, archaeological resource, human remains, or a tribal cultural resource?

Support for this environmental impact conclusion is included in Section 5.1, *Tribal and Cultural Resources*, and in particular, starting on page 5.1-18 of the Draft EIR.

Draft EIR Table 4-1, *Cumulative Projects List*, identifies the related projects and other possible development in the area determined as having the potential to interact with the Project to the extent that a significant cumulative effect may occur. Project-related impacts to historical, archeological, and tribal cultural resources, including burial sites have been determined to be less than significant with implementation of



Mitigation Measures CUL-1 through CUL-4. Individual projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to historical, archeological, and/or tribal cultural resources. Adherence to State and Federal statutes, as well as project-specific mitigation measures, cumulative impacts to historical, archaeological, and tribal cultural resources would be reduced to less than significant levels.

Compliance with Mitigation Measures CUL-1 through CUL-4 would ensure the Project result in less than significant impacts to historical, archeological, and tribal cultural resources (including human remains). Thus, the Project would not result in cumulatively considerable impacts pertaining to cultural resources or burial sites.

Mitigation Measures: Refer to Mitigation Measures CUL-1 through CUL-4.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Stanton hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

2. Hazards and Hazardous Materials

HAZ-1 Would the proposed Project create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials?

Support for this environmental impact conclusion is included in Section 5.3, *Hazards and Hazardous Materials*, and in particular, starting on page 5.3-10 of the Draft EIR.

Short-term Construction

On-Site Structures

Construction activities would include the demolition of existing apartment buildings. These on-site structures may be associated with hazardous materials (e.g., asbestos containing materials [ACM] and/or lead based paint [LBP]), as they were constructed in 1963. Demolition of the structures could expose construction personnel and the public to ACMs or LBPs. Federal and State regulations govern the renovation and demolition of structures where ACMs and LBPs are present. All demolition that could result in the release of ACMs or LBPs must be conducted according to Federal and State standards.

The National Emission Standards for Hazardous Air Pollutants mandates that building owners conduct an asbestos survey to determine the presence of ACMs prior to the commencement of any remedial work, including demolition (Mitigation Measure HAZ-1). If ACM is found, abatement of asbestos would be required prior to any demolition activities. If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste would be required to be evaluated independently from the building material by a qualified Environmental Professional (Mitigation Measure HAZ-2). If LBP is found, abatement would be required to be completed by a qualified Lead Specialist prior to any demolition activities. Compliance with Mitigation Measures HAZ-1 and HAZ-2, as well as SCAQMD Rule 1403, would reduce potential impacts in this regard to less than significant levels.



On-Site Pole-Mounted Transformers

As development of the Site occurred in the 1960s, polychlorinated biphenyls (PCBs) may be present in on-site pole-mounted transformers. Disturbance of the on-site pole-mounted transformers is not anticipated during construction of the proposed Project. However, if relocation or replacement of the existing on-site pole-mounted transformers should occur, construction personnel and the public could be exposed to PCBs. As the electric utility, SCE would be responsible for determining if PCBs are present. If it is determined that PCBs are present, SCE would be subject to compliance with all applicable Federal, State, and local laws and regulations regarding the handling and transport of PCBs. As such, impacts would be less than significant in this regard.

Based on the analysis above, it is unlikely that significant hazards related to existing hazardous materials would be encountered during construction. However, in the event that any unknown waste materials or suspect materials are discovered by the contractor during construction, implementation of Mitigation Measure HAZ-3 would be required. This measure would minimize impacts in this regard to a less than significant level.

Long-term Operations

Hazardous materials are not typically associated with residential uses. Minor cleaning products, typical pool water treatment chemicals, along with the occasional use of pesticides and herbicides for landscape maintenance of the Site are the extent of materials that would be used as a result of the proposed Project. Thus, as the presence and on-site storage of these materials are common and would not be in substantial quantities such that regulatory reporting would be required. Impacts in this regard are less than significant.

Mitigation Measures:

HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). The sampling method to be used shall be based on the statistical probability that construction materials similar in color and texture contain similar amounts of asbestos. In areas where the material appears to be homogeneous in color and texture over a wide area, bulk samples shall be collected at discrete locations from within these areas. In unique or nonhomogeneous areas, discrete samples of potential ACMs shall be collected. The survey shall identify the likelihood that asbestos is present in concentrations greater than 1 percent in construction materials. If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403. Common asbestos abatement techniques involve removal, encapsulation, or enclosure. The removal of asbestos is preferred when the material is in poor physical condition and there is sufficient space for the removal technique. The encapsulation of asbestos is preferred when the material has sufficient resistance to ripping, has a hard or sealed surface, or is difficult to reach. The enclosure of asbestos is to be applied when the material is in perfect physical condition, or if the material cannot be removed from the Site for reasons of protection against fire, heat, or noise.



- HAZ-2 If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. A portable, field X-ray fluorescence (XRF) analyzer shall be used to identify the locations of potential lead paint, and test accessible painted surfaces. The qualified Environmental Professional shall identify the likelihood that lead is present in concentrations greater than 1.0 milligrams per square centimeter (mg/cm²) in/on readily accessible painted surfaces of the buildings. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Potential methods to reduce lead dust and waste during removal include wet scraping, wet planning, use of electric heat guns, chemical stripping, and use of local High Efficiency Particulate Air (HEPA) exhaust systems. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal, if present, shall provide evidence of abatement activities to the City Engineer.
- HAZ-3 If unknown wastes or suspect materials (such as stained soils, odors, and/or unknown debris) are discovered during construction by the contractor that he/she believes may involve hazardous waste/materials, the contractor shall:
- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
 - Notify the City of Stanton Director of Public Works;
 - Secure the areas as directed by the City;
 - Notify the Orange County Health Care Agency's (OCHCA) Hazardous Waste/Materials Coordinator; and
 - Perform remedial activities (as required per OCHCA, or their designee, and dependent upon the nature of the hazardous materials release) as required under existing regulatory agency standards.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Stanton hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

HAZ-2 Would future development in accordance with the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school?

Support for this environmental impact conclusion is included in Section 5.3, *Hazards and Hazardous Materials*, and in particular, starting on page 5.3-13 of the Draft EIR.

Two existing schools are situated within 0.25-mile of the Site (Stepping Stones Learning Center located 0.11-mile northwest and Walter Elementary School located 0.05-mile southeast of the Site). The Project



is anticipated to involve the demolition of the existing apartment buildings, which may require the handling of hazardous (ACMs and LBPs) materials at the Site as well as the transport of these materials off-site to an approved landfill facility. Additionally, the Project may require replacement or relocation of on-site pole-mounted transformers by SCE, which could involve the handling and transport of PCBs. These activities would be required to comply with Federal, State, and local laws and regulations regarding the handling and transport of hazardous materials. With compliance with Federal, State, and local laws and regulations as well as implementation of the recommended Mitigation Measures HAZ-1 and HAZ-2, the Project is not anticipated to result in any negative impacts involving the handling of hazardous materials, substances, or waste within the vicinity of these schools. Impacts in this regard would be reduced to less than significant levels.

Mitigation Measures: Refer to Mitigation Measures HAZ-1 and HAZ-2.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Stanton hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE Would development in accordance with the Project and cumulative development result in cumulatively considerable impacts related to hazards and hazardous materials?

Support for this environmental impact conclusion is included in Section 5.3, *Hazards and Hazardous Materials*, and in particular, starting on page 5.3-13 of the Draft EIR.

Cumulative projects are not anticipated to result in a cumulatively considerable hazardous materials impact. As discussed above, with implementation of the recommended Mitigation Measures HAZ-1 through HAZ-3, implementation of the proposed Project would not result in significant impacts involving hazards and hazardous materials. Other cumulative projects could result in the increase in handling of hazardous materials, potential for accidental conditions, or an increase in the transport of hazardous materials, particularly during Site disturbance/demolition/ remedial activities. However, with compliance with the Department of Toxic Substance Control, Orange County Health Care Agency, California Environmental Protection Agency, California Division of Occupational Safety and Health, and Orange County Fire Authority laws and regulations, these impacts would be minimized. Compliance with all applicable Federal and State laws and regulations related to the handling of hazardous materials would reduce the likelihood and severity of accidents, thereby ensuring that a less than significant cumulative impact would result. As the proposed Project would not result in significant impacts involving hazards and hazardous materials, the Project would not result in a cumulatively considerable impact in this regard.

Mitigation Measures: Refer to Mitigation Measures HAZ-1 through HAZ-3.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Stanton hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.



3. Hydrology and Water Quality

HWQ-1 Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-15 of the Draft EIR.

Short-term Construction

Project construction could result in short-term impacts to water quality associated with the handling, storage, and disposal of construction materials; maintenance and operation of construction equipment; and earthmoving activities. These activities, if not controlled, could result in on- and off-site soil erosion due to stormwater run-off or operation of mechanical equipment. Poorly maintained vehicles and heavy equipment leaking fuel, oil, antifreeze, or other vehicle-related fluids on the Site are also common sources of stormwater pollution and soil contamination. The Site drains to the Bolsa Chica Channel, which flows to Huntington Harbor and the Seal Beach National Wildlife Refuge on the U.S. Naval Weapons Station. Huntington Harbor and the Seal Beach National Wildlife Refuge are not identified on the 303(d) list of impaired waters.

To reduce short-term water quality impacts, the Project would be required to prepare and submit a Notice of Intent and a SWPPP to the State Water Resources Control Board (SWRCB) demonstrating compliance with the Construction General Permit. The Construction General Permit requires that non-stormwater discharges from construction sites be eliminated or reduced to the maximum extent practicable, that a SWPPP be developed governing Project construction activities for, and that routine inspections be performed of all stormwater pollution prevention measures and control practices being used at the Site, including inspections before and after storm events. As outlined in the SWPPP, the Project would be required to implement all construction BMPs to protect downstream properties and ensure compliance with the Construction General Permit.

Pursuant to the City's Stormwater Discharge and Water Quality Ordinance, incorporated as Municipal Code Section 6.20.040, the City's Engineering Department would review Project plans prior to issuance of the Project's grading permit or building permit. Once the Project is reviewed for its potential to discharge pollutants into the storm drain system, appropriate Project-specific terms, conditions, and requirements would be prescribed prior to Project construction. Following conformance with the Construction General Permit, preparation of a SWPPP, and implementation of construction BMPs, the Project's short-term impacts to water quality and surface and groundwater quality would be less than significant.

Long-term Operations

As indicated above, the Site is currently developed/disturbed and is largely covered with impervious surfaces. The Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Thus, Project implementation is not anticipated to result in substantially increased surface runoff. As discussed, the Site drains to the Bolsa Chica Channel, which flows to Huntington Harbor and the Seal Beach National Wildlife Refuge on the U.S. Naval Weapons Station. Huntington Harbor and the Seal Beach National Wildlife Refuge are not identified on the 303(d) list of impaired waters. Based on correspondence with OC Public Works, the Dale-Cerritos Storm Drain and Stanton Storm Drain contain deficient segments and



are not capable of conveying runoff from a 100-year storm event. As a result, OC Public Works has requested that development sites do not worsen existing conditions or shift flooding problems upstream or downstream of the Site.

In order to minimize operational impacts to water quality and ensure Project development does not worsen existing conditions associated with the Dale-Cerritos Storm Drain and Stanton Storm Drain, the Project must obtain a NPDES permits and develop a stormwater management program, which would specify BMPs to reduce the discharge of pollutants into stormwater to the maximum extent practicable. In addition, the Project would be subject to compliance with the City's Stormwater Discharge and Water Quality Ordinance, which is included in Municipal Code Chapter 6.20. To ensure the Project operations do not result in increased run-off amounts and degraded water quality and in furtherance of Municipal Code Section 20.500.090, Mitigation Measure HWQ-1 would require preparation of a Project-specific water quality management plan (WQMP) for review and approval by the City Engineer prior to Project construction. The WQMP would include Project-specific design measures to control pollutants in stormwater and urban runoff in order to prevent any deterioration in water quality that would impair subsequent or competing uses of the receiving waters.

It is the City's goal to encourage the protection of natural drainage methods and require new development to minimize impervious surfaces (General Plan Strategy ICS-3.1.3 and Action 3.3.3(a)). Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, the Project's operational impacts to run-off and surface and groundwater quality would be less than significant.

Mitigation Measures:

HWQ-1 Prior to Project construction, the Project Applicant (Developer) shall prepare a Project-specific water quality management plan (WQMP) for review and approval by the City Engineer. The WQMP shall include Project-specific design measures to control pollutants in stormwater and urban runoff in order to prevent any deterioration in water quality that would impair subsequent or competing uses of the receiving waters.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

HWQ-2 Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-17 of the Draft EIR.

The Site overlies the Orange County Groundwater Basin (Basin) and is currently developed/disturbed and is largely covered with impervious surfaces. According to the California Department of Water Resources, the Basin is identified as a Medium priority basin. Orange County Water District (OCWD) manages the Basin through its Groundwater Management Plan, which sets forth basin management goals and objectives and describes how the Basin is managed. As discussed, Project implementation would result in comparable amounts of impervious surfaces as existing conditions, with only a slight increase in



impervious surfaces overall. However, the Site is not located within a local groundwater recharge area and no groundwater extraction would occur as part of the Project. It is the City's goal to encourage the protection of natural drainage methods and require new development to minimize impervious surfaces (General Plan Strategy ICS-3.1.3 and Action 3.3.3(a)). Pursuant to the County's Permit requirements, the Project would be required to implement low-impact development BMPs to preserve natural drainage methods. As discussed under Impact Statement HWQ-1, Mitigation Measure HWQ-1 would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction to ensure the Project operations do not result in degraded water quality. Thus, Project implementation would not result in any groundwater extraction or depletion of groundwater supplies and is not anticipated to interfere with implementation of OCWD's Groundwater Management Plan. Impacts would be less than significant in this regard.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

HWQ-3 Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-18 of the Draft EIR.

Refer to Hydrology and Water Quality Response HWQ-1. The Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Thus, Project implementation is not anticipated to result in substantially increased surface runoff resulting in substantial erosion on- or off-site. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project's impacts concerning substantial erosion or siltation on- or off-site would be less than significant.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

HWQ-4 Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*,



and in particular, starting on page 5.2-18 of the Draft EIR.

Refer to Hydrology and Water Quality Response HWQ-1. The Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Thus, Project implementation is not anticipated to result in substantially alter the existing drainage pattern of the Site or area in a manner which would substantially increase the rate or amount of surface runoff such that on- or off-site flooding would occur. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project's impacts concerning on- or off-site flooding would be less than significant.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

HWQ-5 Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would 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?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-19 of the Draft EIR.

Refer to Hydrology and Water Quality Response HWQ-1. The Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Thus, Project implementation is not anticipated to result in substantially increased surface runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project's impacts to stormwater drainage systems or sources of polluted runoff would be less than significant.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.



HWQ-6 Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-19 of the Draft EIR.

Refer to Hydrology and Water Quality Response HWQ-1. The Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Further, the Site is not located within a 100-year flood zone. Thus, Project implementation is not anticipated to 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 impede or redirect flood flows. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project's potential to impede or redirect flood flows would be less than significant.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

HWQ-7 Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-20 of the Draft EIR.

Refer to Hydrology and Water Quality Response HWQ-2 for a discussion concerning the Project's potential to conflict with or obstruct implementation of OCWD's Groundwater Management Plan. As discussed, the Site is located within the Santa Ana Regional Water Quality Control Board (RWQCB). The Santa Ana RWQCB manages surface waters through implementation of its Basin Plan. Chapter 2, *Plans and Policies*, includes a number of water quality control plans and policies adopted by the SWRCB that apply to the Santa Ana RWQCB. Chapter 4, *Water Quality Objectives*, of the Basin Plan includes specific water quality objectives according to waterbody type (i.e., ocean waters, enclosed bays and estuaries, inland surface waters, and groundwaters. Project implementation would not result in significant construction-related impacts to water quality and surface and groundwater quality following conformance with the Construction General Permit, preparation of a SWPPP, and implementation of construction BMPs, the Project's short-term impacts to water quality and surface and groundwater quality would be less than significant. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, the Project's operational impacts to run-off and surface and groundwater quality would be less than significant. As a result, Project implementation is not anticipated to conflict with or obstruct implementation of a water quality control plan. Impacts would be less than significant in this regard.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.



Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Would construction-related activities associated with the Project and other related cumulative projects cause a cumulatively considerable violation of water quality standards or otherwise substantially degrade surface or groundwater quality?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-21 of the Draft EIR.

Short-term Construction

Cumulative development identified in Draft EIR Table 4-1, *Cumulative Projects List*, would have the potential to affect water quality during the construction phase. Related cumulative developments that disturb one or more acre of soil would be required to obtain coverage under the NPDES General Construction Permit and would avoid and/or reduce construction-related impacts to water quality through preparation of a Site-specific SWPPP, which identifies applicable BMPs. Each project would be required to comply with existing water quality standards at the time of development review and implement BMPs, as necessary. Further, related cumulative development occurring within the City of Stanton would be subject to conformance with the City's Stormwater Discharge and Water Quality Ordinance, incorporated as Municipal Code Section 6.20.040. Cumulative development occurring in the cities of Garden Grove and Anaheim would be subject to each city's respective stormwater quality ordinances (Garden Grove Municipal Code Chapter 6.40, *Stormwater Quality*, and Anaheim Municipal Code Chapter 10.09, *National Pollutant Discharge Elimination System (NPDES)*). Thus, related development would not result in cumulatively considerable construction-related hydrology and water quality impacts.

As concluded above, Project construction could violate water quality standards or waste discharge requirements in the Site's vicinity. The Project would be required to obtain coverage under the NPDES General Construction permit as it would disturb more than one acre of soil. Pursuant to Construction General Permit requirements, a Site-specific SWPPP would be required to control construction-related pollutants from leaving the Site and affecting receiving waters. The SWPPP would include a list of BMPs that would be implemented to minimize environmental impacts and ensure that discharges during construction would not cause or contribute to any exceedance of water quality standards in the receiving waters. Following conformance with NPDES requirements and the City's Stormwater Discharge and Water Quality Ordinance, the Project would not result in significant cumulatively considerable construction-related impacts to water quality or surface or groundwater quality.

Long-term Operations

Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns and would increase potential for stormwater pollution. As indicated in Draft EIR Table 4-1, *Cumulative Projects List*, the majority of cumulative projects involve developed sites and therefore would involve redevelopment. As a result, it is not anticipated that implementation of cumulative projects would involve substantial changes to drainage patterns and amounts of impervious surfaces on each respective development site. Cumulative development subject to NPDES requirements would be required



to develop a stormwater management program that specifies BMPs to reduce the discharge of pollutants in stormwater to the maximum extent practicable. Cumulative development would be required to indicate how peak flows generated from each related project would be accommodated by existing and/or proposed storm drainage facilities and would be required to identify measures to ensure that each project does not adversely affect the rate or quantity of runoff leaving each site or degrade water quality. Cumulative development occurring within Stanton would be subject to the City's Stormwater Discharge and Water Quality Ordinance, which is included in Municipal Code Chapter 6.20. Cumulative development occurring in the cities of Garden Grove and Anaheim would be subject to each city's respective stormwater quality ordinances (Garden Grove Municipal Code Chapter 6.40, *Stormwater Quality*, and Anaheim Municipal Code Chapter 10.09, *National Pollutant Discharge Elimination System (NPDES)*). Therefore, related development would not result in cumulatively considerable operational hydrology and water quality impacts.

As concluded above, Project implementation could potentially result in increased run-off amounts and degraded water quality in the vicinity of the Site. However, as the Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall, Project implementation is not anticipated to result in substantially increased surface runoff. To ensure Project operations do not result in increased run-off amounts and degraded water quality and in furtherance of Municipal Code Section 20.500.090 and NPDES requirements, Mitigation Measure HWQ-1 would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction. Following conformance with Municipal Code and NPDES requirements, as well as Mitigation Measure HWQ-1, the Project would not result in significant cumulatively considerable long-term operational hydrology and water quality impacts.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Would implementation of the Project and other related cumulative projects substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-22 of the Draft EIR.

Cumulative development could result in changes to the amounts of impervious surfaces on each respective development site. According to the Groundwater Management Plan, the majority of the Basin area is highly urbanized. As depicted on Draft EIR Exhibit 4-1, *Cumulative Projects*, the related projects are infill developments and it is not anticipated that their implementation would substantially impact recharge of the Basin. Individual development projects would be required to mitigate drainage conditions through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation. Therefore, related development would not result in cumulatively considerable impacts to groundwater supplies and groundwater recharge.



Implementation of the Project in addition to related cumulative projects would result in changes to the amounts of impervious surfaces within the Basin area. However, the Site is not located within a groundwater recharge area and no groundwater extraction would occur as part of the Project. Further, the Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Therefore, the Project would not result in significant cumulatively considerable impacts to groundwater supplies and groundwater recharge.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Would implementation of the Project and other related cumulative projects 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?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-23 of the Draft EIR.

Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns and would increase potential for impacts related to erosion or siltation. As indicated above, the majority of the Basin area is highly urbanized. The cumulative projects are considered infill development and it is not anticipated that their implementation would substantially alter the drainage pattern of the Site or area in a manner which would result in substantial soil erosion on- or off-site. Individual development projects would be required to mitigate impacts related to erosion or siltation through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation.

As discussed, implementation of the Project and related cumulative projects would result in slight changes to the amounts of impervious surfaces as compared to existing conditions. However, Project implementation is not anticipated to result in substantially increased surface runoff resulting in substantial erosion on- or off-site. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project would not result in significant cumulatively considerable impacts concerning substantial erosion or siltation on- or off-site.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.



CUMULATIVE Would implementation of the Project and other related cumulative projects 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-23 of the Draft EIR.

Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns. However, the cumulative development projects are considered infill development and it is not anticipated that their implementation would substantially alter the drainage pattern of the Site or area in a manner which would result in flooding on- or off-site. Individual development projects would be required to mitigate impacts related to flooding through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation.

As discussed, implementation of the Project and related cumulative projects would result in slight changes to the amounts of impervious surfaces as compared to existing conditions. However, Project implementation is not anticipated to result in substantially increased surface runoff resulting in substantial flooding on- or off-site. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project would not result in significant cumulatively considerable impacts concerning flooding on- or off-site.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Would implementation of the Project and other related cumulative projects 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 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?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-24 of the Draft EIR.

Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns. However, the cumulative development projects are infill development and it is not anticipated that their implementation would substantially alter the drainage pattern of the Site or area in a manner which would result in additional sources of polluted runoff. Individual development projects would be required to mitigate impacts related to polluted runoff through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation.



As discussed, implementation of the Project and related cumulative projects would result in slight changes to the amounts of impervious surfaces as compared to existing conditions. However, Project implementation is not anticipated to result in substantially increased surface runoff resulting in substantial additional sources of polluted runoff. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project would not result in significant cumulatively considerable impacts concerning polluted runoff.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Would implementation of the Project and other related cumulative projects 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 impede or redirect flood flows?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-24 of the Draft EIR.

Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns. However, according to the FEMA Flood Map Service Center, the cumulative projects are not located within a mapped flood hazard area. These projects are considered infill development and it is not anticipated that their implementation would substantially alter the drainage pattern of the Site or area in a manner which would impede or redirect flood flows. Individual development projects would be required to mitigate impacts related to flood flows through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation.

As discussed, implementation of the Project and related cumulative projects would result in slight changes to the amounts of impervious surfaces as compared to existing conditions. However, the Project is not located within a mapped flood hazard area and Project implementation is not anticipated to substantially alter the existing drainage pattern of the Site or area such that it would impede or redirect flood flows. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project would not result in significant cumulatively considerable impacts concerning flood flows.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.



CUMULATIVE Would implementation of the Project and other related cumulative projects conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Support for this environmental impact conclusion is included in Section 5.2, *Hydrology and Water Quality*, and in particular, starting on page 5.2-25 of the Draft EIR.

Cumulative development occurring within the jurisdiction of the Santa Ana RWQCB would be subject to all applicable water quality control plans, policies, and objectives identified in Chapters 2 and 4 the Basin Plan. As discussed, cumulative development subject to NPDES requirements would be required to develop a stormwater management program that specifies BMPs to reduce the discharge of pollutants in stormwater to the maximum extent practicable. Cumulative development would be required to identify measures to ensure that each project does not adversely impact water quality and would also be subject to the City's Stormwater Discharge and Water Quality Ordinance, which is included in Municipal Code Chapter 6.20. Thus, related development would not result in cumulatively considerable impacts related to conflicting or obstructing implementation of a water quality control plan or sustainable groundwater management plan.

As indicated under Hydrology and Water Quality Response HWQ-1, Project implementation would not result in significant construction-related impacts to water quality and surface and groundwater quality following conformance with the Construction General Permit, preparation of a SWPPP, and implementation of construction BMPs. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, the Project's operational impacts to run-off and surface and groundwater quality would be less than significant. As a result, Project implementation is not anticipated to result in cumulatively considerable impacts related to conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

4. Noise

N-1 Would the Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Support for this environmental impact conclusion is included in Section 5.7, *Noise*, and in particular, starting on page 5.7-13 of the Draft EIR.

As illustrated on Exhibits 3-3a, *Development Scenario One (Proposed Project Without Preschool)*, and 3-3b, *Development Scenario Two (Proposed Project With Preschool)*, of the Draft EIR, the Project proposes a 161-unit affordable housing development. However, based upon the availability of funding, the Project may also include a 2,300-square foot preschool facility, one additional tot lot along Magnolia Avenue, and a community pool in the center of the Site. Given that Development Scenario Two (Project With



Preschool) would involve more development, the discussion below analyzes Development Scenario Two as the “worst-case” scenario in terms of short-term construction and long-term operational noise impacts.

Short-Term Construction Noise Impacts

Construction activities would generate perceptible noise levels during the demolition, grading, paving, and building construction phases. High groundborne noise levels and other miscellaneous noise levels can be created by the operation of heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, scrapers, and other heavy-duty construction equipment. Draft EIR Table 5.7-5, *Maximum Noise Levels Generated by Construction Equipment*, indicates the anticipated noise levels of construction equipment. The average noise levels presented in Draft EIR Table 5.7-5, *Maximum Noise Levels Generated by Construction Equipment*, are based on the quantity, type, and Acoustical Use Factor for each type of equipment that is anticipated to be used.

Earthwork would be balanced on-site and would not require any import or export of materials. The primary construction equipment noise sources used during construction would be during earthwork activities (use of graders, excavators, dozers), and building construction (use of forklifts, tractors/loaders/backhoes, and a crane). Graders typically generate the highest noise levels, emitting approximately 85 dBA at a distance of 50 feet. Point sources of noise emissions are atmospherically attenuated by a factor of 6 dBA per doubling of distance. This assumes a clear line-of-sight and no other machinery or equipment noise that would mask Project construction noise. The shielding of buildings and other barriers that interrupt line-of-sight conditions further reduce noise levels from point sources.

Construction noise impacts generally happen when construction activities occur in areas immediately adjoining noise sensitive land uses, during noise sensitive times of the day, or when construction durations last over extended periods of time. The closest sensitive receptors are residential uses located approximately 27 feet west of the Site. As indicated in Draft EIR Table 5.7-5, *Maximum Noise Levels Generated by Construction Equipment*, typical construction noise levels would range from approximately 79 to 90 dBA at this distance. These noise levels could intermittently occur for a few days when construction equipment is operating closest to the residential uses. The remainder of the time, the construction noise levels would be much less because the equipment would be working further away from the existing sensitive uses.

The City has established noise standards for construction activity under Municipal Code Chapter 9.28. Pursuant to Municipal Code Chapter 9.28, construction noise is prohibited between the hours of 8:00 p.m. and 7:00 a.m. on weekdays, including Saturday, and/or any time on Sunday or a Federal holiday. The Project would be required to comply with these allowable hours for construction. Although construction noise is allowed during the City’s allowable construction hours, the Project could expose adjoining residential uses to temporary high noise levels (79 to 90 dBA) during construction activities. Therefore, the Project would be required to comply with Mitigation Measure NOI-1 requiring Site-specific noise reduction methods. Specifically, Mitigation Measure NOI-1 would require the construction contractor equip all construction equipment with properly operating and maintained mufflers, locate stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receptors, locate equipment staging in areas furthest away from sensitive receptors, and limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays). Compliance with Mitigation Measure NOI-1 would reduce construction noise impacts at nearby sensitive receptors to



ensure existing residential activities are not adversely impacted. Therefore, a less than significant impact would occur with implementation of Mitigation Measures NOI-1.

Long-Term Operational Noise Impacts

Mobile Noise

Future development generated by the proposed Project would result in additional traffic on adjacent roadways, thereby potentially increasing vehicular noise in the Site vicinity. Based on the Traffic Impact Analysis, the proposed Project is projected to generate a total of approximately 484 trips per day, which includes approximately 48 a.m. peak hour trips and approximately 54 p.m. peak hour trips. Average daily trip (ADT) volumes for Existing and Existing Plus Project conditions are displayed in Draft EIR Table 5.7-6, *Project Traffic Volume Increase*.

A doubling of traffic volumes (i.e., a 100 percent increase) would result in a 3 dB increase in traffic noise levels, which is barely detectable by the human ear. As depicted in Draft EIR Table 5.7-6, *Project Traffic Volume Increase*, "Existing Plus Project" ADT volumes along Magnolia Avenue would result in a maximum increase of one percent with Project implementation. As such, the Project would not double existing traffic volumes and an increase in traffic noise along local roadways would be imperceptible. Therefore, Project-related traffic noise impacts would be less than significant.

Stationary Noise

Stationary noise sources associated with the proposed Project would include typical urban-related activities (e.g., mechanical equipment, outdoor activity areas, dogs/pets, landscaping activities, weekly garbage collection, and cars parking).

Mechanical Equipment

Heating Ventilation and Air Conditioning (HVAC) systems would be installed for the proposed residential development. HVAC systems can result in noise levels of approximately 50 dBA Leq at 50 feet from the equipment. At the time of this analysis, the exact location of HVAC units is unknown. However, based on Draft EIR Exhibit 3-4, *Conceptual Landscape Plan*, an alleyway and landscaping area would create an approximate 50-foot buffer from the nearest sensitive receptor (i.e. residential uses to the southwest) to the closest potential location of HVAC units on the Site. At this distance, potential noise levels would not exceed the City's exterior noise standards of 55 dBA (daytime) and 50 dBA (nighttime) as a result of on-site HVAC units. Impacts would be less than significant in this regard.

Outdoor Activity Areas

The proposed Project would provide common open space, including three tot lots (including the proposed preschool facility under Development Scenario Two) and a community pool. These areas have the potential to be accessed by groups of people intermittently for outdoor events, parties, etc. Noise generated by groups of people (i.e., crowds) is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the crowd members. Crowd noise would be approximately 62 dBA at one meter from the source. Noise has a decay rate due to distance attenuation, which is calculated based on the Inverse Square Law. Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source. As a result, crowd noise at the nearest sensitive



receptor (110 feet away from the on-site tot lot) would be 31 dBA, which would not exceed the City's noise standards and would be lower than existing ambient noise levels near the Site. As such, Project operational noise associated with outdoor activity areas would not introduce an intrusive noise source over existing conditions. Thus, a less than significant impact would occur in this regard.

Garbage Trucks

The Project proposes residential uses that would involve occasional garbage truck operations. Typically, a medium two-axle garbage truck can generate a maximum noise level of 75 dBA at a distance of 50 feet. These are levels generated by a truck that is operated by an experienced "reasonable" driver with typically applied accelerations. Higher noise levels may be generated by the excessive application of power. Lower levels may be achieved but would not be considered representative of normal truck operations. Garbage trucks currently service the Site and surrounding uses, and thus would not introduce a new source of noise to the Site vicinity. As such, impacts would be less than significant in this regard.

Parking Areas

Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the Community Noise Equivalent Level scale. Also, noise would primarily remain on-site and would be intermittent (during peak-events). However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up, and cars passing by may be an annoyance to adjacent noise sensitive receptors. Parking lot noise can also be considered a "stationary" noise source.

The Project would provide 322 on-site residential parking spaces and 32 guest spaces. Noise associated with the proposed parking areas would be of greatest annoyance to existing adjoining residential receptors to the southwest. As shown in Table 5.7-7, *Maximum Noise Levels Generated by Parking Lots*, of the Draft EIR, noise levels from parking lot activities would range from approximately 53 to 61 dBA at a distance of 50 feet. The adjoining residential uses to the southwest would be located approximately 50 feet from a proposed parking area. As such, parking lot noise levels would be approximately 53 to 61 dBA at these sensitive receptors. However, parking lot activities and associated noise levels are intermittent and sporadic, and an existing parking lot is located within the same distance to the nearest adjoining residence as the proposed parking area. Thus, as the Project would not introduce a new source of noise in the Site vicinity and parking lot noise would be infrequent, impacts would be less than significant.

As discussed above, the Project's stationary noise sources are typically intermittent and of short duration and would be comparable to existing sources of noise experienced at the surrounding residential and commercial uses. Further, all stationary noise activities would be required to comply with the City's Noise Ordinance and the California Building Code requirements pertaining to noise attenuation. As such, impacts from stationary sources would be less than significant.

Mitigation Measures:

NOI-1 To reduce construction noise impacts, the Project Applicant (Developer) shall demonstrate, to the satisfaction of the City of Stanton Community and Economic Development Director that the Project complies with the following:



- Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall only occur between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays. The Project construction supervisor shall ensure compliance with the note and the City of Stanton shall conduct periodic inspection at its discretion.
- During all Project construction activities, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest to the Site.
- The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receivers nearest to the Site during all Project construction.
- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Would the Project generate a cumulatively 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?

Support for this environmental impact conclusion is included in Section 5.7, *Noise*, and in particular, starting on page 5.7-19 of the Draft EIR.

Short-Term Construction Noise Impacts

Construction activities associated with the proposed Project and cumulative projects may overlap, resulting in construction noise in the Site vicinity. However, construction noise impacts primarily affect the areas immediately adjacent to the construction site. The closest cumulative project would be a medical office building (10441 Magnolia Avenue), located approximately 745 feet north of the Site. Cumulatively significant noise would generally occur when construction activities on either project site occurs in close proximity in a way that concentrates noise. The nearest sensitive receptors to the medical office building and proposed Project are residential uses located north of Tina Way. These receptors could be exposed to increased noise levels during the simultaneous construction of the medical office building and proposed Project. However, the specific construction phasing/timing and precise location(s) of construction activities, staging equipment, grading areas, etc., at the medical office building site are unknown at this time. Therefore, it would be speculative to quantify cumulative construction noise levels at nearby receptors.



As discussed above, the Project's short-term construction noise impacts would be reduced to a less than significant level with implementation of Mitigation Measure NOI-1. Therefore, the Project's contribution to cumulative noise impacts would not be cumulatively considerable. In addition, construction activities at the medical office building site would be required to comply with the City's allowable construction hours and mitigate their respective construction noise impacts, as required. Therefore, a less than significant impact would occur in this regard.

Long-Term Operational Noise Impacts

Mobile Noise

The Project's contribution to a cumulative traffic noise increase would be considered significant when a doubling of traffic volume (i.e., a 100 percent increase) would occur as a result of the proposed Project in combination with related projects. As previously discussed, a doubling of traffic volume would result in a 3 dB increase in noise levels, which is barely detectable by the human ear. Traffic volume increases as a result of the proposed Project, in combination with traffic generated by cumulative projects, are depicted in Draft EIR Table 5.7-9, *Future Cumulative Traffic Volume Increase*.

As summarized in Table 5.7-9, *Future Cumulative Traffic Volume Increase*, "Cumulative Future With Project" ADT volumes would increase by approximately one percent when compared to "Cumulative Future Without Project" ADT volumes. Additionally, "Cumulative Future With Project" ADT volumes would increase by a maximum of approximately nine percent when compared to existing ADT. Therefore, the proposed Project would not result in long-term cumulative mobile noise impacts. Overall, the Project, in combination with cumulative mobile noise levels, would result in a less than significant impact.

Stationary Noise

Although related cumulative projects have been identified within the Site vicinity, noise generated by stationary sources on a given site cannot be quantified due to the speculative nature of each development. However, each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential noise impacts and identify necessary attenuation measures, where appropriate. Additionally, as noise dissipates as it travels away from its source, noise impacts from stationary sources would be limited to each of the respective sites and their vicinities. The nearest cumulative project to the Site would be a medical office building located approximately 745 feet to the north. The medical office building and proposed Project would be separated by Cerritos Avenue; therefore, any noise generated by on-site stationary noise equipment would be largely masked by traffic noise along Cerritos Avenue and would dissipate rapidly with distance. As such, cumulative stationary noise impacts would not occur due to distance and intervening traffic noise. As noted above, the proposed Project would not result in significant stationary noise impacts that would significantly affect surrounding sensitive receptors. Thus, the proposed Project and identified cumulative projects are not anticipated to result in a significant cumulative impact in this regard.

Mitigation Measures: Refer to Mitigation Measure NOI-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.



5. Transportation

TRA-2 Would the Project's construction cause a significant increase in traffic for existing conditions when compared to the traffic capacity of the street system?

Support for this environmental impact conclusion is included in Section 5.4, *Transportation*, and in particular, starting on page 5.4-9 of the Draft EIR.

Construction activities associated with the Project would generate traffic as a result of construction equipment being transported to and from the Site, and vehicular traffic from construction workers, export of construction debris, and delivery of materials to the Site. Staging areas for construction equipment and materials storage would be established on-site. The construction activities would include demolition, Site preparation, grading/excavation, trenching, building construction, and paving.

Construction-related trips associated with trucks and employees traveling to and from the Site in the morning and afternoon may result in some minor temporary and short-term traffic delays to vehicles traveling along Magnolia Avenue. However, in accordance with Municipal Code Section 9.28.070, *Special Provisions*, all construction activity would occur only between 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays with no construction at any time on Sundays or Federal holidays. Further, Mitigation Measure TRA-1 would require a Construction Management Plan, which would minimize Project-related construction traffic impacts on the local circulation system. Per Mitigation Measure TRA-1, all construction vehicles would carry the required hauling permits and would use the most direct route via Magnolia Avenue or Beach Boulevard to State Route 22. The exact haul routes would be confirmed with the City of Stanton Public Works Department and/or the adjacent jurisdictions (e.g., City of Garden Grove or City of Anaheim) prior to approval. Construction may require temporary closures of vehicle lanes, bicycle lanes, and/or sidewalks. Mitigation Measure TRA-1 would require the Applicant (Developer) coordinate with the City Engineer regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures would not impact operations of adjacent uses or emergency access. In addition, Mitigation Measure TRA-1 would ensure traffic signs, traffic cone arrangements, and flaggers are present during general drop-off and pick-up hours for nearby schools (i.e., Walter Elementary School) to ensure safe pedestrian access along the Project frontage for students. Overall, construction-related traffic impacts would be short-term and temporary and implementation of Mitigation Measure TRA-1 would ensure construction-related Project impacts are less than significant.

Mitigation Measures:

TRA-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, the Applicant (Developer) shall prepare a Construction Management Plan to be submitted for review and approval by the City of Stanton Public Works Department. The requirement for a Construction Management Plan shall be incorporated into the Project specifications and subject to verification by the City Engineer prior to final plan approval. The Construction Management Plan shall, at a minimum, address the following:

- Traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to enter and exit the Site from Magnolia Avenue.



- Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the Site, traffic controls and detours, and proposed construction phasing plan for the Project.
- Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.
- Require the Applicant (Developer) to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The Applicant (Developer) shall clean adjacent streets, as directed by the City of Stanton Public Works Department, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.
- Hauling or transport of oversize loads shall be subject to the requirements of the City of Stanton Public Works Department and/or the adjacent jurisdictions of the cities of Garden Grove and Anaheim.
- Haul trucks entering or exiting public streets shall at all times yield to public traffic.
- If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the Applicant (Developer) will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer.
- All construction-related parking and staging of vehicles shall be kept out of the adjacent public roadways and shall occur on-site.
- This Plan shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) as well as City of Stanton requirements. The traffic control plans (TCP) shall be prepared by the contractor and submitted to the City Engineer for approval pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary curb lane closures. The plan shall be developed according to the MUTCD (latest edition) guidelines, including plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic.
- Should the Project utilize State facilities for hauling of construction materials, the Construction Management Plan shall be submitted to the California Department of Transportation (Caltrans) for review and comment.
- Should Project construction activities require temporary vehicle lane, bicycle lane, and/or sidewalk closures, the Applicant (Developer) shall coordinate with the City Engineer regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.
- Should Project construction activities occur during general drop-off and pick-up hours for nearby schools (i.e., Walter Elementary School), traffic signs, traffic cone arrangements, and flaggers shall assist with ensuring safe pedestrian access along the Project frontage for students.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.



TRA-5 Would the Project result in inadequate emergency access?

Support for this environmental impact conclusion is included in Section 5.4, *Transportation*, and in particular, starting on page 5.4-16 of the Draft EIR.

Local access to the Site is provided via Katella Avenue, Cerritos Avenue, and Magnolia Avenue. These roadways may be interrupted during the construction phase. However, traffic impacts related to temporary construction activities would be less than significant. The Project would also be subject to compliance with Mitigation Measure TRA-1 to ensure continued public safety and to minimize potential effects of construction activities on study area roadways/intersections. Mitigation Measure TRA-1 requires that the Applicant (Developer) prepare and implement a Construction Management Plan for approval by the City of Stanton Public Works Department for the purposes of ensuring traffic control and public safety during all stages of construction. Implementation of the Construction Management Plan would identify construction vehicle haul routes, specify hours for hauling or transport activities, and establish traffic control measures for any street closure, detour, or circulation disruptions, to name a few. Additionally, should any temporary lane closures be required as part of Project construction activities, Mitigation Measure TRA-1 would require the Applicant (Developer) coordinate with the City Engineer regarding timing and duration of proposed temporary lane closures to ensure the closures do not impact operations of adjacent uses or emergency access. Overall, the Construction Management Plan would ensure adequate emergency access in the Site vicinity and minimize construction-related impacts related to traffic delay and circulation safety. Construction impacts in this regard would be less than significant.

Further, the Project proposes a number of ingress/egress points, including an emergency vehicle-only ingress point at the northeast corner of the Site along Magnolia Avenue and two emergency vehicle-only egress points at the southwest corner of the Site onto Sherrill Street. Therefore, the Site would provide adequate emergency access into and out of the proposed residential development. Internal roadways would also be designed to comply with all applicable regulations for emergency vehicle access, and all appropriate fire and emergency access conditions would be incorporated into the Project's design. Therefore, Project operations would result in adequate emergency access and impacts would be less than significant.

Mitigation Measures: Refer to Mitigation Measure TRA-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Would construction activities associated with the Project, and other related cumulative projects, cause a cumulatively considerable effect on the existing traffic?

Support for this environmental impact conclusion is included in Section 5.4, *Transportation*, and in particular, starting on page 5.4-18 of the Draft EIR.

Cumulative construction traffic impacts are typically specific to a project's vicinity. The closest cumulative project to the Site is a 1,065-square foot medical office building proposed at 10441 Magnolia Avenue, approximately 0.2 miles north of the Site. Construction activities associated with the Project and the nearby cumulative project may overlap, resulting in traffic impacts to local roadways. However, as stated,



Project construction would not result in significant short-term traffic impacts to study intersections. Further, implementation of Mitigation Measure TRA-1 would include preparation of a Construction Management Plan, which would further reduce construction-related traffic impacts on the local circulation system within the Site vicinity. Cumulative development projects would also be required to reduce construction traffic impacts on the local circulation system and implement any required mitigation measures that may be prescribed pursuant to CEQA provisions and the City's Public Works Department. Therefore, the Project's contribution to cumulative construction traffic impacts would not be considerable.

Mitigation Measures: Refer to Mitigation Measure TRA-1.

CUMULATIVE Would the Project in conjunction with other related projects result in cumulatively considerable impacts to emergency access?

Support for this environmental impact conclusion is included in Section 5.4, *Transportation*, and in particular, starting on page 5.4-19 of the Draft EIR.

The closest related project that may have a cumulative impact to emergency access in the Site vicinity is a 1,065-square foot medical office building proposed at 10441 Magnolia Avenue, approximately 0.2 miles to the north of the Site. The Project would not result in inadequate emergency access during construction. A Construction Management Plan would be prepared and implemented, further reducing traffic delays or emergency access impacts during construction (Mitigation Measure TRA-1). Similarly, cumulative projects would also be required to comply with applicable safety standards for emergency vehicle access during construction. Therefore, impacts related to construction-related emergency access would not be significantly cumulatively considerable.

At Project completion, the proposed development would include ingress/egress points at Magnolia Avenue and Sherrill Street, which would include emergency vehicle-only ingress/egress points to ensure adequate access to the Site. Internal roadways would also be designed to comply with all applicable regulations for emergency vehicle access, and all appropriate fire and emergency access conditions would be incorporated into the Project's design. As part of the entitlement review process, other cumulative projects would also be reviewed by the City for compliance with all applicable safety standards and considerations concerning adequate emergency access. Therefore, Project-related impacts to emergency access during operations would not be significantly cumulatively considerable.

Mitigation Measures: Refer to Mitigation Measure TRA-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

6. Tribal Cultural Resources

CUL-4 Would the Project cause a significant impact to a tribal cultural resource?

Support for this environmental impact conclusion is included in Section 5.1, *Tribal and Cultural Resources*, and in particular, starting on page 5.1-17 of the Draft EIR.



The City sent letters inviting tribes to consult on the Project per Assembly Bill 52 on February 4, 2019. The City received a request for consultation from the Gabrieleño Band of Mission Indians – Kizh Nation on February 7, 2019. The City and the Gabrieleño Band of Mission Indians – Kizh Nation consulted on March 19, 2019. The consultation included discussions regarding historical trade routes along the modern Union Pacific Railroad line to the south of the Site, and the routes' connections to the Site.

Based on the records search, literature review, field survey results, and tribal consultation results, the City has determined that no tribal cultural resources are known to exist on-site. However, as stated above, the City consulted with the Gabrieleño Band of Mission Indians – Kizh Nation and there is the potential for unknown resources to be discovered on-site during Site disturbance activities. As such, implementation of Mitigation Measures CUL-1 through CUL-4, which were recommended by the Gabrieleño Band of Mission Indians – Kizh Nation, would ensure that in the event unknown cultural resources, including archaeological and tribal cultural resources, are discovered during ground-disturbing activities, appropriate measures are taken. As such, impacts to tribal cultural resources would be reduced to less than significant levels.

Mitigation Measures: Refer to Mitigation Measures CUL-1 through CUL-4.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Stanton hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

7. Utilities and Service Systems

PSU-5 Would the Project require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Support for this environmental impact conclusion is included in Section 5.9, *Public Services and Utilities*, and in particular, starting on page 5.9-18 of the Draft EIR.

Construction-Related Impacts

The Project would involve the construction of private water, wastewater, stormwater drainage, electric power, natural gas, and telecommunication facilities to connect to existing facilities located within the Site vicinity. The Project's potential environmental effects for construction of the abovementioned improvements are analyzed in this EIR. Construction of the new utilities would be subject to compliance with all applicable local, State, and Federal laws, ordinances, and regulations, as well as the specific mitigation measures in this EIR. Compliance with the relevant laws, ordinances, and regulations, as well as the specified mitigation measures, would ensure the Project's construction-related environmental impacts associated with the proposed private utility improvements are reduced to less than significant levels.



Operational Impacts

Water

The Site is served by Golden State Water Company's (GSWC) West Orange System. Project operations is anticipated to result in a water demand of 17.1 million gallons per year (approximately 52.5 acre-feet per year). The *2015 Urban Water Management Plan (UWMP)* for the West Orange System indicates water supplies are anticipated to equal demands for normal year, dry year, and multiple dry year conditions through planning year 2040; refer to Draft EIR Table 5.9-2, *WOS Supply and Demand Comparison*. Further, the Project would be subject to conformance with all applicable Federal, State, and local regulations related to water demand. The Project would be designed such that it fully conforms with the regulations for water efficiency identified in the California Building Standards Code (California Code of Regulations, Title 24), Part 5, California Plumbing Code; and Part 11, California Green Building Standards Code. The Project would also be subject to conformance with the City's landscape water use standards codified in Municipal Code Section 20.312.050, *Irrigation Plans and Water Conservation Standards*. Pursuant to General Plan Action ICS-2.1.1 (a), the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the potable water system. As a result, Project implementation is not anticipated to require the relocation or construction of new or expanded water facilities. Impacts would be less than significant in this regard.

Wastewater Treatment

Based on Orange County Sanitation District (OCSD) generation rates, Project implementation would generate approximately 33,166 gallons of wastewater per day (based on 206 gallons per day per equivalent dwelling unit) which would require in the construction of private wastewater treatment laterals to connect to existing facilities within the Site vicinity. Wastewater generated at the Site is treated at the OCSD Reclamation Plant No. 1 or OCSD Reclamation Plant No. 2. OCSD Reclamation Plant No. 1 has a capacity of 204 million gallons per day (mgd) for primary treatment and 182 mgd for secondary treatment. OCSD Reclamation Plant No. 2 has a capacity of 168 mgd for primary treatment and 150 mgd for secondary treatment. OCSD Reclamation Plant No. 1 and OCSD Reclamation Plant No. 2 collectively treated 188 mgd in 2017. Given the excess capacity available at OCSD Reclamation Plant No. 1 and Reclamation Plant No. 2, sufficient capacity exists to serve the Project and new wastewater treatment facilities or expansion of existing facilities would not be necessary. Adequate capacity exists to serve the Project in addition to OCSD's existing commitments. Notwithstanding, the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the wastewater treatment system in conformance with General Plan Action ICS-2.1.1. As a result, Project implementation is not anticipated to require the relocation or construction of new or expanded wastewater treatment facilities. Impacts would be less than significant in this regard.

Stormwater Drainage

Project implementation would result in the construction of private stormwater drainage facilities to connect to existing City-owned facilities within the Site vicinity. Based on correspondence with OC Public Works, the Dale-Cerritos Storm Drain and Stanton Storm Drain contain deficient segments and are not capable of conveying runoff from a 100-year storm event. The Project would involve comparable amounts of impervious surfaces as compared to existing conditions and is not anticipated to result in substantially increased surface runoff. Further, the Site is not located within a 100-year flood zone. To ensure Project operations does not result in increased run-off amounts and degraded water quality and



in furtherance of Municipal Code Section 20.500.090, Mitigation Measure HWQ-1 would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction. The WQMP would include Project-specific design measures to control pollutants in stormwater and urban runoff in order to prevent any deterioration in water quality that would impair subsequent or competing uses of the receiving waters. The proposed drainage and flood control improvements would be implemented in accordance with applicable City, Santa Ana RWQCB, and NPDES requirements, as well as specific requirements identified in the Project's WQMP. Additionally, the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the City's stormwater system in conformance with General Plan Action ICS-2.1.1. As a result, Project implementation is not anticipated to require the relocation or construction of new or expanded stormwater treatment facilities. Following implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP to ensure the Project operations do not result in increased run-off amounts, impacts would be less than significant.

Dry Utilities

Dry utilities associated with natural gas, electricity, and telecommunication services currently serve existing residents on-site. The proposed construction of 161 multi-family residential units would not result in increased demands that require or result in the relocation or construction of new or expanded dry utilities, the construction or relocation of which could cause significant environmental effects. Similar to existing residents, future residents would pay connection fees to each dry utility provider in order to receive service. Impacts would be less than significant in this regard.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE Would the Project, in combination with other cumulative projects, result in relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Support for this environmental impact conclusion is included in Section 5.9, *Public Services and Utilities*, and in particular, starting on page 5.9-22 of the Draft EIR.

Water

The cumulative developments identified in Table 4-1, *Cumulative Projects List*, of the DEIR would require the construction of water facilities, many of which are served by GSWC. Cumulative development would be evaluated on a case-by-case basis at the Project level, as they are implemented, for their potential to result in construction-related impacts. All projects would be subject to the review and approval of the City and GSWC, as applicable, and would be subject to compliance with the relevant laws, ordinances, and regulations in place for water facilities. Thus, cumulative impacts concerning the construction of water facilities would be less than significant.



Cumulative development would also increase GSWC's water demand throughout the Site vicinity. As indicated above, the 2015 UWMP projects adequate water supply under normal, single-dry, and multiple-dry year conditions through 2040. According to the 2015 UWMP, GSWC, Metropolitan, and OCWD have implemented and will continue to implement projects to ensure that total water supplies are adequate for anticipated demands over time. Since GSWC considered cumulative development in its 2015 UWMP and concluded that adequate water supplies are available to meet all water conditions through 2040, cumulative impacts to water supplies would be less than significant.

Project operations is anticipated to result in a water demand of 17.1 million gallons per year (approximately 52.5 acre-feet per year). The 2015 UWMP for the West Orange System indicates water supplies are anticipated to equal demands for normal year, dry year, and multiple dry year conditions through planning year 2040. Further, the Project would be designed such that it fully conforms with the regulations for water efficiency identified in the CBSC as well as the City's landscape water use standards codified in Municipal Code Section 20.312. Pursuant to General Plan Action ICS-2.1.1 (a), the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the potable water system. Payment of standard water connection fees and ongoing user fees would ensure that sufficient facilities are available. As a result, the Project's impacts to water supplies would not be significantly cumulatively considerable.

Wastewater

Cumulative development would result in increased wastewater generation within the Site vicinity which would require wastewater treatment at OCSD facilities. Cumulative development would be subject to payment of sewer connection fees and ongoing user fees, on a project-by-project basis, which would be used in part to defray the costs of any necessary wastewater infrastructure upgrades. Payment of these fees, along with compliance with Santa Ana RWQCB-issued permits, would further ensure cumulative impacts to wastewater treatment facilities are less than significant.

As discussed, Project implementation would not cause the OCSD reclamation plants to exceed Santa Ana RWQCP wastewater treatment requirements. The Project would generate approximately 33,166 gallons of wastewater per day which would not exceed treatment capacities at either of the two OCSD reclamation plants. Additionally, all discharge would be subject to Santa Ana RWQCB-issued permits. Pursuant to General Plan Action ICS-2.1.1 (a), the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the wastewater treatment system. The Project would also pay relevant OCSD connection fees and ongoing user fees. Therefore, the Project's impacts to wastewater treatment would not be significantly cumulatively considerable.

Stormwater

The related projects identified in Draft EIR Table 4-1, *Cumulative Projects List*, in addition to the Project could result in the construction of new stormwater drainage facilities or the expansion of existing facilities. All cumulative development would be subject to the review and approval of the Santa Ana RWQCB, as applicable, and cumulative development within the City would be responsible for upholding the City's Stormwater Discharge and Water Quality Ordinance, which is included in Municipal Code Chapter 6.20. Following conformance with relevant laws, ordinances, and regulations in place for stormwater drainage facilities, cumulative impacts to stormwater drainage facilities would be less than significant.



As discussed, the Project would involve the construction of stormwater drainage facilities. The proposed drainage and flood control improvements would be implemented in accordance with applicable City, Santa Ana RWQCB, and NPDES requirements, as well as specific requirements identified in the Project's WQMP. Additionally, the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the City's stormwater system in conformance with General Plan Action ICS-2.1.1. Payment of standard connection fees and ongoing user fees would ensure that sufficient stormwater treatment capacity is available. As a result, Project implementation is not anticipated to require the relocation or construction of new or expanded stormwater treatment facilities. Following implementation of Mitigation Measure HWQ-1 and conformance with all applicable City, Santa Ana RWQCB, and NPDES requirements, the Project's impacts to stormwater drainage facilities would not be cumulatively considerable.

Dry Utilities

Cumulative projects in addition to the Project could result in the construction of new dry utilities or the expansion of existing dry utilities. Cumulative development would be evaluated on a case-by-case basis at the Project level, as they are implemented, for their potential to result in construction-related impacts. All projects would be subject to the review and approval of the City and applicable dry utility providers and would be subject to compliance with the relevant laws, ordinances, and regulations in place for dry utilities. Thus, cumulative impacts concerning the construction of dry utilities would be less than significant.

As discussed, Project implementation would not result in increased demands that require or result in the relocation or construction of new or expanded dry utilities, the construction or relocation of which could cause significant environmental effects. Thus, Project's impacts to dry utilities would not be cumulatively considerable.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Finding: Changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Stanton hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

D. FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS

Significant and unavoidable impacts are those impacts in which mitigation measures were found to be infeasible or would not lessen impacts to less than significant levels. The Draft EIR did not identify any significant and unavoidable impacts associated with the proposed Project.

E. FINDINGS ON RECIRCULATION

CEQA Guidelines Section 15088.5 requires a lead agency to "recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. As used in this section, the term 'information' can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the



project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

Comment letters received on the Draft EIR and responses to those comments provided in the Final EIR do not identify any significant new information requiring recirculation. As such, Recirculation of the EIR is not required.

F. FINDINGS ON GROWTH INDUCING IMPACTS

Section 15126(d) of the *CEQA Guidelines* requires a discussion of a proposed Project's potential to foster economic or population growth, including ways in which a Project could remove an obstacle to growth. Growth does not necessarily create significant physical changes to the environment. However, depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects if it requires new development or infrastructure to support it. The proposed Project's growth effects would be considered significant if they could result in significant physical effects in one or more environmental issue areas. In general, a project could foster spatial, economic, or population growth in a geographic area if it results in any of the following:

- Removal of an impediment to growth (e.g., establishment of an essential public service and provision of new access to an area);
- Fostering of economic expansion or growth (e.g., changes in revenue base and employment expansion);
- Fostering of population growth (e.g., construction of additional housing), either directly or indirectly;
- Establishment of a precedent setting action (e.g., an innovation, a change in zoning and general plan amendment approval); or
- Development of or encroachment on an isolated or adjacent area of open space (being distinct from an infill project).

Removal of an Impediment to Growth

Project implementation would increase demands for public services, including fire, police, school, and library services as up to 576 additional residents would be introduced into the City. Given that the Site is already developed as a multi-family residential neighborhood, the Project is not expected to generate substantially more demand for public services compared to existing conditions following compliance with existing Federal, State, and local laws, ordinances, regulations, and standards.

The Project would also increase demands for utilities and services systems (i.e., water, wastewater treatment, and stormwater). Because the Project is currently served by existing utility providers and facilities and based on correspondence with service providers, it is expected that existing utilities and service systems can be readily expanded and/or extended to serve the Project. Therefore, the Project would not remove an impediment to growth associated with the establishment of an essential public service and is not considered growth-inducing in this regard.



The Site is already served by an existing roadway network of major, primary, and secondary arterials (i.e., Katella Avenue, Magnolia Avenue, and Cerritos Avenue) and would not provide new access to an area. Therefore, the Project would not remove an impediment to growth associated with the provision of new access to an area and is not considered growth-inducing in this regard.

Economic Growth

According to the California Employment Development Department, the annual average civilian labor force within the City totaled approximately 19,000 persons in October 2018. Project implementation would introduce new jobs during construction. However, these jobs would be temporary and would not be growth-inducing in this regard. Additionally, as a residential use, the Project would not generate new permanent jobs within the City and thus, would not substantially increase the City's employment base or revenue base beyond existing conditions. Overall, based on the nature and scale of development proposed, Project implementation is not anticipated to result in significant economic growth.

Population Growth

A project could induce population growth in an area either directly or indirectly. More specifically, the development of new residences or businesses could induce population growth directly, whereas the extension of roads or other infrastructure could induce population growth indirectly. The Site is located in a developed area of the City and does not involve the extension of roads or other infrastructure into undeveloped areas; refer to the "Removal of an Impediment to Growth" Section above.

The Project would increase local employment opportunities during construction activities; however, these jobs would be temporary and would not be growth-inducing in this regard. Further, no permanent jobs would be created by the Project given that it is a residential use.

The Project would relocate all existing tenants, demolish existing housing on-site, and redevelop the property into a 161-unit multi-family affordable housing development. However, it is speculative at this point to determine whether all existing tenants on-site would relocate within, or outside of, the City. Thus, this analysis conservatively assumes the existing residents could relocate elsewhere within the City. Based on the City's average household size of 3.58, the 161 proposed units would introduce up to 576 additional residents within the City. For this reason, the Project is considered growth-inducing since it would generate population growth through its provision of a residential development. However, the Project's potential growth-inducing impacts would be considered less than significant since the 576 additional residents represents only a 1.5 percent increase from the City's current population of 39,470 persons; refer to Draft EIR Table 5.8-1, *Population Estimates and Projections*. Additionally, Draft EIR Tables 5.8-5, *Proposed Project Compared to General Plan Growth Forecasts*, and 5.8-6, *Proposed Project Compared to SCAG Growth Forecasts*, show that the Project's percent increase compared to General Plan buildout (2.1 percent) and SCAG 2040 forecasts (27.0 percent) are within population projections for the City and region. Thus, growth inducing impacts related to population growth would be less than significant in this regard.

Precedent Setting Action

The Project is consistent with the Site's land use designation and zoning and thus, would not require a General Plan Amendment or Zone Change. Project implementation would still require the approval of the following discretionary actions; however, the Project would not set a precedent for future projects with similar characteristics.



- Precise Plan of Development;
- Tentative Tract Map;
- Street Vacation;
- Conditional Use Permit;
- Project-specific Relocation Plan; and
- Density Bonus Concession.

The approval of these actions would not set a precedent that would make it more likely for other projects in the region to gain approval of similar applications. Further, future projects would also be required to complete applicable environmental review on a project-by-project basis. As such, the proposed Project would not involve a precedent setting action that could significantly affect the environment.

Development or Encroachment of Open Space

The Project is an infill development and would redevelop the existing residential neighborhood on-site into a multi-family affordable housing development. The Site is located in a highly urbanized area of Stanton and is surrounded on all sides by development, including residential uses to the north, east, and west, commercial uses to the east, and a Southern California Edison easement to the south. While the SCE easement is designated Open Space under the General Plan, it is currently utilized as a commercial nursery and the Project would not develop or encroach into the easement. As such, the Project is not considered growth inducing with respect to development or encroachment on open space.

Summary

In summary, Project implementation is not considered growth-inducing with respect to: removing an impediment to growth; fostering economic expansion or growth; establishing a precedent-setting action; or developing or encroaching into an isolated area of open space. The Project is considered growth-inducing in a local context with respect to fostering population growth (approximately 576 additional residents), although it is not considered growth-inducing in a regional context. Overall, the Project's growth-inducing impacts are considered less than significant.

G. FINDINGS ON SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

According to *CEQA Guidelines* Sections 15126(c) and 15126.2(c), an EIR is required to address any significant irreversible environmental changes that would occur should the Project be implemented. The Project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during the construction phase of the Project and would continue throughout its operational lifetime. Project development would require a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Site. Project construction would require the consumption of resources that are not renewable, or which may renew so slowly as to be considered non-renewable. These resources would include the following construction supplies: lumber and other forest products; aggregate materials used in concrete and asphalt; metals; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment.

The resources that would be committed during Project operation would be similar to those currently consumed within the City. Resources would include energy resources such as electricity and natural gas, petroleum-based fuels required for vehicle trips, fossil fuels, and water. Fossil fuels would represent the



primary energy source associated with both construction and ongoing operation of the Project and the existing, finite supplies of these natural resources would be incrementally reduced. Project operation would occur in accordance with Title 24, Part 6 of the California Code of Regulations, which sets forth conservation practices that would limit the amount of energy consumed by the Project. However, the energy requirements associated with the Project would, nonetheless, represent a long-term commitment of essentially non-renewable resources.

Limited use of potentially hazardous materials typical of residential uses, including minor amounts of cleaning products and occasional use of pesticides and herbicides for landscaping. Residential uses such as the Project typically do not generate, store, or dispose of large quantities of hazardous materials. Further, residential land uses generally do not involve dangerous or volatile operational activity that may expose persons to large quantities of hazardous materials. The Project would utilize minor amounts of cleaning products, pesticides, and herbicides, similar to the existing residential development on-site. Potential use of hazardous materials on-site would be required to comply with applicable government regulations and standards. Compliance with these regulations and standards would serve to protect against significant and irreversible environmental change resulting from the accidental release of hazardous materials.

In summary, Project construction and operation would result in the irretrievable commitment of limited, slowly renewable, and nonrenewable resources, which would limit the availability of these particular resource quantities for future generations or for other uses during the life of the Project. The Project would involve the use of building materials and energy, some of which are non-renewable resources. Consumption of these resources would occur with any development in the region and are not unique to the Project. Additionally, increasingly efficient building fixtures and automobile engines are expected to offset this demand to some degree. Continued use of such resources would also be on a relatively small scale and consistent with regional and local growth forecasts in the area. As such, although irreversible environmental changes would result from the Project, such changes would not be considered significant.

H. FINDINGS ON PROJECT ALTERNATIVES

CEQA requires that the discussion of alternatives focus on alternatives to a project or its location that are capable of avoiding or substantially lessening any significant effects of a project. As discussed above, all environmental impacts could be mitigated below a level of significance and no significant and unavoidable impacts would result.

The Draft EIR analyzed two alternatives to the proposed Project that could avoid or substantially lessen any of the Project's significant impacts.

1. "No Project" Alternative

As required by CEQA Guidelines Section 15126.6 (e), the "No Project" Alternative assumes no development would occur. The 10.27-acre Site is currently developed with 28 four-plex apartment buildings comprised of 112 residential units, the Illuminations Foundation Children's Resource Center (operated by the Second Harvest Food Bank of Orange County, Inc.), a community garden, and several vacant lots. Of the 112 residential units, 110 are currently occupied. Most of the vacant lots on-site are utilized as informal parking areas for neighborhood residents and one vacant lot has a portable building owned by the Illuminations Foundation for the intended extended operation of the Children's Resource Center. The "No Project" Alternative would retain the Site in its current condition. The existing tenants and residences would remain on-site, no structures would be demolished, and no streets or alleyways



would be vacated. The proposed multi-family affordable housing development and associated amenities and improvements would not be constructed.

Conclusion:

The “No Project” Alternative would result in reduced impacts for all environmental topical areas. However, this alternative would not attain any of the Project objectives. As no development would occur, this alternative would not provide affordable housing within Stanton that would help the City meet its RHNA requirements, redevelop the existing blighted neighborhood, or develop a well-designed residential community (Objective Nos. 1, 2, and 3). Additionally, the City would not acquire the remaining properties on-site or relocate existing tenants under this alternative (Objective No. 4).

Finding:

For the reasons set forth above and as discussed further in the Draft EIR, the City Council hereby rejects the “No Project” Alternative, because the alternative does not meet any of the Project objectives. (State CEQA Guidelines, § 15126.6(c)(i).)

2. “Single-Family Residential” Alternative

The “Single-Family” Residential Alternative would develop the Site with 61 detached single-family residential units at a density of 5.9 dwelling units per acre based on the Low Density Residential designation and Single-Family Residential (RL) zoning. The dwelling units would be sold at market rate (i.e., not affordable rental housing). Given that this alternative would consist solely of single-family residential units, no community center, tot lots, or preschool facility would be developed. Site access would be similar to existing conditions with access via Tina Way and Pacific Avenue; however, the two alleyways would still be vacated to provide additional space for backyards. This alternative would comply with require parking standards for single-family dwelling units per Municipal Code Section 20.320.030, *Number of Off-Street Parking Spaces Required*. Similar to the proposed Project, this alternative would require the acquisition of 15 remaining non-City-owned parcels on-site and relocation of all existing tenants prior to construction.

This alternative was selected to analyze a scenario in which a residential development would be developed similar to the Site’s neighboring single-family residential uses to the north and west. However, given that the Site is currently designated and zoned High Density Residential, the Single-Family Residential Alternative would require a General Plan Amendment and Zone Change. Additional discretionary approvals would include, but not be limited to, a Precise Plan of Development; Street Vacation; Tentative Tract Map; and Design Review.

Conclusion:

The “Single-Family” Residential Alternative would reduce impacts related to transportation, air quality, greenhouse gas emissions, noise, population and housing, public services and utilities, and energy. This alternative would result in similar impacts to tribal and cultural resources, hydrology and water quality, and hazards and hazardous materials.

This alternative would develop 61 market rate detached single-family residential units and thus, would not provide affordable housing within the City that would help the City meet its RHNA requirements



(Objective No. 1). This alternative also would not develop a residential community that includes attractive and unifying outdoor spaces, recreational facilities, and landscaping given that the single-family residences would be privately owned, and no communal recreational facilities or outdoor spaces are proposed (Objective No. 3). However, it would redevelop the existing blighted neighborhood and provide existing residents on-site with tenant relocation assistance (Objective Nos. 2 and 4).

Finding:

For the reasons set forth above and as discussed further in the Draft EIR, the City Council hereby rejects the “Single-Family Residential” Alternative, on the follow grounds, each of which provide an independent basis for rejection: (1) the alternative does not meet most of the Project objectives; and (2) the alternative is infeasible. (State CEQA Guidelines, § 15126.6(c)(i).)

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Draft EIR Table 7-1, *Comparison of Alternatives*, summarizes the comparative analysis presented above (i.e., the alternatives compared to the Project). Review of Table 7-1, *Comparison of Alternatives*, of the Draft EIR, indicates the “No Project” Alternative is the environmentally superior alternative, as it would avoid or lessen the majority of impacts associated with development of the Project. However, it should be noted that no significant and unavoidable impacts have been identified for the Project. Per *CEQA Guidelines* Section 15126.6(e), “if the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” Accordingly, the “Single-Family Residential” Alternative is identified as the environmentally superior alternative.



Table 1
Mitigation Monitoring and Reporting Checklist

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
TRIBAL AND CULTURAL RESOURCES								
CUL-1	The Project Applicant (Developer) shall retain and compensate for services a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, and a qualified Native American monitor, approved by the Gabrieleño Band of Mission Indians – Kizh Nation Tribal Government and listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the region, to perform all mitigation measures related to prehistoric and historic cultural resources for the Project. An archaeologist and Native American monitor shall be present to monitor all initial ground disturbing activities associated with the Project, including but not limited to: demolition, removal of building foundations and asphalt, pot-holing or auguring, grubbing, tree removals/weed abatement, boring/grading of soils, drilling/trenching for utilities, excavations associated with development, etc. The monitors shall complete daily monitoring logs. The logs will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. In addition, the monitors are required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the	Project Applicant; Qualified Archaeologist; Qualified Native American Monitor	Prior to and During Demolition and Grading Activities	City of Stanton Planning Division	Prior to and During Demolition and Grading Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k).</p> <p>If, during initial ground disturbance, the monitors determine that the ground disturbing activities have little or no potential to impact cultural resources, and/or the monitors determine that ground disturbances would occur within previously disturbed and non-native soils, the qualified archaeologist may recommend that monitoring may be reduced or eliminated. This decision will be made in consultation with the Native American monitor and the City of Stanton. The final decision to reduce or eliminate monitoring shall be at the discretion of the City of Stanton. If cultural resources are encountered during ground disturbing activities, work within the immediate area must halt and the find must be evaluated for local and/or State significance.</p>							
CUL-2	<p>If cultural resources are encountered during demolition and ground-disturbing activities, work in the immediate area shall halt and a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, shall be retained to assess the nature and significance of the discovery. If the discovery proves to be significant under CEQA, additional work such as data recovery excavation and Native American consultation</p>	<p>Construction Contractor; Qualified Archaeologist</p>	<p>During Demolition and Grading Activities</p>	<p>City of Stanton Planning Division</p>	<p>During Demolition and Grading Activities</p>			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	may be warranted to mitigate any significant impacts.							
CUL-3	<p>If any archaeological resources are unearthed during Project demolition and construction activities, the resource shall be evaluated by the qualified archaeologist and Native American monitor approved by the Gabrieleño Band of Mission Indians – Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians – Kizh Nation shall coordinate with the property owner regarding treatment and curation of the resource(s). Typically, the Native American tribe will request reburial or preservation for educational purposes. If a resource is determined by the qualified archaeologist to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or as a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist and Native American monitor shall coordinate with the Project Applicant (Developer) and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resource(s) shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with</p>	Construction Contractor; Qualified Archaeologist; Native American Monitor	During Demolition and Grading Activities	City of Stanton Planning Division	During Demolition and Grading Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.							
CUL-4	<p>If human remains or associated funerary objects are discovered on-site, work shall be diverted a minimum of 150 feet from the find and an exclusion zone shall be placed around the burial. The qualified archaeologist and/or Native American monitor shall notify the construction manager who shall call the County Coroner. If the County Coroner determines the remains to be Native American, the County Coroner shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) as mandated by State law who shall then appoint a Most Likely Descendent (MLD).</p> <p>The discovery is to be kept confidential and secure to prevent any further disturbance. Prior to the continuation of ground disturbing activities, the property owner shall arrange a designated location with the Project footprint for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day,</p>	Construction Contractor; Qualified Archaeologist; Native American Monitor	During Construction	City of Stanton Planning Division	During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside of working hours. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, it may be determined that burials should be removed. The applicable Native American tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project Applicant (Developer) shall consult with the tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC. No scientific study or utilization of any invasive diagnostics on human remains is allowed.</p> <p>Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	container on-site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project site but at a location mitigated between the tribe and the property owner at the Site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.							
HYDROLOGY AND WATER QUALITY								
HWQ-1	Prior to Project construction, the Project Applicant (Developer) shall prepare a Project-specific water quality management plan (WQMP) for review and approval by the City Engineer. The WQMP shall include Project-specific design measures to control pollutants in stormwater and urban runoff in order to prevent any deterioration in water quality that would impair subsequent or competing uses of the receiving waters.	Project Applicant	Prior to Construction	City Engineer	During Plan Review			
HAZARDS AND HAZARDOUS MATERIALS								
HAZ-1	Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). The sampling method to be used shall be based on the statistical probability that construction materials similar in color and texture contain similar amounts of asbestos. In areas where the material appears to be homogeneous in color and texture over a wide area, bulk samples shall be collected at discrete locations from within	Project Applicant; Qualified Building Inspector; Qualified Asbestos Containment Contractor (if needed)	Prior to Issuance of Demolition Permits	City of Stanton Planning Division	During Plan Review; Prior to Issuance of Demolition Permits			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	these areas. In unique or nonhomogeneous areas, discrete samples of potential ACMs shall be collected. The survey shall identify the likelihood that asbestos is present in concentrations greater than 1 percent in construction materials. If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403. Common asbestos abatement techniques involve removal, encapsulation, or enclosure. The removal of asbestos is preferred when the material is in poor physical condition and there is sufficient space for the removal technique. The encapsulation of asbestos is preferred when the material has sufficient resistance to ripping, has a hard or sealed surface, or is difficult to reach. The enclosure of asbestos is to be applied when the material is in perfect physical condition, or if the material cannot be removed from the Site for reasons of protection against fire, heat, or noise.							
HAZ-2	If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. A portable, field X-ray fluorescence (XRF) analyzer shall be used to identify the locations of potential lead paint, and	Construction Contractor; Qualified Environmental Professional; Qualified Lead Specialist (if needed)	During Demolition	City Engineer	During Demolition			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	test accessible painted surfaces. The qualified Environmental Professional shall identify the likelihood that lead is present in concentrations greater than 1.0 milligrams per square centimeter (mg/cm ²) in/on readily accessible painted surfaces of the buildings. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Potential methods to reduce lead dust and waste during removal include wet scraping, wet planning, use of electric heat guns, chemical stripping, and use of local High Efficiency Particulate Air (HEPA) exhaust systems. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal, if present, shall provide evidence of abatement activities to the City Engineer.							
HAZ-3	If unknown wastes or suspect materials (such as stained soils, odors, and/or unknown debris) are discovered during construction by the contractor that he/she believes may involve hazardous waste/materials, the contractor shall: <ul style="list-style-type: none">• Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;• Notify the City of Stanton Director of Public Works;	Construction Contractor	During Construction	City of Stanton Public Works Department	During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<ul style="list-style-type: none"> Secure the areas as directed by the City; Notify the Orange County Health Care Agency's (OCHCA) Hazardous Waste/Materials Coordinator; and Perform remedial activities (as required per OCHCA, or their designee, and dependent upon the nature of the hazardous materials release) as required under existing regulatory agency standards. 							
TRANSPORTATION								
TRA-1	<p>Prior to issuance of any grading and/or demolition permits, whichever occurs first, the Applicant (Developer) shall prepare a Construction Management Plan to be submitted for review and approval by the City of Stanton Public Works Department. The requirement for a Construction Management Plan shall be incorporated into the Project specifications and subject to verification by the City Engineer prior to final plan approval. The Construction Management Plan shall, at a minimum, address the following:</p> <ul style="list-style-type: none"> Traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to enter and exit the Site from Magnolia Avenue. Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, 	Project Applicant; Construction Contractor	Prior to Issuance of Grading/ Demolition Permits; During Construction	City of Stanton Public Works Department; City Engineer	During Plan Review; During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<p>tiles, piping, windows, etc.), to access the Site, traffic controls and detours, and proposed construction phasing plan for the Project.</p> <ul style="list-style-type: none">• Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.• Require the Applicant (Developer) to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The Applicant (Developer) shall clean adjacent streets, as directed by the City of Stanton Public Works Department, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.• Hauling or transport of oversize loads shall be subject to the requirements of the City of Stanton Public Works Department and/or the adjacent jurisdictions of the cities of Garden Grove and Anaheim.• Haul trucks entering or exiting public streets shall at all times yield to public traffic.• If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the Applicant (Developer) will be fully responsible for repairs. The							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<p>repairs shall be completed to the satisfaction of the City Engineer.</p> <ul style="list-style-type: none"> • All construction-related parking and staging of vehicles shall be kept out of the adjacent public roadways and shall occur on-site. • This Plan shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) as well as City of Stanton requirements. The traffic control plans (TCP) shall be prepared by the contractor and submitted to the City Engineer for approval pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary curb lane closures. The plan shall be developed according to the MUTCD (latest edition) guidelines, including plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic. • Should the Project utilize State facilities for hauling of construction materials, the Construction Management Plan shall be submitted to the California Department of Transportation (Caltrans) for review and comment. • Should Project construction activities require temporary vehicle lane, bicycle lane, and/or sidewalk closures, the 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<p>Applicant (Developer) shall coordinate with the City Engineer regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.</p> <ul style="list-style-type: none"> Should Project construction activities occur during general drop-off and pick-up hours for nearby schools (i.e., Walter Elementary School), traffic signs, traffic cone arrangements, and flaggers shall assist with ensuring safe pedestrian access along the Project frontage for students. 							
NOISE								
NOI-1	<p>To reduce construction noise impacts, the Project Applicant (Developer) shall demonstrate, to the satisfaction of the City Manager or his/her designee that the Project complies with the following:</p> <ul style="list-style-type: none"> Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall only occur between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays. The Project construction supervisor shall ensure compliance with the note and the City of Stanton shall conduct periodic inspection at its discretion. 	Project Applicant; Construction Contractor	Prior to Approval of Grading Plans or Issuance of Building Permits; During Construction	City Manager or his/her Designee	During Plan Review; During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<ul style="list-style-type: none">During all Project construction activities, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest to the Site.The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receivers nearest to the Site during all Project construction.The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.							



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Tina-Pacific Neighborhood Development Plan Project Environmental Impact Report



Prepared for:
City of Stanton

Prepared by:

Michael Baker
INTERNATIONAL

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**PUBLIC REVIEW DRAFT
ENVIRONMENTAL IMPACT REPORT**

**Tina-Pacific Neighborhood Development
Plan Project**

SCH NO. 2019039134

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July 2019

JN 170136

This document is designed for double-sided printing to conserve natural resources.



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DRAFT EIR AND APPENDICES ON CD



1.0 Executive Summary

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1.0 EXECUTIVE SUMMARY

1.1 PROJECT LOCATION

The City of Stanton (City) is located in the northwestern portion of Orange County. The City comprises approximately three square miles and is bordered by the cities of Anaheim to the north and east, Garden Grove to the south and west, and Cypress to the west.

The proposed Tina-Pacific Neighborhood Development Plan Project (Project) is generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue. More specifically, the 10.27-acre Project site (Site) is bounded by Tina Way to the north, Magnolia Avenue to the east, an alleyway south of Pacific Avenue to the south, and Sherrill Street to the west. The Site encompasses 40 parcels as well as portions of two public streets (Tina Way and Pacific Avenue) and two alleyways. Regional access to the Site is provided via State Route 22 (SR-22) via the Beach Boulevard and Magnolia Avenue off-ramps, and Interstate 5 (I-5) via the Magnolia Avenue off-ramp. Local access to the Site is provided by Tina Way, Pacific Avenue, and two alleyways off Magnolia Avenue.

1.2 PROJECT SUMMARY

The proposed Project involves constructing a 161-unit multi-family affordable housing development. To do so, the City is proposing to acquire the 15 remaining properties on-site; relocate all existing tenants; demolish all structures and existing street improvements; and vacate the two public roadways (Tina Way and Pacific Avenue) and two alleyways on-site. In addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a preschool facility and additional recreational facilities. These two development scenarios are described below.

DEVELOPMENT SCENARIO ONE (PROPOSED PROJECT WITHOUT PRESCHOOL)

PHASE I

Phase I encompasses 6.1 acres of the eastern portion of the Site closer to Magnolia Avenue. Development of Phase I would involve constructing an 83-unit residential development, consisting of 50 two-bedroom units (one of which would be occupied by an on-site property manager) and 33 three-bedroom units rented to low-income households. All buildings would have a maximum building height of two stories.

All dwelling units are proposed to be restricted, pursuant to the California Department of Housing and Community Development (HCD) or California Tax Credit Allocation Committee (TCAC), whichever is more restrictive, to the following affordability levels: (i) 21 units restricted at 30 percent HCD/TCAC Area Median Income (AMI), (ii) 9 units restricted at 45 percent HCD/TCAC AMI, (iii) 33 units restricted at 50 percent HCD/TCAC AMI, and (iv) 19 units restricted at 60 percent HCD/TCAC AMI. One on-site property manager unit would be provided free of charge.



PHASE II

Phase II of the Project encompasses approximately 4.1 acres of the western portion of the Site. Development of Phase II would involve constructing a 78-unit residential development, consisting of 54 two-bedroom units and 24 three-bedroom units. All structures would have a maximum building height of two stories.

The dwelling units are proposed to be restricted to the following affordability levels: (i) 20 units restricted at 30 percent HCD/TCAC AMI, (ii) 8 units restricted at 45 percent HCD/TCAC AMI, (iii) 31 units restricted at 50 percent HCD/TCAC AMI, and (iv) 18 units restricted at 60 percent HCD/TCAC AMI. Similar to the Phase I development, one on-site property manager unit would be provided free of charge. This second phase would be integrated into Phase I of the Project as one cohesive livable community. In order to consolidate both phases of the Project, the City is proposing street vacations of Pacific Avenue and Tina Way and the two alleyways.

The proposed development would also include recreational amenities, including a community center located in the center of the Site, two tot lots, and several landscaped pedestrian walkways between the proposed residential buildings to meet the City's common open space requirements.

DEVELOPMENT SCENARIO TWO (PROPOSED PROJECT WITH PRESCHOOL)

Development Scenario Two would include the same number of affordable housing units, at the same affordability levels and constructed in the same two phases as Development Scenario One. In addition, the community center located in the center of the Site, two tot lots, and landscaped pedestrian walkways between the proposed residential buildings would also be constructed and meet the City's common open space requirements. However, if funding is available, the Project would also include a 2,300-square foot preschool facility, one additional tot lot along Magnolia Avenue, and a community pool in the center of the Site under Phase I. Priority to the preschool facility would be given to on-site residents with any additional capacity open to neighboring residents within the Magnolia Union Elementary School District.

PROPERTY ACQUISITION AND TENANT RELOCATION PROCESS

As part of the Project, the City is proposing to acquire the 15 remaining non-City-owned parcels on-site and relocate all existing tenants. Voluntary relocation of all tenants is anticipated but there may be a need for eminent domain. The property acquisition and tenant relocation process would occur as part of the Project.

Discretionary Actions

The City of Stanton is the Lead Agency for the Project and has discretionary authority over the Project proposal. Discretionary actions requested as part of the Project include:

- Certification of the Environmental Impact Report;
- Precise Plan of Development;
- Tentative Tract Map;
- Street Vacation;



- Conditional Use Permit;
- Density Bonus Concession;
- Project-specific Relocation Plan; and
- Issuance of applicable Grading and Building Permits.

In addition, the following permits/approvals may be required of Responsible and Trustee agencies:

- NPDES Construction General Permit and Operations Permit – Santa Ana Regional Water Quality Control Board; and
- Construction Permit – South Coast Air Quality Management District.

Refer to Section 3.3.1, *Project Description*, for additional information regarding the proposed Project's characteristics.

1.3 PROJECT GOALS AND OBJECTIVES

Pursuant to Section 15124(b) of the *CEQA Guidelines*, the EIR project description must include “[a] statement of objectives sought by the proposed project....The statement of objectives should include the underlying purpose of the project.” The goals and objectives established for the Project are as follows:

1. Provide affordable housing within Stanton that would help the City meet Regional Housing Needs Allocation (RHNA) requirements detailed in the City of Stanton 2014-2021 Housing Element;
2. Redevelop the blighted neighborhood as proposed by the Stanton Redevelopment Agency prior to its dissolution;
3. Develop a well-designed residential community with attractive and unifying architecture, recreational facilities, outdoor spaces, and landscaping; and
4. Provide existing residents on-site with tenant relocation assistance as required by State law.



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1.4 ENVIRONMENTAL ISSUES/MITIGATION SUMMARY

The following summarizes the impacts, mitigation measures, and unavoidable significant impacts identified and analyzed in [Section 5.0, Environmental Analysis](#), of this EIR. Refer to the appropriate EIR Section for detailed information.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
5.1	Tribal and Cultural Resources		
	CUL-1: Would the Project cause a significant impact to an historical resource?	No mitigation measures are required.	No Impact.
	CUL-2: Would the Project cause a significant impact to an archaeological resource on-site?	<p>CUL-1 Archaeological and Native American Monitoring. The Project Applicant (Developer) shall retain and compensate for services a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, and a qualified Native American monitor, approved by the Gabrieleño Band of Mission Indians – Kizh Nation Tribal Government and listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the region, to perform all mitigation measures related to prehistoric and historic cultural resources for the project. An archaeologist and Native American monitor shall be present to monitor all initial ground disturbing activities associated with the project, including but not limited to: demolition, removal of building foundations and asphalt, pot-holing or auguring, grubbing, tree removals/weed abatement, boring/grading of soils, drilling/trenching for utilities, excavations associated with development, etc. The monitors shall complete daily monitoring logs. The logs will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. In addition, the monitors are required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k).</p> <p>If, during initial ground disturbance, the monitors determine that the ground disturbing activities have little or no potential to impact cultural resources, and/or the monitors determine that ground disturbances would occur within previously disturbed and non-native soils, the qualified archaeologist may recommend that monitoring may be reduced or eliminated. This decision will be made in consultation with the Native American monitor and the City of Stanton. The final decision to reduce or eliminate monitoring shall be at the discretion of the City of Stanton. If cultural resources are encountered during ground disturbing activities, work within the immediate area must halt and the find must be evaluated for local and/or State significance.</p>	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		<p>CUL-2 <u>Unanticipated Discovery of Cultural Resources</u>. If cultural resources are encountered during demolition and ground-disturbing activities, work in the immediate area shall halt and a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, shall be retained to assess the nature and significance of the discovery. If the discovery proves to be significant under CEQA, additional work such as data recovery excavation and Native American consultation may be warranted to mitigate any significant impacts.</p> <p>CUL-3 <u>Unanticipated Discovery of Tribal Cultural Resources</u>. If any archaeological resources are unearthed during project demolition and construction activities, the resource shall be evaluated by the qualified archaeologist and Native American monitor approved by the Gabrieleño Band of Mission Indians – Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians – Kizh Nation shall coordinate with the property owner regarding treatment and curation of the resource(s). Typically, the Native American tribe will request reburial or preservation for educational purposes. If a resource is determined by the qualified archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or as a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist and Native American monitor shall coordinate with the Project Applicant (Developer) and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resource(s) shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.</p>	
	CUL-3: Would the Project cause a significant impact to human remains?	<p>CUL-4 <u>Unanticipated Discovery of Human Remains and Associated Funerary Objects</u>. If human remains or associated funerary objects are discovered on-site, work shall be diverted a minimum of 150 feet from the find and an exclusion zone shall be placed around the burial. The qualified archaeologist and/or Native American monitor shall notify the construction manager who shall call the County Coroner. If the County Coroner determines the remains to be Native American, the County Coroner shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) as mandated by State law who shall then appoint a Most Likely Descendent (MLD).</p> <p>The discovery is to be kept confidential and secure to prevent any further disturbance. Prior to the continuation of ground disturbing activities, the property owner shall arrange a designated location with the Project footprint for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a</p>	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		<p>steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside of working hours. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, it may be determined that burials should be removed. The applicable Native American tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project Applicant (Developer) shall consult with the tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC. No scientific study or utilization of any invasive diagnostics on human remains is allowed.</p> <p>Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on-site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location mitigated between the tribe and the property owner at the site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p>	
	CUL-4: Would the Project cause a significant impact to a tribal cultural resource?	Refer to Mitigation Measures CUL-1 through CUL-4.	Less Than Significant Impact With Mitigation Incorporated.
	<p>Cumulative Impacts</p> <p>Would the Project, combined with other related cumulative projects, cause a cumulatively considerable impact to a historical resource, archaeological resource, human remains, or a tribal cultural resource?</p>	Refer to Mitigation Measures CUL-1 through CUL-4.	Less Than Significant Impact With Mitigation Incorporated.
5.2	Hydrology and Water Quality		
	HWQ-1: Would the Project violate any water quality standards or waste discharge requirements or	HWQ-1 Prior to Project construction, the Project Applicant (Developer) shall prepare a Project-specific water quality management plan (WQMP) for review and approval by the City Engineer. The WQMP shall include Project-	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	otherwise substantially degrade surface or ground water quality?	specific design measures to control pollutants in stormwater and urban runoff in order to prevent any deterioration in water quality that would impair subsequent or competing uses of the receiving waters.	
	HWQ-2: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
	HWQ-3: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
	HWQ-4: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
	HWQ-5: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would 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?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	HWQ-6: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
	HWQ-7: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: <u>Water Quality Impacts</u> Would construction-related activities associated with the Project and other related cumulative projects cause a cumulatively considerable violation of water quality standards or otherwise substantially degrade surface or groundwater quality?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: <u>Groundwater Supplies and Groundwater Recharge</u> Would implementation of the Project and other related cumulative projects substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: <u>Erosion or Siltation</u>	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	Would implementation of the Project and other related cumulative projects 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?		
	Cumulative Impacts: <u>On- or Off-Site Flooding</u> Would implementation of the Project and other related cumulative projects 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: <u>Polluted Runoff</u> Would implementation of the Project and other related cumulative projects 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 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?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: <u>Impede or Redirect Flood Flows</u>	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	Would implementation of the Project and other related cumulative projects 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 impede or redirect flood flows?		
	<p>Cumulative Impacts: <u>Water Quality Control Plan</u></p> <p>Would implementation of the Project and other related cumulative projects conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</p>	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
5.3	Hazards and Hazardous Materials		
	<p>HAZ-1: Would the proposed Project create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials?</p>	<p>HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). The sampling method to be used shall be based on the statistical probability that construction materials similar in color and texture contain similar amounts of asbestos. In areas where the material appears to be homogeneous in color and texture over a wide area, bulk samples shall be collected at discrete locations from within these areas. In unique or nonhomogeneous areas, discrete samples of potential ACMs shall be collected. The survey shall identify the likelihood that asbestos is present in concentrations greater than 1 percent in construction materials. If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403. Common asbestos abatement techniques involve removal, encapsulation, or enclosure. The removal of asbestos is preferred when the material is in poor physical condition and there is sufficient space for the removal technique. The encapsulation of asbestos is preferred when the material has sufficient resistance to ripping, has a hard or sealed surface, or is difficult to reach. The enclosure of asbestos is to be applied when the material is in perfect physical condition, or if the material cannot be removed from the Site for reasons of protection against fire, heat, or noise.</p>	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		<p>HAZ-2 If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. A portable, field X-ray fluorescence (XRF) analyzer shall be used to identify the locations of potential lead paint, and test accessible painted surfaces. The qualified Environmental Professional shall identify the likelihood that lead is present in concentrations greater than 1.0 milligrams per square centimeter (mg/cm²) in/on readily accessible painted surfaces of the buildings. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Potential methods to reduce lead dust and waste during removal include wet scraping, wet planning, use of electric heat guns, chemical stripping, and use of local High Efficiency Particulate Air (HEPA) exhaust systems. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal, if present, shall provide evidence of abatement activities to the City Engineer.</p> <p>HAZ-3 If unknown wastes or suspect materials (such as stained soils, odors, and/or unknown debris) are discovered during construction by the contractor that he/she believes may involve hazardous waste/materials, the contractor shall:</p> <ul style="list-style-type: none"> • Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area; • Notify the City of Stanton Director of Public Works; • Secure the areas as directed by the City; • Notify the Orange County Health Care Agency's (OCHCA) Hazardous Waste/Materials Coordinator; and • Perform remedial activities (as required per OCHCA, or their designee, and dependent upon the nature of the hazardous materials release) as required under existing regulatory agency standards. 	
	HAZ-2: Would future development in accordance with the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school?	Refer to Mitigation Measures HAZ-1 and HAZ-2.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts Would development in accordance with the Project and cumulative development result in cumulatively	Refer to Mitigation Measures HAZ-1 through HAZ-3.	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	considerable impacts related to hazards and hazardous materials?		
5.4	Transportation		
	TRA-1: Would development of the Project conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	No mitigation measures are required.	Less Than Significant Impact.
	TRA-2: Would the Project's construction cause a significant increase in traffic for existing conditions when compared to the traffic capacity of the street system?	<p>TRA-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, the Applicant (Developer) shall prepare a Construction Management Plan to be submitted for review and approval by the City of Stanton Public Works Department. The requirement for a Construction Management Plan shall be incorporated into the Project specifications and subject to verification by the City Engineer prior to final plan approval. The Construction Management Plan shall, at a minimum, address the following:</p> <ul style="list-style-type: none"> • Traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to enter and exit the Site from Magnolia Avenue. • Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the Site, traffic controls and detours, and proposed construction phasing plan for the Project. • Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets. • Require the Applicant (Developer) to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The Applicant (Developer) shall clean adjacent streets, as directed by the City of Stanton Public Works Department, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. • Hauling or transport of oversize loads shall be subject to the requirements of the City of Stanton Public Works Department and/or the adjacent jurisdictions of the cities of Garden Grove and Anaheim. • Haul trucks entering or exiting public streets shall at all times yield to public traffic. 	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		<ul style="list-style-type: none"> • If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the Applicant (Developer) will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer. • All construction-related parking and staging of vehicles shall be kept out of the adjacent public roadways and shall occur on-site. • This Plan shall meet standards established in the current <i>California Manual on Uniform Traffic Control Device</i> (MUTCD) as well as City of Stanton requirements. The traffic control plans (TCP) shall be prepared by the contractor and submitted to the City Engineer for approval pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary curb lane closures. The plan shall be developed according to the MUTCD (latest edition) guidelines, including plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic. • Should the Project utilize State facilities for hauling of construction materials, the Construction Management Plan shall be submitted to the California Department of Transportation (Caltrans) for review and comment. • Should Project construction activities require temporary vehicle lane, bicycle lane, and/or sidewalk closures, the Applicant (Developer) shall coordinate with the City Engineer regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access. • Should Project construction activities occur during general drop-off and pick-up hours for nearby schools (i.e., Walter Elementary School), traffic signs, traffic cone arrangements, and flaggers shall assist with ensuring safe pedestrian access along the Project frontage for students. 	
	TRA-3: Would Project operations cause a significant increase in traffic when compared to the traffic capacity of the street system?	No mitigation measures are required.	Less Than Significant Impact.
	TRA-4: Would the Project increase hazards due to geometric design features or incompatible uses?	No mitigation measures are required.	Less Than Significant Impact.
	TRA-5: Would the Project result in inadequate emergency access?	Refer to Mitigation Measure TRA-1.	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	<p>Cumulative Impacts: <u>Transit, Bicycle, and Pedestrian Facilities</u></p> <p>Would development of the Project, and other related cumulative projects, cumulatively conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?</p>	No mitigation measures are required.	Less Than Significant Impact.
	<p>Cumulative Impacts: <u>Construction Traffic</u></p> <p>Would construction activities associated with the Project, and other related cumulative projects, cause a cumulatively considerable effect on the existing traffic?</p>	Refer to Mitigation Measure TRA-1.	Less Than Significant Impact With Mitigation Incorporated.
	<p>Cumulative Impacts: <u>Project Traffic Generation</u></p> <p>Would implementation of the Project and other related cumulative projects, cause a cumulatively considerable increase in traffic for existing and future cumulative conditions when compared to the traffic capacity of the street system?</p>	No mitigation measures are required.	Less Than Significant Impact.
	<p>Cumulative Impacts: <u>Hazardous Traffic Conditions</u></p> <p>Would development of the Project, and other related cumulative projects, cause cumulatively considerable hazardous traffic conditions?</p>	No mitigation measures are required.	Less Than Significant Impact.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	Cumulative Impacts: <u>Emergency Access</u> Would the Project in conjunction with other related projects result in cumulatively considerable impacts to emergency access?	Refer to Mitigation Measure TRA-1.	Less Than Significant Impact With Mitigation Incorporated.
5.5	Air Quality		
	AQ-1: Would implementation of the Project conflict with or obstruct implementation of the applicable air quality plan?	No mitigation measures are required.	Less Than Significant Impact.
	AQ-2: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	No mitigation measures are required.	Less Than Significant Impact.
	AQ-3: Would the Project expose sensitive receptors to substantial pollutant concentrations?	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: <u>Air Quality Plan Consistency</u> Would implementation of the Project and other related cumulative projects conflict with or obstruct implementation of the applicable air quality plan?	No mitigation measures are required.	Less Than Significant Impact.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	Cumulative Impacts: <u>Cumulative Criteria Pollutants</u> Would short-term construction and long-term operational activities associated with the Project and other related cumulative projects, result in cumulatively considerable increased air pollutant emission impacts?	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: <u>Localized Emissions</u> Would development associated with implementation of the Project and other cumulative projects result in cumulatively considerable localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations?	No mitigation measures are required.	Less Than Significant Impact.
5.6	Greenhouse Gas Emissions		
	GHG-1: Would greenhouse gas emissions generated by the Project have a significant impact on global climate change?	No mitigation measures are required.	Less Than Significant Impact.
	GHG-2: Would implementation of the Project conflict with an applicable greenhouse gas reduction plan, policy, or regulation?	No mitigation measures are required.	Less Than Significant Impact.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	<p>Cumulative Impacts: <u>Greenhouse Gas Emissions</u></p> <p>Would greenhouse gas emissions generated by the Project and other related cumulative projects have a cumulatively considerable impact on global climate change?</p>	No mitigation measures are required.	Less Than Significant Impact.
	<p>Cumulative Impacts: <u>Consistency with Applicable GHG Plans, Policies, or Regulations</u></p> <p>Would implementation of the Project and other related cumulative projects could cause a cumulatively considerable conflict with an applicable greenhouse gas reduction plan, policy, or regulation?</p>	No mitigation measures are required.	Less Than Significant Impact.
5.7	Noise		
	<p>N-1: Would the Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p>	<p>NOI-1 To reduce construction noise impacts, the Project Applicant (Developer) shall demonstrate, to the satisfaction of the City of Stanton Community and Economic Development Director that the Project complies with the following:</p> <ul style="list-style-type: none"> • Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall only occur between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays. The Project construction supervisor shall ensure compliance with the note and the City of Stanton shall conduct periodic inspection at its discretion. • During all Project construction activities, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest to the Site. • The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receivers nearest to the Site during all Project construction. 	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		<ul style="list-style-type: none"> The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise. 	
	N-2: Would Project implementation result in significant vibration impacts to nearby sensitive receptors?	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: <u>Short-Term Construction and Long-Term Operational Noise Impacts</u> Would the Project generate a cumulatively 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?	Refer to Mitigation Measure NOI-1.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: <u>Vibration Impacts</u> Would Project implementation result in cumulatively significant vibration impacts to nearby sensitive receptors?	No mitigation measures are required.	Less Than Significant Impact.
5.8	Population, Housing, and Employment		
	PHE-1: Would the Project directly or indirectly induce substantial unplanned population growth?	No mitigation measures are required.	Less Than Significant Impact.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	PHE-2: Would the Project displace existing housing or people, necessitating the construction of replacement housing?	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: <u>Population Growth</u> Would development in accordance with the Project and cumulative development result in cumulatively considerable impacts related to population and housing?	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: <u>Displaced People and Replacement Housing</u> Would implementation of the Project cumulatively displace existing housing or people, necessitating the construction of replacement housing?	No mitigation measures are required.	Less Than Significant Impact.
5.9	Public Services and Utilities		
	PSU-1: Would the Project result in the need for additional fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?	No mitigation measures are required.	Less Than Significant Impact.
	PSU-2: Would the Project result in the need for additional police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?	No mitigation measures are required.	Less Than Significant Impact.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	PSU-3: Would the Project result in the need for additional school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?	No mitigation measures are required.	Less Than Significant Impact.
	PSU-4: Would the Project result in the need for additional library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?	No mitigation measures are required.	Less Than Significant Impact.
	PSU-5: Would the Project require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: <u>Fire Protection Services</u> Would the Project, in combination with other cumulative projects, result in cumulatively considerable impacts to fire protection services?	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: <u>Police Protection Services</u> Would the proposed Project, in combination with other cumulative projects, result in cumulatively considerable impacts to police protection services?	No mitigation measures are required.	Less Than Significant Impact.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	Cumulative Impacts: <u>School Services</u> Would the Project, in combination with other cumulative projects, result in cumulatively considerable impacts to school services?	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: <u>Library Services</u> Would the Project, in combination with other cumulative projects, result in cumulatively considerable impacts to library services?	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: <u>Utilities</u> Would the Project, in combination with other cumulative projects, result in relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Refer to Mitigation Measure HWQ-1.	Less Than Significant Impact With Mitigation Incorporated.
5.10	Energy		
	EN-1: Would the Project result in wasteful, inefficient, or unnecessary consumption of energy resources?	No mitigation measures are required.	Less Than Significant Impact.
	EN-2: Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	No mitigation measures are required.	Less Than Significant Impact.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	<p>Cumulative Impacts: <u>Energy Consumption</u></p> <p>Would implementation of the Project and other cumulative projects result in wasteful, inefficient, or unnecessary consumption of energy resources?</p>	No mitigation measures are required.	Less Than Significant Impact.
	<p>Cumulative Impacts: <u>Conflict With Applicable Energy Plan</u></p> <p>Would implementation of the Project and other cumulative projects conflict with or obstruct a State or local plan for renewable energy or energy efficiency?</p>	No mitigation measures are required.	Less Than Significant Impact.



1.5 SIGNIFICANT AND UNAVOIDABLE IMPACTS

The mitigation measures summarized above would reduce the level of all potentially significant impacts identified in the Draft EIR to less than significant levels. No significant and unavoidable impacts would occur after implementation of feasible mitigation and standard conditions of approval.

1.6 SUMMARY OF PROJECT ALTERNATIVES

“NO PROJECT” ALTERNATIVE

In accordance with the *CEQA Guidelines*, “the no project analysis shall discuss the existing conditions ..., as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” The *CEQA Guidelines* continue to state that “in certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained.” The No Project Alternative includes a discussion and analysis of the existing baseline conditions at the time the Notice of Preparation was published on March 22, 2019. The No Project Alternative would retain the Site in its current condition. The existing tenants and residences would remain on-site, no structures would be demolished, and no streets or alleyways would be vacated. The proposed multi-family affordable housing development and associated amenities and improvements would not be constructed.

As concluded in Section 7.4, “No Project” Alternative, this alternative would reduce all environmental impacts compared to the proposed Project. However, the No Project Alternative would not attain any of the Project objectives. As no development would occur, this alternative would not provide affordable housing within Stanton that would help the City meet its RHNA requirements, redevelop the existing blighted neighborhood, or develop a well-designed residential community (Objective Nos. 1, 2, and 3). Additionally, the City would not acquire the remaining properties on-site or relocate existing tenants under this alternative (Objective No. 4).

“SINGLE-FAMILY RESIDENTIAL” ALTERNATIVE

The Single-Family Residential Alternative would develop the Site with 61 detached single-family residential units at a density of 5.9 dwelling units per acre based on the Low Density Residential designation and Single-Family Residential (RL) zoning. The dwelling units would be sold at market rate (i.e., not affordable rental housing). Given that this alternative would consist solely of single-family residential units, no community center, tot lots, or preschool facility would be developed. Site access would be similar to existing conditions with access via Tina Way and Pacific Avenue; however, the two alleyways would still be vacated to provide additional space for backyards. This alternative would comply with require parking standards for single-family dwelling units per Municipal Code Section 20.320.030, *Number of Off-Street Parking Spaces Required*. Similar to the proposed Project, this alternative would require the acquisition of 15 remaining non-City-owned parcels on-site and relocation of all existing tenants prior to construction.

This alternative was selected to analyze a scenario in which a residential development would be developed similar to the Site’s neighboring single-family residential uses to the north and west. However, given that the site is currently designated and zoned High Density Residential, the Single-Family Residential Alternative would require a General Plan Amendment and Zone Change.



Additional discretionary approvals would include, but not be limited to, a Precise Plan of Development; Street Vacation; Tentative Tract Map; and Design Review.

As concluded in Section 7.5, “Single-Family Residential” Alternative, implementation of this alternative would result in reduced environmental impacts to all topical areas with the exception of tribal and cultural resources, hydrology and water quality, and hazards and hazardous materials, which would result in similar impacts as the proposed Project.

The Single-Family Residential Alternative would develop 61 market rate detached single-family residential units and thus, would not provide affordable housing within the City that would help the City meet its RHNA requirements (Objective No. 1). This alternative also would not develop a residential community that includes attractive and unifying outdoor spaces, recreational facilities, and landscaping given that the single-family residences would be privately owned, and no communal recreational facilities or outdoor spaces are proposed (Objective No. 3). However, it would redevelop the existing blighted neighborhood and provide existing residents on-site with tenant relocation assistance (Objective Nos. 2 and 4).

The No Project Alternative is the environmentally superior alternative, as it would avoid or lessen the majority of impacts associated with development of the Project. However, it should be noted that no significant and unavoidable impacts have been identified for the Project. Per *CEQA Guidelines* Section 15126.6(e), “if the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” Accordingly, the Single-Family Residential Alternative is identified as the environmentally superior alternative.



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2.0 Introduction and Purpose

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2.0 INTRODUCTION AND PURPOSE

The proposed Tina-Pacific Neighborhood Development Plan Project (Project) is located within the City of Stanton (City) in the northwestern portion of Orange County. The 10.27-acre Site is generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue. The Project proposes to develop a 161-unit multi-family affordable housing development. To do so, the City is proposing to acquire 15 on-site parcels; relocate existing tenants; demolish all structures and existing street improvements; and vacate two public roadways (Tina Way and Pacific Avenue) and two alleyways on-site. In addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a preschool facility and additional recreational amenities. Refer to Section 3.0, *Project Description*, for an expanded discussion. This environmental impact report assesses the potential for impacts to occur with and without the preschool facility and additional recreational amenities, and, as discussed herein, in most cases the impacts are similar. Where impacts would vary, the “worst-case” development scenario (i.e., Development Scenario Two due to increased buildout intensity) is chosen for analysis and is stated at the introduction to each affected topical area in Section 5.0, *Environmental Analysis*.

2.1 PURPOSE OF THE EIR

The City is the Lead Agency under the California Environmental Quality Act (CEQA) and has determined that an Environmental Impact Report (EIR) is required for the Tina-Pacific Neighborhood Development Plan Project (State Clearinghouse No. 2019039134). This EIR has been prepared in conformance with CEQA (California Public Resources Code [PRC] Section 21000 et seq.); *CEQA Guidelines* (California Code of Regulations [CCR], Title 14, Section 15000 et seq.); and the rules, regulations, and procedures for implementation of CEQA, as adopted by the City of Stanton. The principal *CEQA Guidelines* sections governing content of this document include Article 9 (Contents of Environmental Impact Reports) (Sections 15120 through 15132), and Section 15161 (Project EIR).

The purpose of this EIR is to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to avoid or lessen the Project’s potentially significant effects. This EIR addresses the Project’s environmental effects, in accordance with *CEQA Guidelines* Section 15161. As referenced in *CEQA Guidelines* Section 15121(a), the primary purposes of this EIR are to:

- Inform decision-makers and the public generally of the significant environmental effects of a project;
- Identify possible ways to minimize the significant effects of a project; and
- Describe reasonable alternatives to a project.

The mitigation measures that are specified shall be adopted as conditions of approval to minimize the significance of impacts resulting from the Project. In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation monitoring program for the Project.

The City (which has the principal responsibility of processing and approving the Project) and other public agencies (i.e., responsible and trustee) that may use this EIR in the decision-making or permit process will consider the information in this EIR, along with other information that may be presented during the CEQA process. Environmental impacts are not always mitigatable to a level considered less than significant; in those cases, impacts are considered significant and unavoidable impacts. In accordance with *CEQA Guidelines* Section 15093(b), if a public agency approves a project that has



significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the Lead Agency must state in writing the specific reasons for approving the project, based on the Final EIR and any other information in the public record for the project. *CEQA Guidelines* Section 15093 requires a “statement of overriding considerations” where the Lead Agency specifies the findings and public benefits for the project that outweigh the impacts.

This EIR analyzes the Project’s environmental effects to the degree of specificity appropriate to the current proposed actions, as required by *CEQA Guidelines* Section 15146. The analysis considers the activities associated with the Project to determine the short- and long-term effects associated with their implementation. This EIR discusses the Project’s direct and indirect impacts, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

2.2 COMPLIANCE WITH CEQA

PUBLIC REVIEW OF DRAFT EIR

In accordance with Sections 15087 and 15105 of the *CEQA Guidelines*, this Draft EIR will be circulated for a minimum 45-day public review period, beginning on July 10, 2019. Interested agencies and members of the public are invited to comment in writing on the information contained in this document. Persons and agencies commenting are encouraged to provide information that they believe is missing from the Draft EIR and to identify where the information can be obtained. All comment letters received before the close of the public review period will be responded to in writing, and the comment letters, together with the responses to those comments, will be included in the Final EIR.

Comment letters should be sent to:

City of Stanton
7800 Katella Avenue
Stanton, California 90680
Attn: Ms. Kelly Hart, Community and Economic Development Director
khart@ci.stanton.ca.us

CERTIFICATION OF THE FINAL EIR

Pursuant to *CEQA Guidelines* Section 15132, Contents of Final Environmental Impact Report, the Final EIR will consist of:

- a) The Draft EIR or a revision of the Draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The Lead Agency’s responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.



Additionally, pursuant to *CEQA Guidelines* Section 15088, Evaluation of and Response to Comments, after the Final EIR is completed, and at least ten days prior to the certification hearing, a copy of the response to comments made by public agencies on the Draft EIR will be provided to the commenting agencies.

PROJECT CONSIDERATION

After Final EIR certification, the City Council may consider approval of the Project. A decision to approve the Project would be accompanied by specific, written findings, in accordance with *CEQA Guidelines* Section 15091, and if required, a specific written statement of overriding considerations, in accordance with *CEQA Guidelines* Section 15093.

2.3 INITIAL STUDY/NOTICE OF PREPARATION/ EARLY CONSULTATION (SCOPING)

In compliance with the *CEQA Guidelines*, the City has provided opportunities for various agencies and the public to participate in the environmental review process. During Draft EIR preparation, efforts were made to contact various Federal, State, regional, and local government agencies and other interested parties to solicit comments on the scope of the review in this document. This included the distribution of an Initial Study and Notice of Preparation (NOP) to various responsible agencies, trustee agencies, and interested parties.

In addition, a public scoping meeting was held on April 1, 2019 at 10:00 a.m. at Stanton City Hall Council Chambers, 7800 Katella Avenue, Stanton, California 90680. The scoping meeting's purpose was to:

- Inform the public of the Project and the City's intent to prepare an EIR;
- Present an overview of the CEQA EIR process;
- Review the topics to be addressed in the EIR; and
- Receive public comments on issues of concern and environmental topics to be addressed in the EIR.

Pursuant to *CEQA Guidelines* Section 15082, as amended, the City circulated an Initial Study and NOP directly to public agencies (including the State Clearinghouse Office of Planning and Research), special districts, and members of the public who had requested such notice. The Initial Study and NOP (State Clearinghouse No. 2019039134) were distributed on March 22, 2019, with the 30-day public review period concluding on April 22, 2019. The purpose of the NOP was to formally announce the preparation of a Draft EIR for the Project, and that, as the Lead Agency, the City was soliciting input regarding the scope and content of the environmental information to be included in the EIR. The Initial Study and NOP provided preliminary information regarding the anticipated range of impacts to be analyzed within the EIR. The Initial Study, NOP, and comment letters received are provided as [Appendix 11.1, Initial Study/Notice of Preparation and Comment Letters](#), and have been addressed in each appropriate topical area of this EIR as referenced below. The NOP comments included the following:

- The Native American Heritage Commission (NAHC) provided information and procedures regarding Assembly Bill 52 and Senate Bill 18 and how they apply to the proposed Project. The NAHC also provided recommendations on preparing cultural resources assessments.



Cultural and tribal cultural resources impacts related to the Project are detailed in Section 5.1, *Tribal and Cultural Resources* and Appendix 11.2, *Cultural/ Paleontological Resources Assessment*.

- The South Coast Air Quality Management District (SCAQMD) provided information regarding considerations and methodologies for air quality analysis and health risk assessments and provides resources for potential mitigation measures. Should the EIR determine that the Project results in significant and unavoidable air quality impacts, the SCAQMD requests consideration of a reasonable range of potentially feasible alternatives. The SCAQMD acknowledged that the Project may require a permit and provides additional information on the SCAQMD permit process, and also recommended review of applicable legislation regarding the construction of school facilities. The air quality analysis for the Project can be found in Section 5.5, *Air Quality*, and Appendix 11.4, *Air Quality/ Greenhouse Gas Analysis*.
- The Orange County Fire Authority (OCFA) provided a list of several codes and regulations related to fire safety that are applicable to the proposed Project, including those related to automatic fire sprinkler systems, adequate water supply and fire flow, and minimum fire apparatus and OCFA personnel access on-site as required under the California Building Code, California Fire Code, and OCFA Guidelines. The Project's potential impacts to fire protection services is detailed in Section 5.9, *Public Services and Utilities*.
- The Orange County Transportation Authority (OCTA) encouraged the inclusion of short- and/or long-term bicycle parking and bicycle facilities for residents and guests. The Project does not propose short- or long-term bicycle parking facilities on-site. However, potential Project impacts to existing and planned bicycle facilities in the Site vicinity are detailed in Section 5.4, *Transportation*.
- The Kennedy Commission recommended the City provide meaningful outreach to existing residents and stakeholders, to discuss the Project timeline and potential impacts to existing residents, provide details regarding the relocation process, and provide affordable rents for low- and extremely low-income residents. Details regarding the Project's affordability is provided in Section 3.0, *Project Description*, and the Project's potential impacts on displaced residents and residences as well as the relocation process is provided in Section 5.8, *Population Housing, and Employment*.
- The California Department of Transportation (Caltrans) provided comments related to regional access to the Site, current Caltrans projects in the Site vicinity, stormwater runoff into Caltrans right-of-ways (ROWs) and required compliance with the Caltrans National Pollutant Discharge Elimination System (NPDES) Storm Water Permit; potential Project impacts to bicycle and pedestrian facilities; and potential safety issues for students attending Walter Elementary School just south of the Site. Caltrans requested that Interstate 5 be included in the Project's Traffic Impact Analysis, as well as consideration of several Caltrans projects in the Site vicinity. The agency also requested a copy of the Traffic Impact Analysis for review. Additionally, the letter provided details regarding Caltrans' Encroachment Permits procedure should the Project encroach into Caltrans ROW during construction. Refer to Section 5.4 and Appendix 11.3, *Traffic Impact Analysis* for details regarding the Project's potential impacts to transportation and circulation, and to Section 5.2, *Hydrology and Water Quality*, regarding stormwater runoff and Project compliance with NPDES requirements.



- OC Public Works provided information regarding local and regional Orange County Flood Control District's (OCFCD) facilities in the Site vicinity including tributaries and storm drain channels. The comment requested the EIR analyze the Project's hydrology and hydraulic impacts on OCFCD's existing facilities and to include appropriate mitigation measures as needed. OC Public Works also requested the City review and approve all local hydrology and hydraulic analyses, including the need for 100-year flood protection for new development and conformance to local floodplain ordinances should structures be placed within floodplains. Additionally, the letter provided details regarding OC Public Works' Encroachment Permits procedure should the Project encroach into OCFCD ROW during construction. Refer to [Section 5.2](#) regarding potential Project impacts related to hydrology, flood flow, and stormwater runoff.

2.4 FORMAT OF THE EIR

The Draft EIR is organized into the following sections:

- [Section 1.0, *Executive Summary*](#), provides a brief Project description and summary of the environmental impacts and mitigation measures.
- [Section 2.0, *Introduction and Purpose*](#), provides CEQA compliance information.
- [Section 3.0, *Project Description*](#), provides a detailed Project description indicating Project location, background, and history; Project characteristics, phasing, and objectives; as well as associated discretionary actions required.
- [Section 4.0, *Basis of Cumulative Analysis*](#), describes the approach and methodology for the cumulative analysis.
- [Section 5.0, *Environmental Analysis*](#), contains a detailed environmental analysis of the existing conditions, existing regulatory setting, potential Project impacts, potential cumulative impacts, applicable standard conditions of approval, recommended mitigation measures, and significant unavoidable impacts (if any) for the following environmental topic areas:
 - Tribal and Cultural Resources;
 - Hydrology and Water Quality;
 - Hazards and Hazardous Materials;
 - Transportation;
 - Air Quality;
 - Greenhouse Gas Emissions;
 - Noise;
 - Population, Housing, and Employment;
 - Public Services and Utilities; and
 - Energy.
- [Section 6.0, *Other CEQA Considerations*](#), discusses long-term implications of the proposed action. Irreversible environmental changes that would be involved in the proposed action, should it be implemented, are considered. The Project's growth-inducing impacts, including the potential for population growth are also discussed.



- Section 7.0, *Alternatives to the Proposed Project*, describes a reasonable range of alternatives to the Project or its location that could avoid or substantially lessen the Project's significant impact and still feasibly attain the basic Project objectives.
- Section 8.0, *Effects Found Not To Be Significant*, explains potential impacts that have been determined not to be significant and which were scoped out of detailed analysis in this EIR.
- Section 9.0, *Organizations and Persons Consulted*, identifies all Federal, State, and local agencies, other organizations, and individuals consulted.
- Section 10.0, *Bibliography*, identifies reference sources for the EIR.
- Section 11.0, *Appendices*, contains the Project's technical documentation.

2.5 RESPONSIBLE AND TRUSTEE AGENCIES

Certain projects or actions undertaken by a Lead Agency require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Such other agencies are referred to as Responsible Agencies and Trustee Agencies. Pursuant to *CEQA Guidelines* Sections 15381 and 15386, as amended, Responsible Agencies and Trustee Agencies are respectively defined as follows:

- "Responsible Agency" means a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term "responsible agency" includes all public agencies other than the Lead Agency that have discretionary approval power over the project. (Section 15381)
- "Trustee Agency" means a State agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California. Trustee Agencies include: The California Department of Fish and Wildlife, The State Lands Commission, The State Department of Parks and Recreation, and The University of California with regard to sites within the Natural Land and Water Reserves System. (Section 15386)

Responsible and Trustee Agencies and other entities that may use this EIR in their decision-making process or for informational purposes include, but may not be limited to, the following:

- Santa Ana Regional Water Quality Control Board; and
- South Coast Air Quality Management District.

2.6 INCORPORATION BY REFERENCE

Pertinent documents relating to this EIR have been cited in accordance with *CEQA Guidelines* Section 15150, which encourages incorporation by reference as a means of reducing redundancy and the length of environmental reports. The following documents are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized for each section of this EIR. These documents are available for review at the City of Stanton Community and Economic Development Department, Planning Division, located at 7800 Katella Avenue, Stanton, California, 90680.



- City of Stanton General Plan (adopted September 23, 2008). The *City of Stanton General Plan* (General Plan) provides a general, comprehensive, and long-range guide for community decision-making. The General Plan is organized into seven chapters, or topic areas that contain the mandatory elements as well as optional elements: Community Development; Community Design; Economic Development; Infrastructure and Community Services; Community Health and Safety; Housing; and Regional Coordination. Each of these chapters presents an overview of its scope, summary of conditions, key issues, and planning goals, strategies, and actions. Goals and strategies of the General Plan are applicable to all lands within the City's jurisdiction. The General Plan was utilized throughout this document as the fundamental planning document governing development at the Site. Background information and policy information from the General Plan is cited in several sections of this document.
- Stanton Municipal Code (current through Ordinance 1074 and the January 2018 code supplement). The *Stanton Municipal Code* (Municipal Code) consists of regulatory, penal, and administrative ordinances of the City. It is the method the City uses to implement control of land uses, in accordance with General Plan goals and strategies. Municipal Code Title 20, Zoning, encompasses the City's Zoning Code, which carries out the General Plan strategies by classifying and regulating the uses of land and structures within the City. The Zoning Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City.



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3.0 Project Description

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3.0 PROJECT DESCRIPTION

3.1 PROJECT LOCATION AND SETTING

3.1.1 PROJECT LOCATION

The City of Stanton (City) is located in the northwestern portion of Orange County; refer to [Exhibit 3-1, *Regional Vicinity*](#). The City comprises approximately three square miles and is bordered by the cities of Anaheim to the north and east, Garden Grove to the south and west, and Cypress to the west.

The proposed Tina-Pacific Neighborhood Development Plan Project (Project) is generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue. More specifically, the 10.27-acre Project site (Site) is bounded by Tina Way to the north, Magnolia Avenue to the east, an alleyway south of Pacific Avenue to the south, and Sherrill Street to the west; refer to [Exhibit 3-2, *Site Vicinity*](#). The Site encompasses 40 parcels as well as portions of two public streets (Tina Way and Pacific Avenue) and two alleyways. Regional access to the Site is provided via State Route 22 (SR-22) via the Beach Boulevard and Magnolia Avenue off-ramps, and Interstate 5 (I-5) via the Magnolia Avenue off-ramp. Local access to the Site is provided by Tina Way, Pacific Avenue, and two alleyways off Magnolia Avenue.

3.1.2 PROJECT SETTING (EXISTING CONDITIONS)

The Site is located in a developed and urbanized area of Stanton and is currently developed with 28 four-plex apartment buildings comprised of 112 residential units, the Illuminations Foundation Children's Resource Center (operated by the Second Harvest Food Bank of Orange County, Inc.), a community garden, and several vacant lots. Of the 112 residential units, 110 are currently occupied. Most of the vacant lots on-site are utilized as informal parking areas for neighborhood residents and one vacant lot has a portable building owned by the Illuminations Foundation for the intended extended operation of the Children's Resource Center; refer to [Exhibit 3-2](#).

Based on the *City of Stanton General Plan* (General Plan) Land Use Map and the City's Zoning Map, the Site is both designated and zoned High Density Residential. The General Plan intends High Density Residential areas for the development of multi-family residential neighborhoods that provide a variety of housing types, with particular emphasis on ownership, and with provision for affordable housing. Densities range from 11.1 to 18 dwelling units per acre with an allowed density bonus of up to 35 percent (above the 18 dwelling units per acre) if developments provide affordable housing for low- and moderate-income households.

According to the City's Zoning Code, the High Density Residential (RH) zone is intended for a variety of multi-family attached housing types as well as accessory structures and uses, primarily located on larger lots along arterial highways. The RH zone may also allow nonresidential uses that complement and serve the immediate neighborhood, including schools, parks, libraries, and public facilities. Quasi-residential uses (e.g., convalescent hospitals, supportive housing, and transitional housing) are also allowed. In accordance with the General Plan Housing Element *Residential Land Resources Appendix* and California Government Code Section 65583.2, properties in the RH zone may be developed at a net density of thirty dwelling units per acre or greater in order to meet lower income growth needs.



Source: Google Earth Pro, 2018.

- Project Site

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TINA-PACIFIC NEIGHBORHOOD DEVELOPMENT PLAN PROJECT
ENVIRONMENTAL IMPACT REPORT

Site Vicinity

Exhibit 3-2



SURROUNDING LAND USES

Surrounding land uses include a mixture of commercial and residential uses as well as utility and railroad easements. More specifically, land uses surrounding the Site are as follows; refer to Exhibit 3-2:

- North: Tina Way bounds the Site to the north with single-family residences, designated Low Density Residential and zoned Single-Family Residential (RL) to the north of Tina Way.
- East: Magnolia Avenue bounds the Site to the east with commercial uses, designated General Commercial and zoned Commercial Neighborhood Zone (CN), along the east side of Magnolia Avenue. A small area to the east of the Magnolia Avenue and Pacific Avenue intersection is located within the City of Anaheim jurisdiction and includes single-family residences designated Low Density Residential under the *City of Anaheim General Plan Land Use Plan* and zoned Single-Family Residential (RS-1) under the *City of Anaheim Zoning Map*.^{1,2}
- South: A Southern California Edison (SCE) utility easement, designated and zoned Open Space (OS), is located to the south of the Site and is currently used as a nursery. Further south of the nursery are railroad tracks associated with the Union Pacific Railroad (UPRR).
- West: Sherrill Street and a portion of the SCE utility easement bound the Site to the west with single-family residences designated Low Density Residential and zoned RL west of Sherrill Street, and the SCE easement further west designated Public/Institutional and zoned Industrial General (IG) Zone.

3.2 BACKGROUND AND HISTORY

The original residential neighborhood was built in 1963 and consisted of 40 four-plex apartment buildings, with a four-car garage for each four-plex, and one single-family residence used as a caretaker's home. The development was operated as one large apartment complex under one property management company. In the 1970s, the complex was subdivided and each four-plex building was converted into individual parcels, creating 40 total parcels. Over time, the development began to deteriorate to a point where the neighborhood accounted for over 15 percent of police calls for service for the entire City.

In 2009, due to the deteriorated and blighted state of the neighborhood, and the significant calls for service, the Stanton City Council authorized the initiation of property acquisitions within the neighborhood in preparation for a future redevelopment project. From 2009 to 2012, the Stanton Redevelopment Agency purchased 25 of the 40 parcels in the neighborhood utilizing a mixture of low- and moderate-income housing funds and bond monies. Of the 25 parcels, the City relocated tenants from 12 properties and demolished the apartment complexes. In 2011, AB1X 26 was passed and upheld by the California Supreme Court to dissolve all redevelopment agencies in the State. As such, the Stanton Redevelopment Agency was dissolved, and the redevelopment of the Site was put on hold until such time when alternative funding sources could be identified. The City ceased

¹ City of Anaheim, *Zoning Title 18 Map*, adopted June 8, 2004, amended July 19, 2018, <https://www.anaheim.net/DocumentCenter/View/1871/Zoning-Map?bidId=>, accessed November 29, 2018.

² City of Anaheim, *General Plan Land Use Plan*, adopted May 25, 2004, revised June 12, 2018, http://www.anaheim.net/DocumentCenter/View/9519/Z0-GeneralPlan_24x55_Map?bidId=, accessed December 14, 2018.



purchasing properties and continues to maintain the remaining 13 acquired properties and its residents.

Additional funding for the proposed Project was identified with the recent sale of a property owned by the Stanton Housing Authority property, successor to the Stanton Redevelopment Agency for housing related activities. The Stanton Housing Authority has partnered with a developer to complete the acquisition of the remaining 15 parcels, relocate all remaining tenants, and develop a 161-unit affordable housing development.

3.3 PROJECT CHARACTERISTICS

3.3.1 PROJECT DESCRIPTION

The proposed Project involves constructing a 161-unit multi-family affordable housing development. To do so, the City is proposing to acquire the 15 remaining properties on-site; relocate all existing tenants; demolish all structures and existing street improvements; and vacate the two public roadways (Tina Way and Pacific Avenue) and two alleyways on-site. In addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a preschool facility and additional recreational facilities. These two development scenarios are described below and illustrated on Exhibits 3-3a, *Development Scenario One (Proposed Project Without Preschool)*, and 3-3b, *Development Scenario Two (Proposed Project With Preschool)*.

DEVELOPMENT SCENARIO ONE (PROPOSED PROJECT WITHOUT PRESCHOOL)

Phase I

Phase I encompasses 6.1 acres of the eastern portion of the Site closer to Magnolia Avenue. Development of Phase I would involve constructing an 83-unit residential development, consisting of 50 two-bedroom units (one of which would be occupied by an on-site property manager) and 33 three-bedroom units rented to low-income households; refer to Exhibit 3-3a. All buildings would have a maximum building height of two stories.

All dwelling units are proposed to be restricted, pursuant to the California Department of Housing and Community Development (HCD) or California Tax Credit Allocation Committee (TCAC), whichever is more restrictive, to the following affordability levels: (i) 21 units restricted at 30 percent HCD/TCAC Area Median Income (AMI), (ii) 9 units restricted at 45 percent HCD/TCAC AMI, (iii) 33 units restricted at 50 percent HCD/TCAC AMI, and (iv) 19 units restricted at 60 percent HCD/TCAC AMI. One on-site property manager unit would be provided free of charge.

Phase II

Phase II of the Project encompasses approximately 4.1 acres of the western portion of the Site. Development of Phase II would involve constructing a 78-unit residential development, consisting of 54 two-bedroom units and 24 three-bedroom units. All structures would have a maximum building height of two stories.



The dwelling units are proposed to be restricted to the following affordability levels: (i) 20 units restricted at 30 percent HCD/TCAC AMI, (ii) 8 units restricted at 45 percent HCD/TCAC AMI, (iii) 31 units restricted at 50 percent HCD/TCAC AMI, and (iv) 18 units restricted at 60 percent HCD/TCAC AMI. Similar to the Phase I development, one on-site property manager unit would be provided free of charge. This second phase would be integrated into Phase I of the Project as one cohesive livable community; refer to [Exhibit 3-3a](#). In order to consolidate both phases of the Project, the City is proposing street vacations of Pacific Avenue and Tina Way and the two alleyways. [Table 3-1, *Proposed Residential Phases*](#), summarizes the proposed unit types and count by phase.

**Table 3-1
Proposed Residential Phases**

Phase	Dwelling Units
Phase I	
Unit 1 (Stacked Flat; two-bedroom)	50
Unit 2 (Stacked Flat; three-bedroom)	33
<i>Subtotal</i>	83
Phase II	
Unit 1 (Stacked Flat; two-bedroom)	54
Unit 2 (Stacked Flat; three-bedroom)	24
<i>Subtotal</i>	78
Total	161

The Project would be required to comply with common open space requirements detailed in *Stanton Municipal Code* (Municipal Code) Section 20.420.050(e). As stated in Section 20.420.050(e), multi-family developments with 12 or more dwelling units are required to provide 30 percent of the total site area for usable open space for passive and active recreational uses. Thirty percent of the total Site area is approximately 134,208 square feet. In compliance with Municipal Code Section 20.420.050(e), the proposed development would provide at least 134,208 square feet of common open space, including a community center located in the center of the Site, two tot lots, and several landscaped pedestrian walkways between the proposed residential buildings to meet the City's common open space requirements.

DEVELOPMENT SCENARIO TWO (PROPOSED PROJECT WITH PRESCHOOL)

Development Scenario Two would include the same number of affordable housing units, at the same affordability levels and constructed in the same two phases as Development Scenario One. In addition, the community center located in the center of the Site, two tot lots, and landscaped pedestrian walkways between the proposed residential buildings would also be constructed and provide the required minimum of 134,208 square feet of common open space under Municipal Code Section 20.420.050(e).

However, if funding is available, the Project would also include a 2,300-square foot preschool facility, one additional tot lot along Magnolia Avenue, and a community pool in the center of the Site under Phase I. Priority to the preschool facility would be given to on-site residents with any additional capacity open to neighboring residents within the Magnolia Union Elementary School District.



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ENVIRONMENTAL IMPACT REPORT

Development Scenario One (Proposed Project Without Preschool)

Exhibit 3-3a



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07/19 JN 170136

TINA-PACIFIC NEIGHBORHOOD DEVELOPMENT PLAN PROJECT
ENVIRONMENTAL IMPACT REPORT

Development Scenario Two (Proposed Project With Preschool)

Exhibit 3-3b



LANDSCAPING

Exhibit 3-4, *Conceptual Landscape Plan*, illustrates the proposed landscaping on-site for the Project, with or without the preschool and additional recreational facilities. The landscaping would include several varieties of trees, shrubs, grasses, groundcover, and vines throughout the Site. Tree species include Australian willow, California sycamore, coastal and southern live oak, date palms, Chilean mesquite, bailey acacia, eucalyptus, Mexican and western redbud, and Italian cypress, among others. These plants are planned along Magnolia Avenue and Sherrill Street and building and Site perimeters, at the main entry, in the center of the entryway roundabout, in common open space areas, along pedestrian walkways, and in parking areas. Permanent automatic irrigation systems would be installed in all landscaped areas on-site, and all proposed landscaped areas would conform to the City's landscape standards and requirements per Municipal Code Chapter 20.315, *Landscaping Standards*. The landscaped areas would be maintained by the property owner.

SITE ACCESS

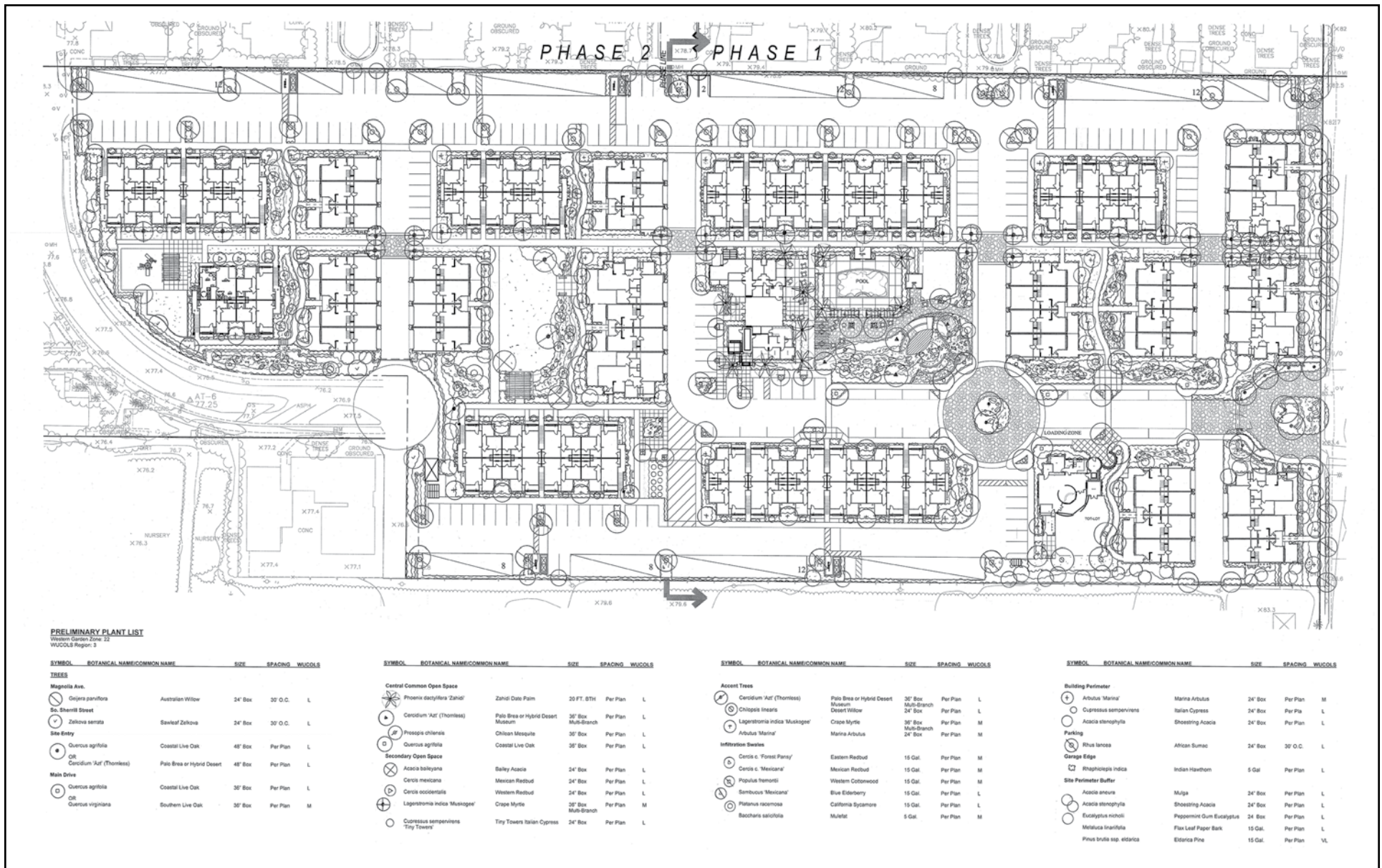
Vehicular access to the Project, both with and without the preschool and additional recreational facilities, would be provided from one main gated entry along Magnolia Avenue. One gated egress-only point would be constructed at the northwest corner of the Site towards Sherrill Street. Emergency vehicle access would be provided via a gated entryway at the northeast corner of the Site along Magnolia Avenue as well as two gated egress points at the southwest corner of the Site; refer to Exhibits 3-3a and 3-3b.

PARKING

Municipal Code Section 20.320.030, *Number of Off-Street Parking Spaces Required*, details the number of parking spaces required for various uses, including the proposed multi-family use. However, as a multi-family development with 100 percent restricted affordable units, the Project qualifies for by-right parking incentives per Municipal Code Section 20.330.040, *Concessions and/or Incentives*. Table 3-2, *Required and Proposed Parking Spaces*, details the required and proposed parking spaces for the Project based on Municipal Code Sections 20.320.030 and 20.330.040.

Table 3-2
Required and Proposed Parking Spaces

Unit Type	Required Parking Standard ¹	Required Parking Spaces		By-right Reduced Parking Requirement Incentive ²	Proposed Parking Spaces			
					Phase I		Phase II	
		Phase I	Phase II		Resident	Guest	Resident	Guest
Studio	1 space	--	--	1 space	--	--	--	--
1 Bedroom	2 spaces	--	--		--	--	--	--
2 Bedroom	2.75 spaces	138	149	2 spaces	166	20	156	12
3 Bedroom	3.5 spaces	116	84					
4+ Bedroom Units	4 spaces and 0.5 spaces per additional bedroom	--	--	2.5 spaces	--	--	--	--
Every 3 Units	1 guest parking	28	26	--	--	--	--	--
Total		487 residential and 54 guest spaces			322 residential and 32 guest spaces			
Sources:								
¹ City of Stanton, <i>Stanton Municipal Code</i> Section 20.320.030, Number of Off-Street Parking Spaces Required.								
² City of Stanton, <i>Stanton Municipal Code</i> Section 20.330.040, Concessions and/or Incentives.								



Source: Site Design Studio, Inc., May 2016

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ENVIRONMENTAL IMPACT REPORT
Conceptual Landscape Plan

Exhibit 3-4



As shown in Table 3-2, the by-right parking incentives would reduce the Project's required parking. Phase I of the Project would develop 83 two- and three-bedroom units, which would require 166 spaces, and Phase II would develop 78 two- and three-bedroom units that would require 156 spaces. In addition, Phase I and II would provide 20 and 12 additional guest parking spaces, respectively. Overall, the Project would provide 322 on-site residential parking spaces and 32 guest spaces (an additional 32 spaces than required).

Should Development Scenario Two (Proposed Project With Preschool) be developed, a preschool facility would be constructed as part of Phase I. Under Municipal Code Section 20.320.030, a preschool facility is considered 'Daycare Center' and would require one space per two employees with a minimum of three spaces and one space per 10 children based on facility capacity. Parking required under the Municipal Code would be provided on-site adjacent to the preschool facility.

UTILITIES AND SERVICES

The following utilities and services would serve the Site:

- Water. Similar to existing conditions, the Golden State Water District (GSWD) West Orange County System would continue to provide water services to the proposed Project. GSWD's water supplies consist predominantly of groundwater pumped from the Orange County Groundwater Basin and imported water from the Colorado River Aqueduct and State Water Project distributed by the Metropolitan Water District of Southern California.
- Sewer. The City's Public Works Department would continue to provide sanitary sewer services to the Site for collection and delivery to one of two wastewater treatment facilities operated by the Orange County Sanitation District in Fountain Valley and Huntington Beach.
- Drainage. Storm drain facilities are owned and maintained by the City's Public Works Department. Under existing conditions, stormwater runoff is collected via existing curbs and gutters along Tina Way and Pacific Avenue. Similarly, the proposed neighborhood would utilize existing curbs and gutters in adjacent roadways for stormwater runoff collection.

PROPERTY ACQUISITION AND TENANT RELOCATION PROCESS

As part of the Project, the City is proposing to acquire the 15 remaining non-City-owned parcels on-site and relocate all existing tenants. Voluntary relocation of all tenants is anticipated but there may be a need for eminent domain. The property acquisition and tenant relocation process would occur as part of the Project.

3.4 GOALS AND OBJECTIVES

Pursuant to *CEQA Guidelines* Section 15124(b), the EIR project description must include "[a] statement of objectives sought by the proposed project...The statement of objectives should include the underlying purpose of the project." The following Project objectives are established for the proposed Project:

1. Provide affordable housing within Stanton that would help the City meet Regional Housing Needs Allocation (RHNA) requirements detailed in the *City of Stanton 2014-2021 Housing Element*;



2. Redevelop the blighted neighborhood as proposed by the Stanton Redevelopment Agency prior to its dissolution;
3. Develop a well-designed residential community with attractive and unifying architecture, recreational facilities, outdoor spaces, and landscaping; and
4. Provide existing residents on-site with tenant relocation assistance as required by State law.

3.5 PHASING/CONSTRUCTION

As detailed above, the Project would be developed in two phases: Phase I would construct an 83-unit development and Phase II would construct a 78-unit development; refer to Exhibit 3-3. Phase I is anticipated to be constructed over a period of 12 months, beginning December 2020 through November 2021. Construction of Phase II would occur at a later date when adequate financing and funding is secured, which is anticipated to occur in December 2021 at the earliest. If additional funding for provision of the preschool and additional recreational facilities is secured, those would be constructed as part of Phase I. At that time, Phase II would be constructed over a period of 12 months, beginning December 2021 through November 2022. Earthwork would be balanced on-site and would not require any import or export of materials.

3.6 AGREEMENTS, PERMITS, AND APPROVALS

The City of Stanton is the Lead Agency for the Project and has discretionary authority over the Project proposal. Agreements, permits, and approvals requested as part of the Project include:

- Certification of the Environmental Impact Report;
- Precise Plan of Development;
- Tentative Tract Map;
- Street Vacation;
- Conditional Use Permit;
- Density Bonus Concession;
- Project-specific Relocation Plan; and
- Issuance of applicable Grading and Building Permits.

In addition, the following permits/approvals may be required of Responsible and Trustee agencies:

- NPDES Construction General Permit and Operations Permit – Santa Ana Regional Water Quality Control Board; and
- Construction Permit – South Coast Air Quality Management District.



4.0 Basis of Cumulative Analysis

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4.0 BASIS OF CUMULATIVE ANALYSIS

CEQA Guidelines Section 15355 provides the following definition of cumulative impacts:

“Cumulative impacts” refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

Pursuant to *CEQA Guidelines* Section 15130(a), cumulative impacts of a project shall be discussed when they are “cumulatively considerable,” as defined in *CEQA Guidelines* Section 15065(a)(3). Section 5.0, *Environmental Analysis*, of this EIR assesses cumulative impacts for each applicable environmental issue and does so to a degree that reflects each impact’s severity and likelihood of occurrence.

As indicated above, a cumulative impact involves two or more individual effects. Per *CEQA Guidelines* Section 15130(b), the discussion of cumulative impacts shall be guided by the standards of practicality and reasonableness, and should include the following elements in its discussion of significant cumulative impacts:

1. *Either:*
 - A. *A list of past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the Agency, or*
 - B. *A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projects may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.*
2. *When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.*
3. *Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.*
4. *A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available; and*
5. *A reasonable analysis of the cumulative impacts of the relevant projects, including examination of reasonable, feasible options for mitigating or avoiding the project’s contribution to any significant cumulative effects.*

This EIR evaluates the Project’s potential cumulative impacts using both the list and summary of projections approaches depending upon which approach is appropriate/relevant for each environmental issue area. The geographic area considered for cumulative impacts varies depending



on the environmental issue area. For example, the Project's operational effects have geographic scopes that are global (such as greenhouse gases, addressed in [Section 5.6, *Greenhouse Gas Emissions*](#)), regional (such as air quality, addressed in [Section 5.5, *Air Quality*](#)), and local (such as noise, addressed in [Section 5.7, *Noise*](#)).

[Table 4-1, *Cumulative Projects List*](#), and [Exhibit 4-1, *Cumulative Projects Map*](#), identify the related projects and other possible development in the area determined as having the potential to interact with the Project to the extent that a significant cumulative effect may occur. The following list of past, present, and probable future projects was developed based on data provided by the City and known development in the cities located in the Site vicinity as of the date of the Notice of Preparation (March 22, 2019). The implementation of each project represented in [Table 4-1](#) was determined to be reasonably foreseeable.

**Table 4-1
Cumulative Projects List**

Map No. ¹	Project Name (Description)/Location ²	Land Use	Buildout ²	Status
City of Stanton				
1	Stanton Plaza (11382, 11430, 11462 Beach Boulevard)	Retail; Fast Casual Restaurant; Wendy's; Arco	3 acres	Approved 11/16/2016; Under construction
2	4,100-SF Retail Center and 850 SF Addition to Existing Warehouse (10580-10600 Beach Boulevard)	Retail; Warehouse	4,950 SF	Approved 3/15/2017; Under construction
3	Village Center Commercial Shopping Center (Beach Boulevard and Garden Grove Boulevard)	Residential; Shopping Center	10 acres	Approved 3/28/2018; Under construction
4	Starbucks (11002 Beach Boulevard)	Commercial	2,100 SF	Approved 10/17/2018; No construction plans submitted
5	1,065-SF Medical Office Building (10441 Magnolia Avenue)	Commercial	1,065 SF	Approved 10/3/2018; No construction plans submitted
6	19,296-SF Warehouse Building (10662 Court Avenue)	Industrial	19,296	Currently under review
City of Garden Grove				
7	Crunch Gym (9822 Katella Avenue)	Commercial	40,704 SF	NA
City of Anaheim				
8	Ball Road Townhomes - DEV2016-00100 (2730 West Ball Road)	Residential	41 DU	Under construction
9	Ball Medical Office - DEV2018-00050 (2551 West Ball Road)	Commercial	4,660 SF	Under construction
10	Lincoln Townhomes AMG - DEV2016-00136 (2726 West Lincoln Avenue)	Residential	34 DU	Under construction



**Table 4-1 [continued]
Cumulative Projects List**

Notes:

1. The cumulative projects list represents projects that are either approved/entitled, under construction, or in process. Projects that are completed are not included in this list. The map number correlates to the numbers on Exhibit 4-1.
2. SF = Square Feet; DU = Dwelling Unit

Sources:

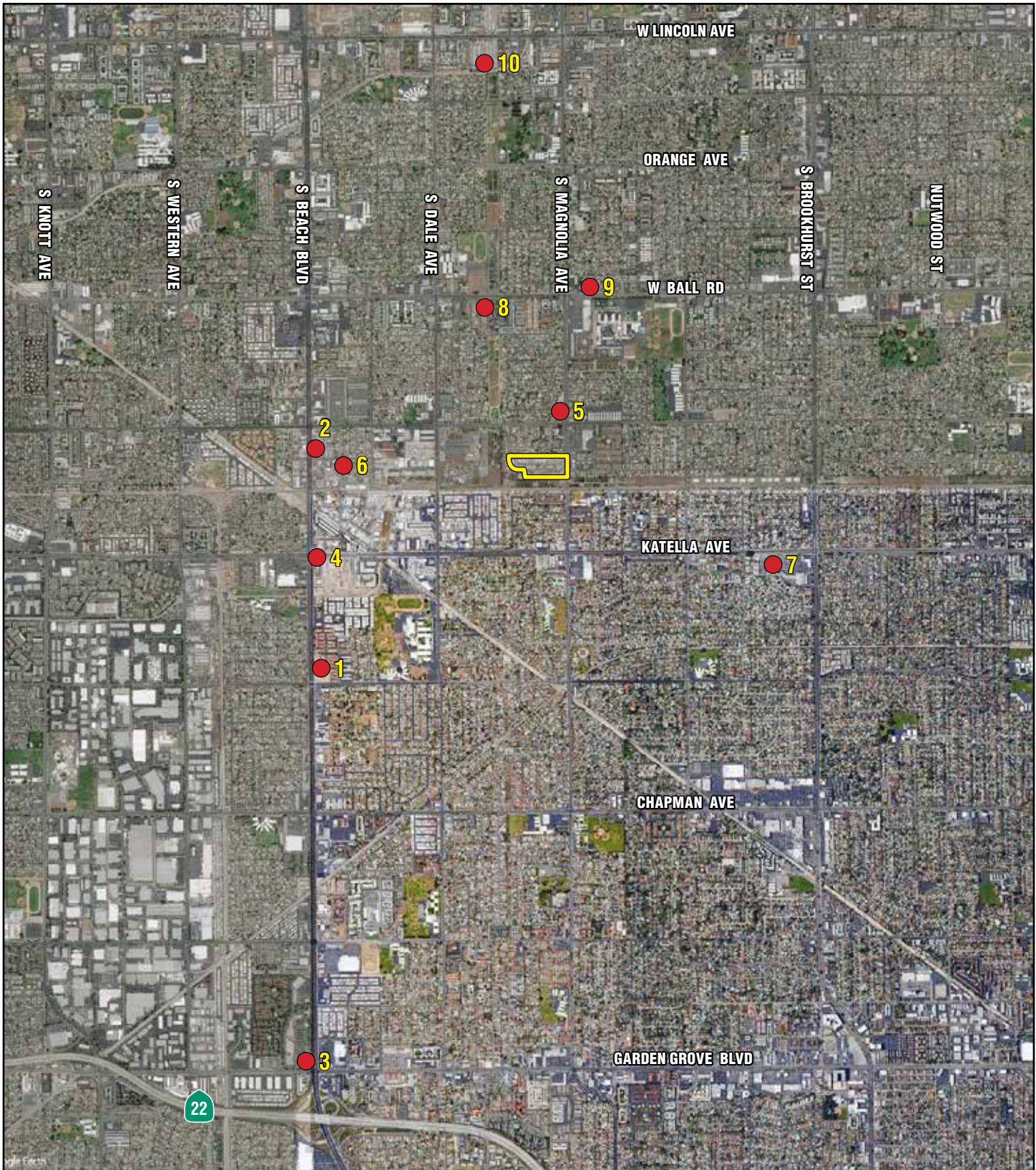
City of Stanton, December 2018.

City of Garden Grove, City of Garden Grove Development Projects Update, December 2018.

City of Anaheim, *Andy's Map Your Guide to What's Going on in the City*,

<https://gis.anaheim.net/portal/apps/webappviewer/index.html?id=8b5f58037979419bb9a9a72e9202837b>, accessed February 15, 2019.

Ganddini Group Inc., *Tina-Pacific Residential Traffic Impact Analysis*, City of Stanton, Table 3, Other Development Trip Generation, page 23, January 8, 2019; Appendix 11.3, Traffic Impact Analysis.



Source: Google Earth Pro, 2019.

- Project Site

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ENVIRONMENTAL IMPACT REPORT

Cumulative Projects Map

Exhibit 4-1



5.0 Environmental Analysis

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5.0 ENVIRONMENTAL ANALYSIS

The following subsections of the EIR contain a detailed environmental analysis of the existing conditions, Project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), required mitigation measures, and significant unavoidable impacts (if any). The EIR analyzes those environmental issue areas where potentially significant impacts may occur, as stated in Appendix 11.1, Initial Study/Notice of Preparation and Comment Letters.

The EIR examines environmental factors outlined in Appendix G of the *CEQA Guidelines, Environmental Checklist Form*, as follows:

- 5.1 Tribal and Cultural Resources;
- 5.2 Hydrology and Water Quality;
- 5.3 Hazards and Hazardous Materials;
- 5.4 Transportation;
- 5.5 Air Quality;
- 5.6 Greenhouse Gas Emissions;
- 5.7 Noise;
- 5.8 Population, Housing, and Employment;
- 5.9 Public Services and Utilities; and
- 5.10 Energy.

The following environmental topical areas have been scoped out in the Initial Study and determined to experience only less than significant impacts.

- *Aesthetics*. The Site is not located near any scenic vistas or State scenic highways. Additionally, Project development would not conflict with the City's zoning regulations governing scenic quality nor would it introduce new substantial sources of light and glare compared to existing conditions.
- *Agriculture and Forestry Resources*. The Site is developed and is not zoned for agriculture, forest land, or timberland. Development of the Project would not result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.
- *Biological Resources*. The Site is located within a developed, urbanized area with no sensitive species, habitat, or natural communities. No wetlands or wildlife corridors are present on-site, and the Project would not conflict with the provisions of any adopted Habitat Conservation Plan or Natural Community Conservation Plan.
- *Land Use and Planning*. The Project would not physically divide an established community and would be consistent with the General Plan and Zoning Code.



- *Mineral Resources.* The Site is not identified as an area with known mineral resources nor is it utilized as a mineral resource recovery site.
- *Recreation.* Due to the amount and variety of open space and recreational amenities provided by the Project, it is not anticipated that Project residents would utilize external parks and recreational facilities in a manner that would substantially deteriorate such facilities. The Project would also pay park facilities in-lieu fees in accordance with Municipal Code Chapter 19.42, *Dedication of Land for Park Facilities and Payment of In-Lieu Fees*.
- *Wildfire.* The Site is not located in or near State responsibility areas nor is it classified as a very high fire hazard severity zone.

These less than significant impacts are not further addressed in this EIR; refer to Appendix 11.1.

As stated in Section 3.0, *Project Description*, the Project proposes a 161-unit affordable housing development. In addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a 2,300-square foot preschool facility, one additional tot lot along Magnolia Avenue, and a community pool in the center of the Site (Development Scenario Two [Proposed Project With Preschool]). Potential Project impacts under either scenario would be similar in most cases. Where impacts would vary, the “worst-case” scenario (i.e., Development Scenario Two [Proposed Project With Preschool]) due to increased buildout intensity) is analyzed and is stated at the introduction to each affected topical area in Section 5.0, *Environmental Analysis*.

Each environmental issue is addressed in a separate section of the EIR and is organized into six sections, as follows:

- “Existing Setting” describes the physical conditions that exist at the present time and that may influence or affect the issue under investigation.
- “Regulatory Setting” lists and discusses the laws, ordinances, regulations, and standards that apply to the Project.
- “Impact Thresholds and Significance Criteria” provides the thresholds that are the basis of conclusions of significance, which are primarily the criteria in Appendix G of the CEQA Guidelines (California Code of Regulations, Sections 15000 – 15387).

Primary sources used in identifying the criteria include the *CEQA Guidelines*; local, State, Federal, or other standards applicable to an impact category; and officially established significance thresholds. “An ironclad definition of significant effect is not possible because the significance of any activity may vary with the setting” (*CEQA Guidelines* Section 15064[b]). Principally, “a substantial, or potentially substantial, adverse change in any of the physical conditions within an area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance” constitutes a significant impact (*CEQA Guidelines* Section 15382).

- “Impacts and Mitigation Measures” describes potential environmental changes to the existing physical conditions that may occur if the Project is implemented. Evidence, based on factual and scientific data, is presented to show the cause and effect relationship between the Project and the potential changes in the environment. The exact magnitude, duration, extent,



frequency, range or other parameters of a potential impact are ascertained, to the extent possible, to determine whether impacts may be significant; all of the potential direct and reasonably foreseeable indirect effects are considered.

Impacts are generally classified as potentially significant impacts, less than significant impacts, or no impact. The “Level of Significance After Mitigation” identifies the impacts that would remain after the application of mitigation measures, and whether the remaining impacts are or are not considered significant. When these impacts, even with the inclusion of mitigation measures, cannot be mitigated to a level considered less than significant, they are identified as “unavoidable significant impacts.”

“Mitigation Measures” are measures that would be required of the Project to avoid a significant adverse impact; to minimize a significant adverse impact; to rectify a significant adverse impact by restoration; to reduce or eliminate a significant adverse impact over time by preservation and maintenance operations; or to compensate for the impact by replacing or providing substitute resources or environment.

- “Cumulative Impacts” describes potential environmental changes to the existing physical conditions that may occur as a result of the Project together with all other reasonably foreseeable past, present, and probable future projects producing related or cumulative impacts.
- “Significant Unavoidable Impacts” describes impacts that would be significant and cannot be feasibly mitigated to less than significant, and thus would be unavoidable. To approve a project with unavoidable significant impacts, the lead agency must adopt a Statement of Overriding Considerations. In adopting such a statement, the lead agency is required to balance the benefits of a project against its unavoidable environmental impacts in determining whether to approve the project. If the benefits of a project are found to outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable” (*CEQA Guidelines* Section 15093[a]).



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5.1 Tribal and Cultural Resources

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5.1 TRIBAL AND CULTURAL RESOURCES

The purpose of this section is to identify existing cultural (including historic and archeological resources) and tribal cultural resources within and around the Site and to assess the significance of such resources. Mitigation measures are recommended, as necessary, to minimize impacts as a result of Project implementation. This section is primarily based upon the *Cultural and Paleontological Resources Assessment, Tina/Pacific Neighborhood Project, City of Stanton, Orange County, California* (Cultural/Paleontological Resources Assessment), prepared by Duke Cultural Resources Management, LLC (Duke CRM), dated March 2019, and the tribal consultation conducted pursuant to Assembly Bill 52; refer to Appendix 11.2, *Cultural/Paleontological Resources Assessment and AB 52 Documentation*.

5.1.1 Existing Setting

NATURAL SETTING

California is divided into 11 geomorphic provinces, each naturally defined by unique geologic and geomorphic characteristics. The Site is located in the northwestern portion of the Peninsular Ranges geomorphic province. The Peninsular Ranges province is distinguished by northwest trending mountain ranges and valleys following faults branching from the San Andreas Fault. The Peninsular Ranges are bound to the east by the Colorado Desert and extend north to the San Bernardino-Riverside county line, west into the submarine continental shelf, and south to the California State line.

The Site is located in the Los Angeles Basin, an actively subsiding basin bound by the Santa Monica and San Gabriel Mountains to the north, the Santa Ana Mountains to the east, and the Palos Verdes Hills to the south. Locally, the Site is located in the Central Block of the Los Angeles Basin, an area characterized by thick alluvial deposits overlying sediments ranging from the Pleistocene to Cretaceous in age. The alluvial deposits in the Site vicinity can reach up to 13,000 feet in thickness. The sediments in the Site vicinity are largely sourced from alluvial deposits from the Santa Ana Mountains or Coyote Hills to the north.

CULTURAL SETTING

Prehistoric Period

The Site is located within the traditional boundaries of the Gabrielino/Tongva Indians. Historically, tribal boundaries were not established definitively and were considered to be fluid, due to either sociopolitical features or a lack of reliable data. The Gabrielino are one of the least known Native American groups in California. Generally, their territory included all of the Los Angeles Basin, parts of the Santa Ana and Santa Monica Mountains, along the coast from Aliso Creek in the south, to Topanga Canyon in the north, and San Clemente, San Nicolas, and Santa Catalina Islands.

The Gabrielino spoke a dialect of the Cupan group of the Takic language family. This language was part of the larger Uto-Aztecan language stock, which migrated west from the Great Basin. The Gabrielino shared this language with their neighbors to the south and east.

Groups of Gabrielino lived in villages that were autonomous from other villages. Each village had access to hunting, collecting, and fishing areas. Villages were typically located in protected coves or



canyons near water. Acorns were the most important food for the Gabrielino, although the types and quantity of different foods varied by season and locale. Other important sources of food were grass and many other seed types, deer, rabbit, jackrabbit, woodrat, mice, ground squirrels, quail, doves, ducks and other fowl, fish, shellfish, and marine mammals.

Typically, women gathered and men hunted, although work tasks often overlapped. Each village had a chief who controlled religious, economic, and warfare authorities. The chief had an assistant and an advisory council who assisted in important decisions and rituals. Each of these positions was hereditary being passed down from generation to generation.

The villages of Hotuuknga and Povuunga are believed to be located in the vicinity surrounding the City of Stanton. Povuunga (Puvunga) is a well-known Gabrieleño village site located at the California State University, Long Beach campus. The village is composed of three archaeological sites: CA-LAN-234, CA-LAN-235, and CA-LAN-306, and it has been associated with the historic location of the Rancho Los Alamitos ranch buildings (Bixby Hill). Hotuuknga is believed to be located along the Santa Ana River in the La Habra/Yorba Linda area. The village was supposedly home to not only Gabrielino peoples, but also Luiseño and Juaneño people.

Historic Period

The first Europeans to explore what would become the State of California was Juan Rodriguez Cabrillo and his expedition in 1542 that sailed along and occasionally landed on the California coast. Europeans are thought to have first visited portions of the interior in 1769, when Gaspar de Portola led an expedition from San Diego to Monterey. Two later expeditions led by Juan Bautista de Anza in 1774 and 1775 from Sonora through southwestern Arizona and southern California crossed the Santa Ana River at Anza Narrows in today's Santa Ana River Regional Park.

The Spanish government subsequently established missions and military outposts in San Diego in 1769 to facilitate colonization of the area and to keep rival European nations out of the area. After Mexico won independence from Spain in 1822, colonization efforts in Alta California decreased. The Spanish mission system was largely abandoned and the Mexican government bestowed land grants or ranchos to those loyal to the Mexican government including some Anglo settlers. The Mexican period (1822-1848) is largely identified with the ranchos acquired by individuals through the land grant system as well as the secularization of the missions. Mission secularization began on July 25, 1826 with a decree by Governor Jose Maria Echeandfa and was completed by 1836 after an additional decree in 1831.

The end of the Mexican period in California began on June 14, 1846 when a band of American settlers supported by the American explorer John C. Fremont and his team captured Mexican General Mariano Guadalupe Vallejo in a dawn raid in Sonoma. The Americans raised a flag for the "California Republic" and their actions became known as the "Bear Flag Revolt." On February 2, 1848, the war between the U.S. and Mexico ended with the signing of the Treaty of Guadalupe Hidalgo, which greatly expanded U.S. territory (including California) and resulted in Mexico being paid \$15 million for the land.

Although gold had been found prior to this in various parts of California, the well-publicized discovery of gold near Sutter's fort in 1848 dramatically increased the Anglo settlement of California. Despite property rights of rancho owners being secured by provisions in the Treaty of Guadalupe Hidalgo, California in the early American period experienced the transfer and subdivision of many of the ranchos as well as a shift from ranching to agriculture as the primary means of subsistence.



After statehood, in 1850, California became a major destination of settlement for Anglo-Americans trying to start a new life from the eastern side of the continent. Between 1850 and 1900, the population of California exploded from approximately 92,597 to 1,485,053 residents. Anglo-American settlers, Asian immigrants, European immigrants, and Hispanic immigrants settled into the Los Angeles Basin with local Californians and Native Americans, changing the area from a ranching economy into an agricultural powerhouse. The citrus industry proved to be massively important to the Californian economy from the mid-19th century into the mid-20th century. This multi-million dollar industry was a major economy for places such as Redlands and Riverside as well as throughout Orange County. Orange County was mainly agricultural until the period after World War II when the combination of a massive industrialization, soldiers returning home from war, and commercialization creating the market for suburban housing development and subsequent intensive urban development. From 1950 to 2010, Orange County became a rapidly urbanized region of California. In 1950, there was a population of 216,224 in Orange County, and by 2010 there were over 3,010,232 residents.

City of Stanton

In 1911, the City of Stanton incorporated to challenge the development of a large sewage farm that the City of Anaheim intended to build in the Stanton vicinity. Then, in 1921, Stanton dis-incorporated to allow the State to build roads through the community. The City did not incorporate again until 1956. In the first half of the 20th century, Stanton was primarily agricultural. Beginning in the mid-20th century, an explosion of industrial, residential and commercial development changed Stanton from a small rural town, to part of the vast Orange County urban environment. The current City consists of three square miles with over 38,305 residents.

CULTURAL RESOURCES

Records Search

A records search for archaeological and historical resources was conducted through the South Central Coastal Information Center (SCCIC), located at the California State University, Fullerton on December 6, 2018. The records search included a half-mile radius surrounding the Site. In addition, the California State Historic Property Data File (HPD), which includes the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Historical Landmarks (CHL), and California Points of Historical Interest (CPHI) were also reviewed. Research materials, including historic maps, previous surveys, planning documents, ordinances, and published local and regional historical accounts were collected and reviewed.

The records search identified three cultural resource reports within one-half mile of the Site. Two of the three reports include a survey area that intersects with the Project boundaries. One cultural resource was previously recorded within one-half mile, although not within the Project boundaries. This resource is the Barre Substation, first constructed by Southern California Edison in 1939. The substation consists of buildings, structures, and utilities for 220 kilovolt (kV) and 66 kV transmission lines that carry electrical power for the northern Orange County region. Although the site record is on file at the SCCIC, there is no primary number assigned to this resource. The Barre Substation has been recommended ineligible for the NRHP, CRHR, or local designation through survey evaluation (Status Code “6Z”). The Barre Substation is still in existence and is located 400 feet west of the Site.



Field Surveys

Field surveys were conducted on December 10 and 11, 2018 for a historic built environment survey and reconnaissance archaeological resources survey. The surveys were performed by walking within and around the Site vicinity, and around existing on-site buildings and residences. Ground visibility within the Site was zero percent due to most of the ground being covered by asphalt, concrete, buildings, and vehicles. Empty lots/parcels were briefly surveyed for any possible archaeological resources or indications of intact native soils. Digital photos were also taken to document the Site conditions.

Historical Resource Findings

During the surveys, one cultural resource was observed, the mid-20th century residential development of the Tina-Pacific Apartments. The Site encompasses all 40 properties that constitute the historic residential development. The apartments are bounded by Tina Way on the north, Magnolia Avenue on the east, an unnamed alley on the south (just north of a transmission line corridor and the Union Pacific Railroad), and Sherrill Street on the west. The historic district was recorded by Duke CRM during the historic built environment survey of the Site; refer to Cultural/Paleontological Resources Assessment Appendix C, *Resource DPR*. The Tina-Pacific Apartments are in good to fair condition with 28 (112 apartments) of the original 40 four-plex apartments remaining. The recreation area, the manager's residence, and eight of the original properties no longer exist. The remaining residences exhibit much of the original character of the historic structures, but over time, modifications to minor elements to the buildings have occurred, including new windows and doors, new siding, and modified concrete block privacy walls, appropriated garden areas, appropriated parking areas.

Tina-Pacific Apartments Historic Evaluation

The Tina-Pacific Apartments were built in 1963. Prior to development, the land was located on two citrus orchards with farmer residences. Filed as Tentative Tract Map 4208, the apartments were located on 50 lots totaling 13.69 acres. However, when the City gave final project approval in July 1962, the number of lots was reduced to 40 and a recreation area on the far western end of the tract was planned. These apartments were originally known as the Magnolia Villas, but the name was changed to the Stanton Apartments, following completion of the dwellings. Each lot was constructed with a one-story, four-unit, "garden-style" apartment building, making 160 apartments within 40 properties. The Rinker Development Corporation, who also owned three other similar apartment complexes in Orange County, acquired the property and developed the tract. The Rinker Development Company would become one of the largest residential and commercial developers and builders in the nation, but in 1973 the property was sold off.

Garden-style apartments were a common architectural style for high density housing in the 1950s and 1960s. Primary characteristics of the garden apartment complex include development of the site as a superblock, separation of automobile and pedestrian traffic, low to medium density and building coverage, standardized building types, and emphasis on open space and park-like landscaping. The primary concept of the garden apartment was the relationship of the unit to the outdoor living area, therefore, garden apartment design varied markedly across the United States. The existing Tina-Pacific Apartments reflect the garden-style ethic, but also incorporates mid-20th century Modernist ideals as well as commercial grade engineering and building materials. Character defining features of each apartment unit include single-story detached units placed on concrete stem wall foundations, low or shallow nearly flat gable roofs with wide eaves, simple square massing, stucco and plywood exterior



cladding with battens, detached garages, and street side patios screened by tall masonry concrete block walls. Each unit is designed with a living room, kitchen, two bedrooms, one bathroom, and a service area off the kitchen area. Access to each unit is provided along the side flanking each concrete block screen wall. Behind each apartment unit, accessed via an alley, are two detached four-car garages with stucco siding and flat roofs.

In the 1970s, the complex was further subdivided into 40 different parcels, each with a four-plex building, and a four-car garage. The recreation complex, located at the west end of Pacific Avenue along the curve leading to its intersection with Tina Way and Sherrill Street, included a “Tahitian” style pool, a large recreation building, paths, lawns, and an outdoor sports area. The entire recreation facility was demolished in the 1980s to make way for single-family homes. This portion of the original tract map is not included in the current proposed Project. Since the 1970s, the apartments have developed a reputation as a low-income, high crime development, both a function of its location, and the economic disparities and opportunities germane to Orange County.

Today, there are 28 (112 apartments) of the original 40 four-plex apartment units on the Site with detached garages; however, the manager’s house has been demolished, along with the other 12 four-plex apartment units. In the place of these structures, modern buildings and facilities have been built, such as a community garden and a child care center.

NRHP/CRHR Evaluation

NRHP Criteria A/CRHR Criteria 1: The Tina-Pacific Apartments are associated with a period of unprecedented population growth in Orange County and the City. However, the apartment complex is among hundreds of other similar projects that provided working families with housing. There is no evidence to suggest that the Tina-Pacific Apartments were designed as “affordable” or “low-income” housing, nor was it the first project of its kind in Stanton. Advertisements in local newspapers indicate the project was geared towards middle-class adults and families and the apartments slowly evolved into the current demographic occupancy after Rinker Development liquidated the project. The Tina-Pacific Apartments is associated with one of Orange County’s most prolific and influential development companies, namely Harry Rinker and Rinker Development. However, Rinker Development built hundreds of residential homes, apartments, and shopping plazas throughout Southern California. In summary, the Tina-Pacific Apartments do not appear to be associated with events that have made a significant contribution to the broad patterns of history in either Stanton or Orange County.

NRHP Criteria B/CRHR Criteria 2: The Tina-Pacific Apartments were financed and developed by Rinker Development Corporation, whose office at the time was in Garden Grove. Although Harry Rinker, the founding member of the company, was one of this nation’s most successful and prolific home builders in mid-20th Century, the Tina-Pacific Apartments were among hundreds of projects his firm developed during the late 1950s through mid-1960s. No documentation has been found to suggest that this project was one of Rinker’s most successful or cutting-edge projects during the early 1960s. The Tina-Pacific Apartments also were not generally or exclusively associated with Rinker since the entire complex has been owned by a variety of owners since the 1970s. Today, there are many examples of mid-20th century architecture, both in apartments, homes, and shopping centers associated with Harry Rinker and Rinker Development Corporation. Therefore, the Tina-Pacific Apartments do not appear to be associated with the life or lives of a person significant in the history of Stanton or Orange County.



NRHP Criteria C/CRHR Criteria 3: The Tina-Pacific Apartments represent a fairly common example of mid-20th century Modernist architecture in the scale, massing, and use of specific building materials. Each four-unit building shared common architectural elements that were copied throughout the development on modest sized parcels that were identified in period advertising as “garden apartments.” The concept of garden apartments is important in both Los Angeles County and Orange County, because this signature design clearly became a Southern California phenomenon, as observed by hundreds of similar projects throughout the region. The Tina-Pacific Apartments were not the first “garden apartment” project in Stanton, but it was likely the largest of its kind when built. In essence, the Tina-Pacific Apartments do embody the distinctive characteristics of a type, period, or method of construction, but clearly are not the work of a master, nor do they possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.

NRHP Criteria D/CRHR Criteria 4: The Tina-Pacific Apartments do not have the potential to yield information important in prehistory or history.

Assessment of Integrity

Since construction of the Tina-Pacific Apartments in 1963, significant loss to the integrity of the complex as whole has occurred through the loss or demolition of the entire recreation facility, including the manager’s residence, cabana, pool, and other original landscaping features. The recreation facility was part of the original design of the apartment complex and an important part of its sociocultural identity. In addition, only 28 of the original 40 buildings within the complex survive (112 of the original 160 apartments), and many existing units have undergone various alterations, ranging from new windows and doors, new siding, and modified concrete block privacy walls. Today, gaping holes within the complex are a reminder of the former four-plex units, most of which now serve as parking lots, and two of which are now occupied by modular buildings.

The Tina-Pacific Apartments is recommended ineligible for the NRHP/CRHR (Status Code “6Z”). Mid-20th century dense residential developments such as this apartment complex are ubiquitous to Stanton and Orange County, and were built with materials, methods, engineering, and architecture common to the period and region. The buildings are not tied to a specific event or specific person of history, and there is no indication that there are buried archaeological resources under the historic district. All of the contributing buildings to the historic district are the same with no major architectural or engineering variation; therefore, this historic district is not eligible for the NRHP/CRHR and is not considered a historical resource under CEQA.

Archaeological Resource Findings

Based on the record search and reconnaissance field surveys, there is no indication that there are intact archaeological resources under the surface due to the intensive built environment of the Site and Site vicinity. The Site has low sensitivity for archaeological resources.

Tribal Consultation

Communication was initiated by City staff with potentially interested Native American tribes and individuals to request information related to the Site’s sensitivity for tribal cultural resources. The following tribes were notified of the Project and invited to consult: Gabrieleño Band of Mission Indians – Kizh Nation; San Gabriel Band of Mission Indians, Soboba Band of Luiseño Indians, and Juaneño Band of Mission Indians/Acjachemen Nation. The City sent letters inviting tribes to consult



on the Project per Assembly Bill (AB) 52 on February 4, 2019. One response was received from the Gabrieleño Band of Mission Indians – Kizh Nation on February 7, 2019 requesting to consult on the Project. The City and the Gabrieleño Band of Mission Indians – Kizh Nation consulted on March 19, 2019. The consultation included discussions regarding historical trade routes along the modern Union Pacific Railroad line to the south of the Site, and the routes' connections to the Site. Consultation closed after the March 19, 2019 meeting.

Tribal Resources Findings

Based on the records search, literature review, and field survey results, the City has determined that no tribal cultural resources are known to exist on-site. However, as stated above, the City consulted with the Gabrieleño Band of Mission Indians – Kizh Nation and there is the potential for unknown resources to be discovered on-site during Site disturbance activities.

5.1.2 REGULATORY SETTING

Numerous laws and regulations require Federal, State, and local agencies to consider the effects a project may have on cultural resources. These laws and regulations stipulate a process for compliance, define the responsibilities of the various agencies proposing the action, and prescribe the relationship among other involved agencies (i.e., State Historic Preservation Office and the Advisory Council on Historic Preservation). The National Historic Preservation Act (NHPA) of 1966, as amended, the California Environmental Quality Act (CEQA), and the California Register of Historical Resources, Public Resources Code 5024, are the primary Federal and State laws governing and affecting preservation of cultural resources of Federal, State, regional, and local significance. The applicable regulations are discussed below.

FEDERAL LEVEL

National Historic Preservation Act of 1966

Enacted in 1966 and amended in 2000, the NHPA declared a national policy of historic preservation and instituted a multifaceted program, administered by the Secretary of the Interior, to encourage the achievement of preservation goals at the Federal, State, and local levels. The NHPA authorized the expansion and maintenance of the National Register of Historic Places (NRHP), established the position of SHPO and provided for the designation of State Review Boards, set up a mechanism to certify local governments to carry out the purposes of the NHPA, assisted Native American tribes to preserve their cultural heritage, and created the Advisory Council on Historic Preservation (ACHP).

Section 106 Process

Through regulations associated with the NHPA, an impact to a cultural resource would be considered significant if government action would affect a resource listed in or eligible for listing in the NRHP. The NHPA codifies a list of cultural resources found to be significant within the context of national history, as determined by a technical process of evaluation. Resources that have not yet been placed on the NRHP, and are yet to be evaluated, are afforded protection under the Act until shown to be not significant.

Section 106 of the NHPA and its implementing regulations (36 Code of Federal Regulations Part 800) note that for a cultural resource to be determined eligible for listing in the NRHP, the resource must



meet specific criteria associated with historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NRHP are applied within an analysis when there is some question as to the significance of a cultural resource. The criteria for evaluation are defined as the quality of significance in American history, architecture, archeology, engineering, and culture. This quality must be present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it is significant under one or more of the following criteria:

- Criterion A: It is associated with events that have made a significant contribution to the broad patterns of our history; or
- Criterion B: It is associated with the lives of persons significant in our past; or
- Criterion C: It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- Criterion D: It has yielded, or may be likely to yield, information important in prehistory or history.

Criterion D is usually reserved for archaeological resources. Eligible cultural resources must meet at least one of the above criteria and exhibit integrity, measured by the degree to which the resource retains its historical properties and conveys its historical character.

The Section 106 evaluation process does not apply to projects undertaken under City environmental compliance jurisdiction. However, should the undertaking require funding, permits, or other administrative actions issued or overseen by a Federal agency, analysis of potential impacts to cultural resources following the Section 106 process would likely be necessary. The Section 106 process typically excludes cultural resources created less than 50 years ago unless the resource is considered highly significant from the local perspective. Finally, the Section 106 process allows local concerns to be voiced and the Section 106 process must consider aspects of local significance before a significance judgment is rendered.

Secretary of the Interior's Standards for the Treatment of Historic Properties

Evolving from the Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards that were developed in 1976, the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings were published in 1995 and codified as 36 CFR 67. Neither technical nor prescriptive, these standards are "intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources." "Preservation" acknowledges a resource as a document of its history over time, and emphasizes stabilization, maintenance, and repair of existing historic fabric. "Rehabilitation" not only incorporates the retention of features that convey historic character, but also accommodates alterations and additions to facilitate continuing or new uses. "Restoration" involves the retention and replacement of features from a specific period of significance. "Reconstruction," the least used treatment, provides a basis



for recreating a missing resource. These standards have been adopted, or are used informally, by many agencies at all levels of government to review projects that affect historic resources.

STATE LEVEL

California Environmental Quality Act

CEQA requires a lead agency determine whether a project may have a significant effect on historical resources (Public Resources Code Section 21084.1). A historical resource is a resource listed in, or determined to be eligible for listing, in the CRHR, a resource included in a local register of historical resources, or any object building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (*CEQA Guidelines* Section 15064.5[a][1-3]).

A resource is considered historically significant if it meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

In addition, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (Public Resources Code Section 21083.2[a], [b], and [c]). Public Resources Code Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

California Register of Historical Resources

Created in 1992 and implemented in 1998, the CRHR is "an authoritative guide in California to be used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Certain properties, including those listed in or formally determined eligible for listing in the NRHP and California Historical Landmarks numbered 770 and higher, are automatically



included in the CRHR. Other properties recognized under the California Points of Historical Interest program, identified as significant in historical resources surveys or designated by local landmarks programs, may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the State Historical Resources Commission determines that it meets one or more of the criteria modeled on the NRHP criteria.

Assembly Bill 52

On September 25, 2014, Governor Brown signed AB 52. In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of AB 52 to accomplish all of the following:

1. Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.
2. Establish a new category of resources in CEQA called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
3. Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
4. Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.
5. In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in CEQA environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision making body of the lead agency.
6. Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.
7. Ensure that local and tribal governments, public agencies, and project proponents have information available, early in CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources, and to reduce the potential for delay and conflicts in the environmental review process.
8. Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.



9. Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.

5.1.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

The purpose of this analysis is to identify any potential cultural resources within or adjacent to the Site, and to assist the Lead Agency in determining whether such resources meet the official definitions of “historical resources,” as provided in the Public Resource Code, in particular CEQA.

SIGNIFICANCE GUIDELINES

Historical Resources

Impacts to a significant cultural resource that affect characteristics that would qualify it for the NRHP or that adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (*CEQA Guidelines* Section 15064.5 [b][1], 2000). Material impairment is defined as demolition or alteration “in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register” (*CEQA Guidelines* Section 15064.5[b][2][A]).

Archaeological Resources

A significant prehistoric archaeological impact would occur if grading and construction activities result in a substantial adverse change to archaeological resources determined to be “unique” or “historic.” “Unique” resources are defined in Public Resources Code Section 21083.2; “historic” resources are defined in Public Resources Code Section 21084.1 and *CEQA Guidelines* Section 15126.4.

Public Resources Code Section 21083.2(g) states:

As used in this section, “unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. *Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;*
2. *Has a special and particular quality, such as being the oldest of its type or the best available example of its type; or*
3. *Is directly associated with a scientifically recognized important prehistoric or historic event or person.*



Tribal Cultural Resources

AB 52 established a new category of resources in CEQA called tribal cultural resources. (Public Resources Code Section 21074.) “Tribal cultural resources” are either of the following:

- (1) *Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:*
 - (A) *Included or determined to be eligible for inclusion in the California Register of Historical Resources.*
 - (B) *Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.*
- (2) *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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.*

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code now requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to tribal cultural resources to the extent feasible.

CEQA SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

Cultural Resources

- a) Cause a substantial adverse change in the significance of a historical resource as defined in *CEQA Guidelines* Section 15064.5 (refer to Impact Statement CUL-1);
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5 (refer to Impact Statement CUL-2);
- c) Disturb any human remains, including those interred outside of dedicated cemeteries (refer to Impact Statement CUL-3).

Tribal Cultural Resources

- 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 5020.1(k) (refer to Impact Statement CUL-4); 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 Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources



Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe (refer to Impact Statement CUL-4).

Based on these significance thresholds and criteria, the Project's effects have been categorized as either "no impact," a "less than significant impact," or a "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative, since appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.

5.1.4 IMPACTS AND MITIGATION MEASURES

HISTORICAL RESOURCES

CUL-1 Would the Project cause a significant impact to an historical resource?

Impact Analysis: Based on the Cultural/Paleontological Resources Assessment, one historical resource was observed, the mid-20th century on-site residential development of the Tina-Pacific Apartments. As stated above, since construction of the Tina-Pacific Apartments in 1963, significant loss to the integrity of the complex as a whole has occurred through the loss or demolition of the entire recreation facility, including the manager's residence, cabana, pool, and other original landscaping features. The recreation facility was part of the original design of the apartment complex and an important part of its sociocultural identity. In addition, only 28 of the original 40 buildings within the complex survive (112 of the original 160 apartments), and many existing units have undergone various alterations, ranging from new windows and doors, new siding, and modified concrete block privacy walls. Today, gaping holes within the complex are a reminder of the former four-plex units, most of which now serve as parking lots, and two of which are now occupied by modular buildings.

Based on the historic evaluation, the Tina-Pacific Apartments is recommended ineligible for the NRHP/CRHR. As detailed above, mid-20th century dense residential developments, such as the Tina-Pacific apartment complex are ubiquitous to Stanton and Orange County, and were built with materials, methods, engineering, and architecture common to the period and region. The buildings are not tied to a specific event or specific person of history, and there is no indication that there are buried archaeological resources under the historic district. All of the contributing buildings to the historic district are the same with no major architectural or engineering variation; therefore, this historic district is not eligible for the NRHP/CRHR and is not considered a historical resource under CEQA.

As such, demolition of the existing apartment complex and construction of the proposed multi-family development on-site would not impact any historical resources under CEQA, and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.



ARCHAEOLOGICAL RESOURCES

CUL-2 **Would the Project cause a significant impact to an archaeological resource on-site?**

Impact Analysis: The archaeological records search identified three cultural resource reports within one-half mile of the Site. One cultural resource, the Barre Substation, was previously recorded within one-half mile, although not within the Project boundaries. The Barre Substation was first constructed by Southern California Edison in 1939, and consists of buildings, structures, and utilities for transmission lines that carry electrical power for the northern Orange County region. The Barre Substation was recommended ineligible for the NRHP, CRHR, or local designation through survey evaluation. The Barre Substation is still in existence and is located 400 feet west of the Site. Given that the Barre Substation is not located on-site and is not eligible for the NRHP, CRHR, or local designation, Project development would have no impact on this archaeological resource.

Additionally, based on the record search and field surveys, there is no indication that there are intact archaeological resources under the Site surface due to the intensive built environment of the Site and Site vicinity. Overall, the Site has low sensitivity for archaeological resources. Project construction is anticipated to require an excavation depth of a maximum of five feet; therefore, there is limited potential for impacts to archaeological resources. Nevertheless, should archaeological resources be discovered during construction, a qualified archaeologist and Native American monitor shall be retained to monitor all initial ground disturbing activities associated with the project and to assess the nature and significance of potential discoveries as detailed in Mitigation Measure CUL-1. Further, Mitigation Measure CUL-2 and CUL-3 establish protocol should any archaeological resources or tribal cultural resources be identified during grading and ground-disturbing activities. Adherence to these measures would reduce impacts related to potential archaeological resources on-site to less than significant levels.

Mitigation Measures:

CUL-1 Archaeological and Native American Monitoring. The Project Applicant (Developer) shall retain and compensate for services a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, and a qualified Native American monitor, approved by the Gabrieleño Band of Mission Indians – Kizh Nation Tribal Government and listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the region, to perform all mitigation measures related to prehistoric and historic cultural resources for the project. An archaeologist and Native American monitor shall be present to monitor all initial ground disturbing activities associated with the project, including but not limited to: demolition, removal of building foundations and asphalt, pot-holing or auguring, grubbing, tree removals/weed abatement, boring/grading of soils, drilling/trenching for utilities, excavations associated with development, etc. The monitors shall complete daily monitoring logs. The logs will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. In addition, the monitors are required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k).



If, during initial ground disturbance, the monitors determine that the ground disturbing activities have little or no potential to impact cultural resources, and/or the monitors determine that ground disturbances would occur within previously disturbed and non-native soils, the qualified archaeologist may recommend that monitoring may be reduced or eliminated. This decision will be made in consultation with the Native American monitor and the City of Stanton. The final decision to reduce or eliminate monitoring shall be at the discretion of the City of Stanton. If cultural resources are encountered during ground disturbing activities, work within the immediate area must halt and the find must be evaluated for local and/or State significance.

CUL-2 Unanticipated Discovery of Cultural Resources. If cultural resources are encountered during demolition and ground-disturbing activities, work in the immediate area shall halt and a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, shall be retained to assess the nature and significance of the discovery. If the discovery proves to be significant under CEQA, additional work such as data recovery excavation and Native American consultation may be warranted to mitigate any significant impacts.

CUL-3 Unanticipated Discovery of Tribal Cultural Resources. If any archaeological resources are unearthed during project demolition and construction activities, the resource shall be evaluated by the qualified archaeologist and Native American monitor approved by the Gabrieleño Band of Mission Indians – Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians – Kizh Nation shall coordinate with the property owner regarding treatment and curation of the resource(s). Typically, the Native American tribe will request reburial or preservation for educational purposes. If a resource is determined by the qualified archaeologist to constitute a "historical resource" pursuant to *CEQA Guidelines* Section 15064.5(a) or as a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist and Native American monitor shall coordinate with the Project Applicant (Developer) and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resource(s) shall be in accordance with *CEQA Guidelines* Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

HUMAN REMAINS

CUL-3 **Would the Project cause a significant impact to human remains?**

Impact Analysis: Although no conditions exist that suggest human remains are likely to be found on the Site, development of the Site could result in the discovery of human remains and potential



impacts to these resources. State of California Public Resources Health and Safety Code Sections 7050.5 to 7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the NAHC and consultation with the individual identified by the NAHC to be the “most likely descendant (MLD).” The MLD would have 48 hours to make recommendations to landowners for the disposition of any Native American human remains and grave goods found.

If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains until the County Coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with existing State regulations (Mitigation Measure CUL-4), which detail the appropriate actions necessary in the event human remains are encountered, impacts in this regard would be reduced to less than significant levels.

Mitigation Measures:

CUL-4 Unanticipated Discovery of Human Remains and Associated Funerary Objects. If human remains or associated funerary objects are discovered on-site, work shall be diverted a minimum of 150 feet from the find and an exclusion zone shall be placed around the burial. The qualified archaeologist and/or Native American monitor shall notify the construction manager who shall call the County Coroner. If the County Coroner determines the remains to be Native American, the County Coroner shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) as mandated by State law who shall then appoint a Most Likely Descendent (MLD).

The discovery is to be kept confidential and secure to prevent any further disturbance. Prior to the continuation of ground disturbing activities, the property owner shall arrange a designated location with the Project footprint for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside of working hours. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, it may be determined that burials should be removed. The applicable Native American tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project Applicant (Developer) shall consult with the tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC. No scientific study or utilization of any invasive diagnostics on human remains is allowed.



Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on-site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location mitigated between the tribe and the property owner at the site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

TRIBAL CULTURAL RESOURCES

CUL-4 Would the Project cause a significant impact to a tribal cultural resource?

Impact Analysis: Per Section Public Resources Code Section 21074, tribal cultural resources are either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code now requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to tribal cultural resources to the extent feasible.

Tribal Consultation

As stated above, the City sent letters inviting tribes to consult on the Project per AB 52 on February 4, 2019. The City received a request for consultation from the Gabrieleño Band of Mission Indians – Kizh Nation on February 7, 2019. The City and the Gabrieleño Band of Mission Indians – Kizh Nation consulted on March 19, 2019. The consultation included discussions regarding historical trade routes along the modern Union Pacific Railroad line to the south of the Site, and the routes' connections to the Site.

Based on the records search, literature review, field survey results, and tribal consultation results, the City has determined that no tribal cultural resources are known to exist on-site. However, as stated



above, the City consulted with the Gabrieleño Band of Mission Indians – Kizh Nation and there is the potential for unknown resources to be discovered on-site during Site disturbance activities. As such, implementation of Mitigation Measures CUL-1 through CUL-4, which were recommended by the Gabrieleño Band of Mission Indians – Kizh Nation, would ensure that in the event unknown cultural resources, including archaeological and tribal cultural resources, are discovered during ground-disturbing activities, appropriate measures are taken. As such, impacts to tribal cultural resources would be reduced to less than significant levels.

Mitigation Measures: Refer to Mitigation Measures CUL-1 through CUL-4.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.1.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are situated in the Site vicinity.

- **Would the Project, combined with other related cumulative projects, cause a cumulatively considerable impact to a historical resource, archaeological resource, human remains, or a tribal cultural resource?**

Impact Analysis: Table 4-1, *Cumulative Projects List*, identifies the related projects and other possible development in the area determined as having the potential to interact with the Project to the extent that a significant cumulative effect may occur. Project-related impacts to historical, archeological, and tribal cultural resources, including burial sites have been determined to be less than significant with implementation of Mitigation Measures CUL-1 through CUL-4. Individual projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to historical, archeological, and/or tribal cultural resources. Adherence to State and Federal statutes, as well as project-specific mitigation measures, cumulative impacts to historical, archaeological, and tribal cultural resources would be reduced to less than significant levels.

As discussed in Impact Statements CUL-1 through CUL-4, with compliance with the recommended Mitigation Measures CUL-1 through CUL-4, the Project would result in less than significant impacts to historical, archeological, and tribal cultural resources (including human remains). Thus, the Project would not result in cumulatively considerable impacts pertaining to cultural resources or burial sites.

Mitigation Measures: Refer to Mitigation Measures CUL-1 through CUL-4.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.1.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to cultural and tribal cultural resources have been identified.



5.2 Hydrology and Water Quality

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5.2 HYDROLOGY AND WATER QUALITY

This section analyzes potential Project impacts on the existing drainage patterns, surface hydrology, flood control facilities, and water quality conditions in the Site vicinity. Mitigation measures are recommended to avoid potential impacts or reduce them to a less than significant level.

5.2.1 EXISTING SETTING

REGIONAL HYDROLOGY AND DRAINAGE CONDITIONS

The Site is located within the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB). For planning purposes, the RWQCB uses a classification system that divides surface waters into hydrologic units, areas, and subareas. The classification system also divides groundwaters into groundwater basins. According to the RWQCB's *Water Quality Control Plan for the Santa Ana River Basin* (Basin Plan), the Santa Ana River Basin is composed of a group of connected inland basins and open coastal basins drained by surface streams, which generally flow southwest towards the Pacific Ocean.¹

According to the *City of Stanton General Plan* (General Plan), the City is located within the alluvial plains of the Santa Ana River and since the City is relatively flat, drainage generally flows from northeast to southwest. The Engineering Division of the Public Works Department manages the City's Capital Improvement Program, which includes storm drains within the City limits. Stormwater flows are processed by four regional drainage facilities as well as a network of local drainage facilities. Almost all of Stanton's stormwater runoff drains to the Bolsa Chica Channel, which flows to Huntington Harbor and the Seal Beach National Wildlife Refuge on the U.S. Naval Weapons Station.²

SITE HYDROLOGY AND DRAINAGE CONDITIONS

Existing storm drains within the Site include a catch basin located at the Site's southern boundary.^{3,4} Flows continue southwesterly towards railroad right-of-way within a 24-inch City-maintained reinforced concrete pipeline for connection to Orange County Flood Control District-owned Dale-Cerritos Storm Drain facilities located within Dale Street (OCFCD Facility No. C02P08).⁵ The Dale-Cerritos Storm Drain flows to the Stanton Storm Drain (OCFCD Facility No. C02S01), and ultimately flows discharge into the Bolsa Chica Channel located to the southwest of the Site, which flows to the Huntington Harbor and the Seal Beach National Wildlife Refuge.

¹ Santa Ana Regional Water Quality Control Board, *Water Quality Control Plan for the Santa Ana River Basin*, February 2008.

² City of Stanton Website, *Storm Water Pollution Prevention*, <http://ci.stanton.ca.us/Departments/Public-Works-and-Engineering/Storm-Water-Pollution-Prevention>, accessed December 18, 2018.

³ Orange County Flood Control District, *Base Map of Drainage Facilities in Orange County, Sheet No. 19*, January 23, 2012.

⁴ Orange County Flood Control District, *Base Map of Drainage Facilities in Orange County, Sheet No. 20*, January 12, 2000.

⁵ Written Correspondence: Richard Vuong, Manager – Planning Division, OC Public Works Service Area/OC Development Services, April 22, 2019.



Based on correspondence with OC Public Works, the Dale-Cerritos Storm Drain and Stanton Storm Drain contain deficient segments and are not capable of conveying runoff from a 100-year storm event.⁶

FLOODPLAIN MAPPING

The Site is published on Flood Insurance Rate Map (FIRM) Number 06059C0136J, dated December 3, 2009, and is located in Zone X, which is defined as areas of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods.⁷ The Zone X designation is also used to identify base floodplains of lesser hazards, such as areas protected by levees from the one percent annual flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than one square mile. Based on correspondence with OC Public Works, surrounding storm drains are incapable of accommodating 100-year flood events.⁸ However, the Site is not located within a 100-year flood zone.

REGIONAL GROUNDWATER

The Site overlies the Orange County Groundwater Basin (Basin), which overlies nearly all of north and central Orange County. The Basin is composed of three aquifer layers known as the Shallow, Principal, and Deep Aquifers and has a water storage capacity of approximately 66 million acre-feet.⁹ These three layers are hydraulically connected (i.e., groundwater is able to flow between them via leakage). Basin recharge is accomplished through measured recharge (i.e., water artificially recharged at surface water recharge facilities and water injected into the Talbert and Alamitos Barriers) and unmeasured recharge (i.e., precipitation, irrigation, return flows, urban runoff, seawater inflow, as well as subsurface inflow at the basin margins along the Chino, Coyote, and San Joaquin Hills and the Santa Ana Mountains, and beneath the Santa Ana River and Santiago Creek).

The Basin is managed by Orange County Water District (OCWD). OCWD does not limit groundwater pumping from the Basin. Instead, Basin storage and total pumping is managed using financial incentives to encourage producers to pump an aggregate amount of water that is sustainable over the long-term. The process that determines a sustainable level of pumping considers the Basin's safe operating range, storage conditions, water demands, and the amount of recharge water available to the OCWD.

Regional Groundwater Quality

According to OCWD's *Groundwater Management Plan 2015 Update* (Groundwater Management Plan), 95 percent of groundwater used for potable applications is pumped from the Basin's Principal Aquifer. According to the Groundwater Management Plan, groundwater pumped from the Basin's Principal Aquifer continues to be of high quality. Areas of the Basin primarily experiencing contamination threats primarily occur within the Shallow Aquifer, which is generally less than 200 feet deep. Key constituents of concern include methyl tertiary butyl ether, volatile organic compounds (VOCs), N-

⁶ Ibid.

⁷ Federal Emergency Management Act, *Flood Insurance Rate Map, Map Number 06059C0136J*, effective December 3, 2009.

⁸ Ibid.

⁹ Orange County Water District, *Groundwater Management Plan 2015 Update*, June 17, 2015.



nitrosodimethylamine, 1-4, Dioxane, perchlorate, and selenium. Constituents of emerging concern include pharmaceuticals and personal care products, and endocrine disruptors.¹⁰

OCWD has implemented several groundwater quality improvement projects to remove total dissolved solids (TDS), nitrate, VOCs, and other constituents. Refer to [Section 5.2.2, *Regulatory Setting*](#), for a discussion concerning the Sustainable Groundwater Management Act.

EXISTING STORMWATER QUALITY CONDITIONS

Nonpoint Source Pollutants

Nonpoint source pollutants have been characterized by the major categories below to assist in determining the pertinent data and its use. Nonpoint source pollution (NPS) comes from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters and ground waters. Nonpoint source pollution can include: excess fertilizers, herbicides and insecticides from agricultural lands and residential areas; oil, grease and toxic chemicals from urban runoff and energy production; sediment from improperly managed construction sites, crop and forest lands, and eroding streambanks; salt from irrigation practices and acid drainage from abandoned mines; bacteria and nutrients from livestock, pet wastes and faulty septic systems; and atmospheric deposition and hydromodification. A net effect of urbanization can be to increase pollutant export over naturally occurring conditions. The impact of the higher export affects the adjacent streams and also the water quality of downstream receiving waters. An important consideration in evaluating stormwater quality is to assess whether the beneficial use to the receiving waters is impaired. Receiving waters can assimilate a limited quantity of various constituent elements; however, there are thresholds beyond which the measured amount becomes a pollutant and results in an undesirable impact. Standard water quality categories of typical urbanization impacts are:

- *Sediment* – Sediment is made up of tiny soil particles that are washed or blown into surface waters. It is the major pollutant by volume in surface water. Suspended soil particles can cause the water to look cloudy or turbid. The fine sediment particles also act as a vehicle to transport other pollutants, including nutrients, trace metals, and hydrocarbons. Construction sites are the largest source of sediment for urban areas under development. Another major source of sediment is streambank erosion, which may be accelerated by increases in peak rates and volumes of run-off due to urbanization.
- *Nutrients* – Nutrients are a major concern for surface water quality, especially phosphorous and nitrogen, which can cause algal blooms and excessive vegetative growth. Of the two, phosphorus is usually the limiting nutrient that controls the growth of algae in lakes. The orthophosphorous form of phosphorus is readily available for plant growth. The ammonium form of nitrogen can also have severe effects on surface water quality. The ammonium is converted to nitrate and nitrite forms of nitrogen in a process called nitrification. This process consumes large amounts of oxygen, which can impair the dissolved oxygen levels in water. The nitrate form of nitrogen is very soluble and is found naturally at low levels in water. When nitrogen fertilizer is applied to lawns or other areas in excess of plant needs, nitrates can leach below the root zone, eventually reaching ground water. Orthophosphate from auto emissions

¹⁰ Orange County Water District, *Groundwater Management Plan 2015 Update*, Section 8 (Water Quality Protection and Management), June 17, 2015.



also contributes phosphorus in areas with heavy automobile traffic. As a general rule of thumb, nutrient export is greatest from development sites with the most impervious areas. Other problems resulting from excess nutrients are: 1) surface algal scums; 2) water discolorations; 3) odors; 4) toxic releases; and 5) overgrowth of plants. Common measures for nutrients are total nitrogen, organic nitrogen, total Kjeldahl nitrogen (TKN), nitrate, ammonia, total phosphate, and total organic carbon (TOC).

- Trace Metals – Trace metals are primarily a concern because of their toxic effects on aquatic life, and their potential to contaminate drinking water supplies. The most common trace metals found in urban run-off are lead, zinc, and copper. Fallout from automobile emissions is also a major source of lead in urban areas. A large fraction of the trace metals in urban run-off are attached to sediment; this effectively reduces the level, which is immediately available for biological uptake and subsequent bioaccumulation. Metals associated with sediment settle out rapidly and accumulate in the soils. Urban run-off events typically occur over a shorter duration, reducing the amount of exposure, which could be toxic to the aquatic environment. The toxicity of trace metals in run-off varies with the hardness of the receiving water. As total hardness of the water increases, the threshold concentration levels for adverse effects increases.
- Oxygen-Demanding Substances – Aquatic life is dependent on the dissolved oxygen in the water. When organic matter is consumed by microorganisms, dissolved oxygen is consumed in the process. A rainfall event can deposit large quantities of oxygen-demanding substance in lakes and streams. The biochemical oxygen demand of typical urban run-off is on the same order of magnitude as the effluent from an effective secondary wastewater treatment plant. A problem from low dissolved oxygen (DO) results when the rate of oxygen-demanding material exceeds the rate of replenishment. Oxygen demand is estimated by direct measure of DO and indirect measures such as biochemical oxygen demand (BOD), chemical oxygen demand (COD), oils and greases, and TOC.
- Bacteria – Bacteria levels in undiluted urban run-off exceed public health standards for water contact recreation almost without exception. Studies have found that total coliform counts exceeded the U.S. Environmental Protection Agency's (EPA) water quality criteria at almost every site and almost every time it rained. The coliform bacteria that are detected may not be a health risk by themselves but are often associated with human pathogens.
- Oil and Grease – Oil and grease contain a wide variety of hydrocarbons, some of which could be toxic to aquatic life in low concentrations. These materials initially float on water and create the familiar rainbow-colored film. Hydrocarbons have a strong affinity for sediment and quickly become absorbed to it. The major source of hydrocarbons in urban run-off is through leakage of crankcase oil and other lubricating agents from automobiles. Hydrocarbon levels are highest in the run-off from parking lots, roads, and service stations. Residential land uses generate less hydrocarbon export, although illegal disposal of waste oil into stormwater can be a local problem.
- Other Toxic Chemicals – Priority pollutants are generally related to hazardous wastes or toxic chemicals and can be sometimes detected in stormwater. Priority pollutant scans have been conducted in previous studies of urban run-off, which evaluated the presence of over 120 toxic chemicals and compounds. The scans rarely revealed toxins that exceeded the current safety criteria. The urban run-off scans were primarily conducted in suburban areas not



expected to have many sources of toxic pollutants (with the possible exception of illegally disposed or applied household hazardous wastes). Measures of priority pollutants in stormwater include: 1) phthalate (plasticizer compound); 2) phenols and creosols (wood preservatives); 3) pesticides and herbicides; 4) oils and greases; and 5) metals.

CHARACTERISTICS OF SURFACE WATER QUALITY

Standard parameters, which can assess the quality of stormwater, provide a method of measuring impairment. A background of these typical characteristics assists in understanding water quality requirements. The quantity of a material in the environment and its characteristics determine the degree of availability as a pollutant in surface run-off. In an urban environment, the quantity of certain pollutants in the environment is a function of the intensity of the land use. For instance, a high density of automobile traffic makes a number of potential pollutants (such as lead and hydrocarbons) more available. The availability of a material, such as a fertilizer, is a function of the quantity and the manner in which it is applied. Applying fertilizer in quantities that exceed plant needs leaves the excess nutrients available for loss to surface or ground water.

The physical properties and chemical constituents of water traditionally have served as the primary means for monitoring and evaluating water quality. Evaluating the condition of water through a water quality standard refers to its physical, chemical, or biological characteristics. Water quality parameters for stormwater comprise a long list and are classified in many ways. Typically, the concentration of an urban pollutant, rather than the annual load of that pollutant, is required to assess a water quality problem. Some of the physical, chemical, or biological characteristics that evaluate the quality of the surface run-off are listed below.

- Dissolved Oxygen – Dissolved oxygen (DO) in the water has a pronounced effect on the aquatic organisms and the chemical reactions that occur. It is one of the most important biological water quality characteristics in the aquatic environment. The DO concentration of a water body is determined by the solubility of oxygen, which is inversely related to water temperature, pressure, and biological activity. DO is a transient property that can fluctuate rapidly in time and space and represents the status of the water system at a particular point and time of sampling. The decomposition of organic debris in water is a slow process, as are the resulting changes in oxygen status. The oxygen demand is an indication of the pollutant load and includes measurements of biochemical oxygen demand or chemical oxygen demand.
- Biochemical Oxygen Demand – The biological oxygen demand (BOD) is an index of the oxygen-demanding properties of the biodegradable material in the water. Samples are taken from the field and incubated in the laboratory at 20°C, after which the residual dissolved oxygen is measured. The BOD value commonly referenced is the standard 5-day values. These values are useful in assessing stream pollution loads and for comparison purposes.
- Chemical Oxygen Demand – The chemical oxygen demand (COD) is a measure of the pollutant loading in terms of complete chemical oxidation using strong oxidizing agents. It can be determined quickly because it does not rely on bacteriological actions as with BOD. COD does not necessarily provide a good index of oxygen demanding properties in natural waters.
- Total Dissolved Solids – Total dissolved solids (TDS) concentration is determined by evaporation of a filtered sample to obtain residue whose weight is divided by the sample volume. The TDS of natural waters varies widely. There are several reasons why TDS is an important



indicator of water quality. Dissolved solids affect the ionic bonding strength related to other pollutants such as metals in the water. TDS are also a major determinant of aquatic habitat. TDS affects saturation concentration of dissolved oxygen and influences the ability of a water body to assimilate wastes. Eutrophication rates depend on TDS.

- pH – The pH of water is the negative log, base 10, of the hydrogen ion (H^+) activity. A pH of 7 is neutral; a pH greater than 7 indicates alkaline water; a pH less than 7 represents acidic water. In natural water, carbon dioxide reactions are some of the most important in establishing pH. The pH at any one time is an indication of the balance of chemical equilibrium in water and affects the availability of certain chemicals or nutrients in water for uptake by plants. The pH of water directly affects fish and other aquatic life; generally, toxic limits are pH values less than 4.8 and greater than 9.2.
- Alkalinity – Alkalinity is the opposite of acidity, representing the capacity of water to neutralize acid. Alkalinity is also linked to pH and is caused by the presence of carbonate, bicarbonate, and hydroxide, which are formed when carbon dioxide is dissolved. A high alkalinity is associated with a high pH and excessive solids. Most streams have alkalinities less than 200 milligrams per liter (mg/l). Ranges of alkalinity of 100-200mg/l seem to support well-diversified aquatic life.
- Specific Conductance – The specific conductivity of water, or its ability to conduct an electric current, is related to the total dissolved ionic solids. Long term monitoring of project waters can develop a relationship between specific conductivity and TDS. Its measurement is quick and inexpensive and can be used to approximate TDS. Specific conductivities in excess of 2000 microohms per centimeter ($\mu\text{ohms/cm}$) indicate a TDS level too high for most freshwater fish.
- Turbidity – The clarity of water is an important indicator of water quality that relates to the alkalinity of photosynthetic light to penetrate. Turbidity is an indicator of the property of water that causes light to become scattered or absorbed. Turbidity is caused by suspended clays and other organic particles. It can be used as an indicator of certain water quality constituents, such as predicting sediment concentrations.
- Nitrogen – Sources of nitrogen in stormwater are from the additions of organic matter to water bodies or chemical additions. Ammonia and nitrate are important nutrients for the growth of algae and other plants. Excessive nitrogen can lead to eutrophication since nitrification consumes dissolved oxygen in the water. Nitrogen occurs in many forms. Organic nitrogen breaks down into ammonia, which eventually becomes oxidized to nitrate-nitrogen, a form available for plants. High concentrations of nitrate-nitrogen (N/N) in water can stimulate growth of algae and other aquatic plants, but if phosphorus (P) is present, only about 0.30 mg/l of nitrate-nitrogen is needed for algal blooms. Some fish life can be affected when nitrate-nitrogen exceeds 4.2 mg/l. There are a number of ways to measure the various forms of aquatic nitrogen.
- Phosphorus – Phosphorus is an important component of organic matter. In many water bodies, phosphorus is the limiting nutrient that prevents additional biological activity from occurring. The origin of this constituent in urban stormwater discharge is generally from fertilizers and other industrial products. Orthophosphate is soluble and is the only biologically available form of phosphorus. Since phosphorus strongly associates with solid particles and is a



significant part of organic material, sediments influence concentration in water and are an important component of the phosphorus cycle in streams. Important methods of measurement include detecting orthophosphate and total phosphorus.

Regional Surface Water Quality

The RWQCB's Basin Plan designates "beneficial uses" for lakes, rivers, streams, and other surface waters. There is a total of 24 different categorizations that can apply, ranging from groundwater recharge to municipal and domestic water supply to water contact recreation. As discussed, Stanton's stormwater runoff drains to the Bolsa Chica Channel, which flows to Huntington Harbor and the Seal Beach National Wildlife Refuge on the U.S. Naval Weapons Station. The following is a list of the Huntington Harbor and the Seal Beach National Wildlife Refuge known beneficial uses, which may be existing, potential, and intermittent and not necessarily applicable to all portions of the watershed.¹¹

**Table 5.2-1
Beneficial Uses**

Beneficial Uses	Huntington Harbor	Seal Beach National Wildlife Refuge
<u>Navigation</u> : Waters used for shipping, travel, or other transportation by private, commercial, or military vessels.	X	
<u>Water Contact Recreation</u> : Waters used for recreational activities involving body contact with water where ingestion of water is reasonably possible.	X	X ¹
<u>Non-Contact Water Recreation</u> : Waters used for recreational activities involving proximity to water, but not normally involving body contact with water where ingestion of water would be reasonably possible.	X	X
<u>Commercial and Sportfishing</u> : Waters used for the commercial or recreational collection of fish or other organisms, including those collected for bait.	X	
<u>Wildlife Habitat</u> : Waters support terrestrial ecosystems including, but not limited to, preservation and enhancement of terrestrial habitats, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources.	X	X
<u>Protection of Rare, Threatened, or Endangered Species</u> : Waters support habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under State or Federal law as rare, threatened, or endangered	X	X
<u>Spawning, Reproduction, and Development</u> : Waters that support high quality aquatic habitats necessary for reproduction and early development of fish and wildlife.	X	X
<u>Marine Habitat</u> : Waters that support marine ecosystems, including, but not limited to, preservation and enhancement of marine habitats, vegetation (e.g., kelp), fish and shellfish and wildlife, (e.g., marine animals and shorebirds).	X	X
<u>Estuarine Habitat</u> : Waters that support estuarine ecosystems, which may include, but are not limited to, preservation and enhancement of estuarine habitats, vegetation, fish, and shellfish, and wildlife, such as waterfowl, shorebirds, and marine mammals.		X
Notes:		
1. Access prohibited per agency with jurisdiction.		
Source: Santa Ana Regional Water Quality Control Board, <i>Water Quality Control Plan for the Santa Ana River Basin</i> , Chapter 3 (Beneficial Uses), February 2008.		

¹¹ Santa Ana Regional Water Quality Control Board, *Water Quality Control Plan for the Santa Ana River Basin*, Chapter 3 (Beneficial Uses), February 2008.



Existing On-Site Stormwater Quality

As discussed in Section 3.0, *Project Description*, the Site is currently developed with 28 four-plex apartment buildings comprised of 112 residential units, the Illuminations Foundation Children's Resource Center (operated by the Second Harvest Food Bank of Orange County, Inc.), a community garden, and several vacant lots. The Site is not identified as a contributor to regional groundwater conditions and is not designated a Responsible Party to Superfund actions. Thus, the Site is not currently considered a source of pollution.

The Huntington Harbor and Seal Beach National Wildlife Refuge are not classified as impaired water bodies and have not been placed on the 303(d) list of impaired waters.¹²

5.2.2 REGULATORY SETTING

FEDERAL LEVEL

Clean Water Act

The principal law governing pollution of the nation's surface waters is the Federal Water Pollution Control Act (Clean Water Act [CWA]). Originally enacted in 1948, it was amended in 1972 and has remained substantially the same since. The CWA consists of two major parts: provisions that authorize Federal financial assistance for municipal sewage treatment plant construction and regulatory requirements that apply to industrial and municipal dischargers. The CWA authorizes the establishment of effluent standards on an industry basis. The CWA also requires states to adopt water quality standards that "consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses."

The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the NPDES, effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint-source discharge programs, and wetlands protection. The EPA has delegated the responsibility for administration of portions of the CWA to state and regional agencies.

Impaired Water Bodies

CWA Section 303(d) and California's Porter-Cologne Water Quality Control Act (described below) require that the State establish the beneficial uses of its State waters and to adopt water quality standards to protect those beneficial uses. Section 303(d) establishes a TMDL, which is the maximum quantity of a contaminant that a water body can maintain without experiencing adverse effects, to guide the application of State water quality standards. Section 303(d) also requires the State to identify "impaired" streams (water bodies affected by the presence of pollutants or contaminants) and to establish the TMDL for each stream.

¹² United States Environmental Protection Agency, *California 2014 – 2016 CWA Section 303(d) List of Impaired Waters*, April 6, 2018.



National Pollutant Discharge Elimination System

To achieve its objectives, the CWA is based on the concept that all discharges into the nation's waters are unlawful, unless specifically authorized by a permit. The NPDES is the permitting program for discharge of pollutants into surface waters of the United States under CWA Section 402. Thus, industrial and municipal dischargers (point source discharges) must obtain NPDES permits from the appropriate RWQCB (i.e., the Santa Ana region). The existing NPDES (Phase I) stormwater program requires municipalities serving more than 1,000,000 persons to obtain a NPDES stormwater permit for any construction project larger than five acres. Proposed NPDES stormwater regulations (Phase II) expand this existing national program to smaller municipalities with populations of 10,000 persons or more and construction sites that disturb more than one acre. For other dischargers, such as those affecting groundwater or from non-point sources, a Report of Waste Discharge must be filed with the RWQCB. For specified situations, some permits may be waived and some discharge activities may be handled through being included in an existing General Permit.

National Flood Insurance Program

Congress passed the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. These Acts are intended to reduce the need for large publicly funded flood control structures and disaster relief by restricting development on floodplains.

The National Flood Insurance Program (NFIP) provides a means for property owners to financially protect themselves from flood damage. The NFIP offers flood insurance to homeowners, renters, and business owners if their community participates in the program. Participating communities agree to adopt and enforce ordinances that meet or exceed Federal Emergency Management Agency (FEMA) requirements to reduce the risk of flooding. The County of Orange and City of Stanton are participants and must adhere to the NFIP.¹³

Through its Flood Hazard Mapping Program, FEMA identifies flood hazards, assesses flood risks and partners with states and communities to provide accurate flood hazard and risk data. Flood Hazard Mapping is an important part of the NFIP, as it is the basis of the NFIP regulations and flood insurance requirements. FEMA maintains and updates data through FIRMs and risk assessments. A FIRM is an official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

A Special Flood Hazard Area (SFHA) is an area within a floodplain having a one percent or greater chance of flood occurrence within any given year (commonly referred to as the 100-year flood zone). SFHAs are delineated on flood hazard boundary maps issued by FEMA. The Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 make flood insurance mandatory for most properties in SFHAs.

STATE LEVEL

California Toxics Rule

The California Toxics Rule is a Federal regulation issued by the EPA providing water quality criteria for potentially toxic constituents in receiving waters with human health or aquatic life designated uses

¹³ Federal Emergency Management Act, *Community Status Book Report: California Communities Participating in the National Flood Program*, <https://www.fema.gov/cis/CA.html>, accessed December 27, 2018.



in the State of California. California Toxics Rule criteria are applicable to the receiving water body and therefore must be calculated based upon the probable hardness values of the receiving waters for evaluation of acute (and chronic) toxicity criteria. At higher hardness values for the receiving water, copper, lead, and zinc are more likely to be complexed (bound with) components in the water column. This in turn reduces the bioavailability and resulting potential toxicity of these metals.

Porter-Cologne Water Quality Control Act

The CWA places the primary responsibility for the control of surface water pollution and for planning the development and use of water resources with the states, although it establishes certain guidelines for the states to follow in developing their programs and allows the EPA to withdraw control from states with inadequate implementation mechanisms.

California's primary statute governing water quality and water pollution issues with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act (Water Code Sections 13000, et seq.). The Porter-Cologne Act grants the State Water Resources Control Board (SWRCB) and the RWQCBs authority and responsibility to adopt plans and policies, to regulate discharges to surface and groundwater, to regulate waste disposal sites, and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, or oil or petroleum product.

Each RWQCB must formulate and adopt a water quality control plan for its region. The regional plans are to conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State water policy. The Porter-Cologne Act also provides that a RWQCB may include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

State Water Resources Control Board

The SWRCB administers water rights, water pollution control, and water quality functions throughout the State, while the RWQCBs conduct planning, permitting, and enforcement activities. For the Project, the NPDES permit is divided into two parts: construction; and post-construction. Construction permitting is administered by the SWRCB, while post-construction permitting is administered by the RWQCB. In California, NPDES permits are also referred to as waste discharge requirements that regulate discharges to waters of the United States.

Construction General Permit Order 2009-0009-DWQ

On November 16, 1990, the EPA published final regulations that established stormwater permit application requirements for specified categories of industries. The regulations provide that discharges of stormwater to waters of the United States from construction projects are effectively prohibited unless the discharge complies with an NPDES Permit. On August 19, 1999, the State Water Board reissued the General Construction Stormwater Permit (Water Quality Order 99-08-DWQ). On December 8, 1999, the State Water Board amended Order 99-08-DWQ to apply to sites as small as one acre.

Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Stormwater Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity



subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore a facility's original line, grade, or capacity.

To obtain coverage under the Construction General Permit, Permit Registration Documents (PRDs), including a Notice of Intent (NOI), Risk Assessment, Site Map, and Storm Water Pollution Prevention Plan (SWPPP), among others, must be filed with the SWRCB prior to the commencement of construction activity. The NOI would notify the SWRCB of the applicant's intent to comply with the Construction General Permit. The SWPPP, which must be prepared by a certified Qualified SWPPP Developer (QSD), would include a list of Best Management Practices (BMPs)¹⁴ the discharger would use to protect stormwater run-off and the placement of those BMPs. Additionally, the Project's SWPPP must contain a visual monitoring program and a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs.

Groundwater Management Act

In 1992, the State Legislature provided for more formal groundwater management with the passage of Assembly Bill (AB) 3030, the Groundwater Management Act (Act; Water Code Section 10750, et seq.). Groundwater management, as defined in DWR's Bulletin 118 Update 2003, is the planned and coordinated monitoring, operation, and administration of a groundwater basin, or portion of a basin, with the goal of long-term groundwater resource sustainability. Groundwater management needs are generally identified and addressed at the local level in the form of Groundwater Management Plans (GMP). The Act provides local water agencies with procedures to develop a GMP to enable those agencies to manage their groundwater resources efficiently and safely while protecting the quality of supplies. Under the Act, development of a GMP by a local water agency is voluntary.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) established a framework for sustainable, local groundwater management. SGMA requires groundwater-dependent regions to halt overdraft and bring basins into balanced levels of pumping and recharge. With passage of the SGMA, the Department of Water Resources launched the Sustainable Groundwater Management (SGM) Program to implement the law and provide ongoing support to local agencies around the State. The SGMA:

- Establishes a definition of "sustainable groundwater management;"
- Requires that a Groundwater Sustainability Plan be adopted for the most important groundwater basins in California;
- Establishes a timetable for adoption of Groundwater Sustainability Plans;
- Empowers local agencies to manage basins sustainably;
- Establishes basic requirements for Groundwater Sustainability Plans; and

¹⁴ The EPA defines BMPs as "a practice or combination of practices that are determined to be the most effective and practicable (including technological, economic, and institutional considerations) means of controlling point and nonpoint source pollutants at levels compatible with environmental quality goals." BMPs involve programs and policies, including structural controls that are implemented to control the discharge of pollutants. (44. United States Environmental Protection Agency Website, *Clean Watersheds Needs Survey 2000 Report to Congress, Glossary*, https://www.epa.gov/sites/production/files/2015-06/documents/2003_8_28_mtb_cwns_2000rtc_cwns2000-glossary.pdf, accessed December 27, 2018).



- Provides for a limited State role.

REGIONAL LEVEL

Santa Ana Regional Water Quality Control Board

The CWA mandates that cities in major metropolitan areas, such as Orange County, obtain permits to “effectively prohibit non-stormwater discharges into the storm sewers” and “require controls to reduce the discharge of pollutants to the maximum extent practicable....” The EPA has delegated this authority to the state of California, which has authorized the SWRCB and its local regulatory agencies, the RWQCBs, to control non-point source discharges to California’s waterways.

The Municipal Storm Water Permitting Program regulates stormwater discharges from municipal separate storm sewer (drain) systems (MS4s). Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. The MS4 permits require the discharger to develop and implement a Storm Water Management Plan/Program with the goal of reducing the discharge of pollutants to the maximum extent practicable (MEP). MEP is the performance standard specified in CWA Section 402(p). The management programs specify what BMPs will be used to address certain program areas. The program areas include public education and outreach; illicit discharge detection and elimination; construction and post-construction; and good housekeeping for municipal operations.

The Site is located within jurisdiction of the Santa Ana RWQCB. The Santa Ana RWQCB has addressed the obligation to implement the CWA by periodically issuing permits for the County of Orange and the incorporated cities of Orange County within the Santa Ana region. Further, the Santa Ana RWQCB periodically issues waste discharge requirements (WDR) to the sanitary district covering the City of Stanton. The current Santa Ana RWQCB permit is referred to herein as the “NPDES Permit.”

In May 2009, the Santa Ana RWQCB reissued the North Orange County MS4 Storm Water Permit as Order R8-2009-0030 (NPDES Permit No. CAS618030) Waste Discharge Requirements for the County of Orange, Orange County Flood Control District, and the Incorporated Cities of Orange County within the Santa Ana Region Areawide Urban Storm Water Run-off Orange County (all three collectively referred to as Permittees).

Pursuant to the “Fourth-Term” MS4 Permit, the co-permittees are required to update and implement a drainage area management plan for their jurisdictions, as well as local implementation plans (LIPs) that describe the co-permittees’ urban run-off management programs for their local jurisdictions.

The City of Stanton, as a “co-permittee” under the NPDES Permit, must adhere to the CWA requirements. The City’s NPDES Permit implementation requirements, which are applicable to all City entities, are contained in the current *2003 Drainage Area Master Plan* (DAMP) and DAMP Appendix A, *Stormwater Program Local Implementation Plan* (LIP).¹⁵

Non-Point Source Pollution Control Program

The purpose of the Non-Point Source Pollution Control Program is to improve the State’s ability to effectively manage non-point source pollution and conform to the requirements of the CWA and the

¹⁵ County of Orange, *2003 Drainage Area Master Plan*, July 1, 2003.



Federal Coastal Zone Act Reauthorization Amendments of 1990. These documents were developed by the SWRCB's Division of Water Quality and the California Coastal Commission, in coordination with the RWQCBs and staff from over 20 other State agencies.

LOCAL LEVEL

City of Stanton General Plan

The City's goals, strategies, and actions pertaining to hydrology and water quality are contained in the Infrastructure and Community Services Element and Community Health and Safety Element of the General Plan. These goals, strategies, and actions include, but are not limited to, the following:

Goal ICS-2.1 – Provide adequate linear infrastructure to serve new and existing development within the city of Stanton.

Strategy ICS-2.1.1. Ensure sufficient funding for the maintenance of existing linear facilities and the construction of new linear facilities as needed.

Action ICS-2.1.1 (a): Require all new development to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the sewer, stormwater, and potable water city systems.

Strategy ICS-2.1.2. Provide for the improvement of facilities and delivery where existing systems are deficient.

Action ICS-2.1.2 (a): Implement a continuous six-year Capital Improvement Program (CIP) to upgrade and maintain the city sewer, stormwater, and potable water infrastructure.

Action ICS-2.1.2 (b): Monitor the capacity of all linear facilities within the city, to assure that present needs are being met and that future development will be adequately served.

Goal ICS-3.1 – Reduce the environmental impacts on the City's infrastructure systems, promoting sustainable continuation of services to Stanton residents.

Strategy ICS-3.1.2. Promote opportunities to decrease demand on the city's potable water supply and infrastructure.

Action ICS-3.1.2 (d): Encourage new development and redevelopment to incorporate water conservation principles into landscaping design, including the use of drought tolerant plants, limited turf areas, and other water conserving techniques.

Strategy ICS-3.1.3. Encourage the protection of natural drainage methods.

Action ICS-3.1.3 (a): Require new development to incorporate environmentally friendly designs, such as detention systems, metered-release watering devices, porous or vegetative drain liners, and the minimization of impervious surfaces.

Strategy ICS-3.1.4. Encourage the mitigation of waterborne pollutants.



Action ICS-3.1.4 (a): Require, as feasible, opportunities for incorporating stormwater management retention and detention features into the design of new parks, trails, commons, and open space areas.

Goal CHS-2.1 – Protect Stanton residents from potential flood hazards, including dam inundation.

Strategy CHS-2.1.1. Ensure that facilities and programs are maintained and operable to prevent flood damage.

Action CHS-2.1.1 (a): Minimize potential flood damage through the identification of necessary storm drain improvements.

Stanton Municipal Code

The City's Stormwater Discharge and Water Quality Ordinance is included in the *Stanton Municipal Code* (Municipal Code) Chapter 6.20, *Stormwater Discharge and Water Quality*. Municipal Code Chapter 6.20 is intended to enforce State stormwater regulations. Pursuant to Section 6.20.040, *Control of Urban Runoff*, all new development and significant redevelopment occurring within the City shall be undertaken in accordance with the DAMP, including but not limited to the development project guidance, and any conditions and requirements established by the planning department, which are reasonably related to the reduction or elimination pollutants in stormwater runoff the Site. Pursuant to Municipal Code Section 6.20.040, the City's Engineering Department is charged with review of project plans and may impose project-specific terms, conditions, and requirements prior to the issuance of a grading permit, building permit, or nonresidential plumbing permit for any new development or significant redevelopment. This section also prohibits the disposal of waste materials, including but not limited to common household rubbish of any kind upon any public and private property.

Municipal Code Section 20.500.090, *Water Quality Management Plan (WQMP) Required*, provides the requirements for the submittal, processing, and review of WQMPs for new development and modifications to existing development. Pursuant to Municipal Code Section 20.500.090, new development and modifications to existing development shall be designed to control pollutants in stormwater and urban runoff in order to prevent any deterioration in water quality that would impair subsequent or competing uses of the receiving waters. Municipal Code Section 20.500.090 requires a project applicant to obtain the City Engineer's acceptance of a WQMP prior to issuance of a permit, land use approval, or, at the City's discretion, before the recordation of a map.

5.2.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (refer to Impact Statement HWQ-1);



- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin (refer to Impact Statement HWQ-2);
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would;
 - 1) Result in substantial erosion or siltation on- or off-site (refer to Impact Statements HWQ-3);
 - 2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site (refer to Impact Statement HWQ-4);
 - 3) 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 (refer to Impact Statement HWQ-5);
 - 4) Impede or redirect flood flows (refer to Impact Statement HWQ-6);
- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation (refer to [Appendix 11.1, Initial Study/Notice of Preparation and Comment Letters](#));
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (refer to Impact Statement HWQ-7);

Based on these significance thresholds and criteria, the Project's effects have been categorized as either "no impact," a "less than significant impact," or a "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative, since appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.

5.2.4 IMPACTS AND MITIGATION MEASURES

WATER QUALITY IMPACTS

HWQ-1 Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Impact Analysis:

Short-term Construction

Project construction could result in short-term impacts to water quality associated with the handling, storage, and disposal of construction materials; maintenance and operation of construction equipment; and earthmoving activities. These activities, if not controlled, could result in on- and off-site soil erosion due to stormwater run-off or operation of mechanical equipment. Poorly maintained



vehicles and heavy equipment leaking fuel, oil, antifreeze, or other vehicle-related fluids on the Site are also common sources of stormwater pollution and soil contamination. As discussed, the Site drains to the Bolsa Chica Channel, which flows to Huntington Harbor and the Seal Beach National Wildlife Refuge on the U.S. Naval Weapons Station. Huntington Harbor and the Seal Beach National Wildlife Refuge are not identified on the 303(d) list of impaired waters.

To reduce short-term water quality impacts, the Project would be required to prepare and submit a Notice of Intent and a SWPPP to the SWRCB demonstrating compliance with the Construction General Permit. The Construction General Permit requires that non-stormwater discharges from construction sites be eliminated or reduced to the maximum extent practicable, that a SWPPP be developed governing Project construction activities for, and that routine inspections be performed of all stormwater pollution prevention measures and control practices being used at the Site, including inspections before and after storm events. As outlined in the SWPPP, the Project would be required to implement all construction BMPs to protect downstream properties and ensure compliance with the Construction General Permit. Upon construction completion, the Applicant would be required to submit a Notice of Termination to the SWRCB to indicate that construction has been completed.

Pursuant to the City's Stormwater Discharge and Water Quality Ordinance, incorporated as Municipal Code Section 6.20.040, the City's Engineering Department would review Project plans prior to issuance of the Project's grading permit or building permit. Once the Project is reviewed for its potential to discharge pollutants into the storm drain system, appropriate Project-specific terms, conditions, and requirements would be prescribed prior to Project construction. To further minimize the potential for accidental release during construction, the routine transport, use, and disposal of construction materials would be required to adhere to applicable State and local standards and regulations for handling, storage, and disposal of hazardous substances; refer to Section 5.3, *Hazards and Hazardous Materials*. Compliance with such measures would prevent such substances from entering downstream water bodies via stormwater runoff and adversely affect existing water quality. Following conformance with the Construction General Permit, preparation of a SWPPP, and implementation of construction BMPs, the Project's short-term impacts to water quality and surface and groundwater quality would be less than significant.

Long-term Operations

As indicated above, the Site is currently developed/disturbed and is largely covered with impervious surfaces. The Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Thus, Project implementation is not anticipated to result in substantially increased surface runoff. As discussed, the Site drains to the Bolsa Chica Channel, which flows to Huntington Harbor and the Seal Beach National Wildlife Refuge on the U.S. Naval Weapons Station. Huntington Harbor and the Seal Beach National Wildlife Refuge are not identified on the 303(d) list of impaired waters. Based on correspondence with OC Public Works, the Dale-Cerritos Storm Drain and Stanton Storm Drain contain deficient segments and are not capable of conveying runoff from a 100-year storm event.¹⁶ As a result, OC Public Works has requested that development sites do not worsen existing conditions or shift flooding problems upstream or downstream of the project site.

In order to minimize operational impacts to water quality and ensure project development does not worsen existing conditions associated with the Dale-Cerritos Storm Drain and Stanton Storm Drain,

¹⁶ Written Correspondence: Richard Vuong, Manager – Planning Division, OC Public Works Service Area/OC Development Services, April 22, 2019.



the Project must obtain a NPDES permits and develop a stormwater management program, which would specify BMPs to reduce the discharge of pollutants into stormwater to the maximum extent practicable. In addition, the Project would be subject to compliance with the City's Stormwater Discharge and Water Quality Ordinance, which is included in Municipal Code Chapter 6.20. Pursuant to Municipal Code Section 6.20.040, the City's Engineering Department would review the Project plans and may impose Project-specific terms, conditions, and requirements prior to the issuance of the Project's grading permit or building permit. To ensure the Project operations do not result in increased run-off amounts and degraded water quality and in furtherance of Municipal Code Section 20.500.090, Mitigation Measure HWQ-1 would require preparation of a Project-specific water quality management plan (WQMP) for review and approval by the City Engineer prior to Project construction. The WQMP would include Project-specific design measures to control pollutants in stormwater and urban runoff in order to prevent any deterioration in water quality that would impair subsequent or competing uses of the receiving waters.

It is the City's goal to encourage the protection of natural drainage methods and require new development to minimize impervious surfaces (General Plan Strategy ICS-3.1.3 and Action 3.3.3(a)). Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, the Project's operational impacts to run-off and surface and groundwater quality would be less than significant.

Mitigation Measures:

HWQ-1 Prior to Project construction, the Project Applicant (Developer) shall prepare a Project-specific water quality management plan (WQMP) for review and approval by the City Engineer. The WQMP shall include Project-specific design measures to control pollutants in stormwater and urban runoff in order to prevent any deterioration in water quality that would impair subsequent or competing uses of the receiving waters.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

GROUNDWATER SUPPLIES AND GROUNDWATER RECHARGE

HWQ-2 **Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?**

Impact Analysis: The Site overlies the Orange County Groundwater Basin (Basin) and is currently developed/disturbed and is largely covered with impervious surfaces. According to the California Department of Water Resources, the Basin is identified as a Medium priority basin.¹⁷ OCWD manages the Basin through its Groundwater Management Plan, which sets forth basin management goals and objectives and describes how the Basin is managed. The OCWD Groundwater Management Plan's goals are: 1) to protect and enhance the groundwater quality of the Orange County Groundwater Basin; 2) to protect and increase the sustainable yield of the basin in a cost-effective manner; and 3) to increase the efficiency of OCWD operations.

As discussed, Project implementation would result in comparable amounts of impervious surfaces as existing conditions, with only a slight increase in impervious surfaces overall. However, the Site is

¹⁷ California Department of Water Resources, *SGMA Basin Prioritization Dashboard*, <https://gis.water.ca.gov/app/bp2018-dashboard/p1/#>, accessed March 19, 2019.



not located within a local groundwater recharge area and no groundwater extraction would occur as part of the Project. It is the City's goal to encourage the protection of natural drainage methods and require new development to minimize impervious surfaces (General Plan Strategy ICS-3.1.3 and Action 3.3.3(a)). Pursuant to the County's Permit requirements, the Project would be required to implement low-impact development BMPs to preserve natural drainage methods. As discussed under Impact Statement HWQ-1, Mitigation Measure HWQ-1 would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction to ensure the Project operations do not result in degraded water quality. Further, the Project is not anticipated to require or result in the relocation or construction of new or expanded water facilities; refer to Impact Statement PSU-5. Thus, Project implementation would not result in any groundwater extraction or depletion of groundwater supplies, and is not anticipated to interfere with implementation of OCWD's Groundwater Management Plan. Impacts would be less than significant in this regard.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

EROSION OR SILTATION

HWQ-3 **Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?**

Impact Analysis: Refer to Impact Statement HWQ-1. The Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Thus, Project implementation is not anticipated to result in substantially increased surface runoff resulting in substantial erosion on- or off-site. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project's impacts concerning substantial erosion or siltation on- or off-site would be less than significant.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

ON- OR OFF-SITE FLOODING

HWQ-4 **Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

Impact Analysis: Refer to Impact Statement HWQ-1. The Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Thus, Project implementation is not anticipated to result in substantially alter the existing drainage pattern of the site or area in a manner which would substantially



increase the rate or amount of surface runoff such that on- or off-site flooding would occur. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project's impacts concerning on- or off-site flooding would be less than significant.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

POLLUTED RUNOFF

HWQ-5 Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would 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?

Impact Analysis: Refer to Response HWQ-1. The Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Thus, Project implementation is not anticipated to result in substantially increased surface runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project's impacts to stormwater drainage systems or sources of polluted runoff would be less than significant.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

IMPEDE OR REDIRECT FLOOD FLOWS

HWQ-6 Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

Impact Analysis: Refer to Response HWQ-1 and [Appendix 11.1](#). The Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Further, the Site is not located within a 100-year flood zone.¹⁸ Thus, Project implementation is not anticipated to 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 impede or redirect flood flows. Following conformance with NPDES requirements and implementation of Mitigation Measure

¹⁸ Federal Emergency Management Act, *Flood Insurance Rate Map, Map Number 06059C0136J*, effective December 3, 2009.



HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project's potential to impede or redirect flood flows would be less than significant.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

WATER QUALITY CONTROL PLAN

HWQ-7 **Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

Impact Analysis: Refer to Impact Statement HWQ-2 for a discussion concerning the Project's potential to conflict with or obstruct implementation of OCWD's Groundwater Management Plan. As discussed, the Site is located within the Santa Ana RWQCB. The Santa Ana RWQCB manages surface waters through implementation of its Basin Plan. Chapter 2, Plans and Policies, includes a number of water quality control plans and policies adopted by the SWRCB that apply to the Santa Ana RWQCB. Chapter 4, Water Quality Objectives, of the Basin Plan includes specific water quality objectives according to waterbody type (i.e., ocean waters, enclosed bays and estuaries, inland surface waters, and groundwaters. As indicated under Impact Statement HWQ-1, Project implementation would not result in significant construction-related impacts to water quality and surface and groundwater quality following conformance with the Construction General Permit, preparation of a SWPPP, and implementation of construction BMPs, the Project's short-term impacts to water quality and surface and groundwater quality would be less than significant. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, the Project's operational impacts to run-off and surface and groundwater quality would be less than significant. As a result, Project implementation is not anticipated to conflict with or obstruct implementation of a water quality control plan. Impacts would be less than significant in this regard.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact with Mitigation Incorporated.

5.2.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, Cumulative Projects List, and illustrated on Exhibit 4-1, Cumulative Projects Map, cumulative projects are situated in the Site vicinity.



WATER QUALITY IMPACTS

- **Would construction-related activities associated with the Project and other related cumulative projects cause a cumulatively considerable violation of water quality standards or otherwise substantially degrade surface or groundwater quality?**

Impact Analysis:

Short-term Construction

Cumulative development identified in Table 4-1 would have the potential to affect water quality during the construction phase. Related cumulative developments that disturb one or more acre of soil would be required to obtain coverage under the NPDES General Construction Permit and would avoid and/or reduce construction-related impacts to water quality through preparation of a site-specific SWPPP, which identifies applicable BMPs. Each project would be required to comply with existing water quality standards at the time of development review and implement BMPs, as necessary. Further, related cumulative development occurring within the City of Stanton would be subject to conformance with the City's Stormwater Discharge and Water Quality Ordinance, incorporated as Municipal Code Section 6.20.040. Cumulative development occurring in the cities of Garden Grove and Anaheim would be subject to each city's respective stormwater quality ordinances (*Garden Grove Municipal Code Chapter 6.40, Stormwater Quality*, and *Anaheim Municipal Code Chapter 10.09, National Pollutant Discharge Elimination System (NPDES)*). Thus, related development would not result in cumulatively considerable construction-related hydrology and water quality impacts.

As concluded above, Project construction could violate water quality standards or waste discharge requirements in the Site's vicinity. The Project would be required to obtain coverage under the NPDES General Construction permit as it would disturb more than one acre of soil. Pursuant to Construction General Permit requirements, a Site-specific SWPPP would be required to control construction-related pollutants from leaving the Site and affecting receiving waters. The SWPPP would include a list of BMPs that would be implemented to minimize environmental impacts and ensure that discharges during construction would not cause or contribute to any exceedance of water quality standards in the receiving waters. Following conformance with NPDES requirements and the City's Stormwater Discharge and Water Quality Ordinance, the Project would not result in significant cumulatively considerable construction-related impacts to water quality or surface or groundwater quality.

Long-term Operations

Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns and would increase potential for stormwater pollution. As indicated in Table 4-1, the majority of cumulative projects involve developed sites and therefore would involve redevelopment. As a result, it is not anticipated that implementation of cumulative projects would involve substantial changes to drainage patterns and amounts of impervious surfaces on each respective development site. Cumulative development subject to NPDES requirements would be required to develop a stormwater management program that specifies BMPs to reduce the discharge of pollutants in stormwater to the maximum extent practicable. Cumulative development would be required to indicate how peak flows generated from each related project would be accommodated by existing and/or proposed storm drainage facilities and would be required to identify measures to ensure that each project does not adversely affect the rate or quantity of runoff leaving each site or



degrade water quality. Cumulative development occurring within Stanton would be subject to the City's Stormwater Discharge and Water Quality Ordinance, which is included in Municipal Code Chapter 6.20. Cumulative development occurring in the cities of Garden Grove and Anaheim would be subject to each city's respective stormwater quality ordinances (*Garden Grove Municipal Code* Chapter 6.40, *Stormwater Quality*, and *Anaheim Municipal Code* Chapter 10.09, *National Pollutant Discharge Elimination System (NPDES)*). Therefore, related development would not result in cumulatively considerable operational hydrology and water quality impacts.

As concluded above, Project implementation could potentially result in increased run-off amounts and degraded water quality in the vicinity of the Site. However, as the Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall, Project implementation is not anticipated to result in substantially increased surface runoff. To ensure Project operations do not result in increased run-off amounts and degraded water quality and in furtherance of Municipal Code Section 20.500.090 and NPDES requirements, Mitigation Measure HWQ-1 would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction. Following conformance with Municipal Code and NPDES requirements, as well as Mitigation Measure HWQ-1, the Project would not result in significant cumulatively considerable long-term operational hydrology and water quality impacts.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

GROUNDWATER SUPPLIES AND GROUNDWATER RECHARGE

- **Would implementation of the Project and other related cumulative projects substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?**

Impact Analysis: Cumulative development could result in changes to the amounts of impervious surfaces on each respective development site. According to the Groundwater Management Plan, the majority of the Basin area is highly urbanized.¹⁹ As depicted on Exhibit 4-1, the projects identified in Table 4-1 are considered infill development and it is not anticipated that their implementation would substantially impact recharge of the Basin. Individual development projects would be required to mitigate drainage conditions through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation. Therefore, related development would not result in cumulatively considerable impacts to groundwater supplies and groundwater recharge.

Implementation of the Project in addition to related cumulative projects would result in changes to the amounts of impervious surfaces within the Basin area. However, the Site is not located within a groundwater recharge area and no groundwater extraction would occur as part of the Project. Further, the Project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Therefore, the Project would not result in significant cumulatively considerable impacts to groundwater supplies and groundwater recharge.

¹⁹ Orange County Water District, *OCWD Groundwater Management Plan 2015 Update*, page 9-21, June 17, 2015.



Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

EROSION OR SILTATION

- **Would implementation of the Project and other related cumulative projects 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?**

Impact Analysis: Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns and would increase potential for impacts related to erosion or siltation. As indicated above, the majority of the Basin area is highly urbanized. As depicted on Exhibit 4-1, the projects identified in Table 4-1 are considered infill development and it is not anticipated that their implementation would substantially alter the drainage pattern of the site or area in a manner which would result in substantial soil erosion on- or off-site. Individual development projects would be required to mitigate impacts related to erosion or siltation through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation.

As discussed, implementation of the Project and related cumulative projects would result in slight changes to the amounts of impervious surfaces as compared to existing conditions. However, Project implementation is not anticipated to result in substantially increased surface runoff resulting in substantial erosion on- or off-site. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project would not result in significant cumulatively considerable impacts concerning substantial erosion or siltation on- or off-site.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

ON- OR OFF-SITE FLOODING

- **Would implementation of the Project and other related cumulative projects 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

Impact Analysis: Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns. However, the cumulative development depicted on Exhibit 4-1 and Table 4-1 are considered infill development and it is not anticipated that their implementation would substantially alter the drainage pattern of the site or area in a manner which would result in flooding on- or off-site. Individual development projects would be required to mitigate impacts related to flooding through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation.



As discussed, implementation of the Project and related cumulative projects would result in slight changes to the amounts of impervious surfaces as compared to existing conditions. However, Project implementation is not anticipated to result in substantially increased surface runoff resulting in substantial flooding on- or off-site. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project would not result in significant cumulatively considerable impacts concerning flooding on- or off-site.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

POLLUTED RUNOFF

- **Would implementation of the Project and other related cumulative projects 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 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?**

Impact Analysis: Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns. However, the cumulative development depicted on Exhibit 4-1 and Table 4-1 are considered infill development and it is not anticipated that their implementation would substantially alter the drainage pattern of the site or area in a manner which would result in additional sources of polluted runoff. Individual development projects would be required to mitigate impacts related to polluted runoff through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation.

As discussed, implementation of the Project and related cumulative projects would result in slight changes to the amounts of impervious surfaces as compared to existing conditions. However, Project implementation is not anticipated to result in substantially increased surface runoff resulting in substantial additional sources of polluted runoff. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project would not result in significant cumulatively considerable impacts concerning polluted runoff.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

IMPEDE OR REDIRECT FLOOD FLOWS

- **Would implementation of the Project and other related cumulative projects 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 impede or redirect flood flows?**

Impact Analysis: Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns. However, according to the FEMA Flood Map



Service Center, the cumulative projects depicted on Exhibit 4-1 and Table 4-1 are not located within a mapped flood hazard area. These projects are considered infill development and it is not anticipated that their implementation would substantially alter the drainage pattern of the site or area in a manner which would impede or redirect flood flows. Individual development projects would be required to mitigate impacts related to flood flows through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation.

As discussed, implementation of the Project and related cumulative projects would result in slight changes to the amounts of impervious surfaces as compared to existing conditions. However, the Project is not located within a mapped flood hazard area and Project implementation is not anticipated to substantially alter the existing drainage pattern of the site or area such that it would impede or redirect flood flows. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP for review and approval by the City Engineer prior to Project construction, the Project would not result in significant cumulatively considerable impacts concerning flood flows.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

WATER QUALITY CONTROL PLAN

- **Would implementation of the Project and other related cumulative projects conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

Impact Analysis: Refer to the “Groundwater Supplies and Groundwater Recharge” cumulative analysis above concerning the Project’s and cumulative development’s potential to conflict with or obstruct implementation of OCWD’s Groundwater Management Plan. Cumulative development occurring within the jurisdiction of the Santa Ana RWQCB would be subject to all applicable water quality control plans, policies, and objectives identified in Chapters 2 and 4 the Basin Plan. As discussed, cumulative development subject to NPDES requirements would be required to develop a stormwater management program that specifies BMPs to reduce the discharge of pollutants in stormwater to the maximum extent practicable. Cumulative development would be required to identify measures to ensure that each project does not adversely impact water quality, and would also be subject to the City’s Stormwater Discharge and Water Quality Ordinance, which is included in Municipal Code Chapter 6.20. Thus, related development would not result in cumulatively considerable impacts related to conflicting or obstructing implementation of a water quality control plan or sustainable groundwater management plan.

As indicated under Impact Statement HWQ-1, Project implementation would not result in significant construction-related impacts to water quality and surface and groundwater quality following conformance with the Construction General Permit, preparation of a SWPPP, and implementation of construction BMPs. Following conformance with NPDES requirements and implementation of Mitigation Measure HWQ-1, the Project’s operational impacts to run-off and surface and groundwater quality would be less than significant. As a result, Project implementation is not anticipated to result in cumulatively considerable impacts related to conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.



Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.2.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to hydrology and water quality have been identified.



5.3 Hazards and Hazardous Materials

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5.3 HAZARDS AND HAZARDOUS MATERIALS

This section describes the potential for the Project to expose the public to hazards, hazardous materials, or risk of upset that may be related to existing conditions or new hazards created as a result of the Project. Where significant impacts are identified, mitigation measures are provided to reduce these impacts to the extent feasible.

For the purpose of this analysis, the term “hazardous material” refers to both hazardous substances and hazardous waste. A material is defined as “hazardous” if it appears on a list of hazardous materials prepared by a Federal, tribal, State, or local regulatory agency, or if it possesses characteristics defined as “hazardous” by such an agency. A “hazardous waste” is a solid waste that exhibits toxic or hazardous characteristics (i.e., ignitability, corrosivity, reactivity, and/or toxicity).

5.3.1 EXISTING SETTING

The Site is currently developed with 28 four-plex apartment buildings comprised of 112 residential units, the Illuminations Foundation Children’s Resource Center, a community garden, and several vacant lots. Overall, the Site is relatively flat with elevation ranging between 70 and 87 feet above mean sea level. The Project is surrounded by the following:

- North: Tina Way bounds the Site to the north with single-family residences to the north of Tina Way.
- East: Magnolia Avenue bounds the Site to the east with commercial uses along the east side of Magnolia Avenue. A small area to the east of the Magnolia Avenue and Pacific Avenue intersection is located within the City of Anaheim jurisdiction and includes single-family residences.
- South: A Southern California Edison (SCE) utility easement is located to the south of the Site and is currently used as a nursery. Further south of the nursery are railroad tracks associated with the Union Pacific Railroad (UPRR).
- West: Sherrill Street and a portion of the SCE utility easement bound the Site to the west with single-family residences west of Sherrill Street, and the SCE easement further west (used for the operation of the existing Barre Peaker Generating Station and nursery uses).

ON-SITE STRUCTURES

Many older buildings contain building materials that can be hazardous to people and the environment once disturbed. These materials include lead-based paints (LBP) and asbestos-containing materials (ACMs). The existing apartment buildings appear to have been constructed in 1963 and may contain hazardous materials (e.g., LBP and/or ACMs).

Structural Asbestos

Asbestos is a strong, incombustible, and corrosion resistant material, which was used in many commercial products since prior to the 1940s and up until the early 1970s. If inhaled, asbestos fibers can result in serious health problems. The California Division of Occupational Safety and Health



(Cal/OSHA) asbestos construction standard (Title 8, California Code of Regulations [CCR], Section 1259) defines ACM as material containing more than one percent asbestos. ACM is defined as any manufactured construction material, which contains more than one tenth of one percent asbestos by weight.

Due to the age of the existing apartment buildings, there is a potential that ACMs are present. Suspect materials that may contain ACMs include, but may not be limited to, drywall systems, floor tiles, ceiling tiles, and roofing systems.

Lead-based Paints

Lead has long been used as a component of paint, primarily as a pigment and for its ability to inhibit and resist corrosion. Over time, as concern over the health effects associated with lead began to grow, health and environmental regulations were enacted to restrict the use of lead in certain products and activities in the U.S. In the last 25 years, LBP, leaded gasoline, leaded can solder and lead-containing plumbing materials were among the products that were gradually restricted or phased out of use. Due to the age of the existing apartment buildings, there is a potential that LBP is present.

ON-SITE POLE-MOUNTED TRANSFORMERS

Transformers installed prior to 1980 have the potential to contain polychlorinated biphenyls (PCBs). PCBs are organic oils that were formerly used primarily as insulators in many types of electrical equipment, including transformers. After PCBs were determined to be a carcinogen in the mid to late 1970s, the U.S. Environmental Protection Agency (EPA) issued final regulations in 1979 banning the manufacture of PCBs and phasing out most PCB uses. As development of the Site occurred in the 1960s, PCBs may be present in on-site pole-mounted transformers.

CORTESE DATABASE

Government Code Section 65962.5 (also known as the “Cortese List”) requires the California Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB) to compile and update the regulatory sites listing. Additionally, the State Department of Health Services is also required to compile and update, as appropriate, a list of all public drinking water wells that contain detectable levels of organic contaminants and are subject to water analysis pursuant to Health and Safety Code Section 116395. Government Code Section 65962.5 requires the local enforcement agency, as designated pursuant to CCR Title 14 Section 18051 to compile, as appropriate, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. Based on the California Environmental Protection Agency’s (CalEPA) *Cortese List Data Resources*, the Site is not reported on a list maintained pursuant to Government Code Section 65962.5.¹

HOUSEHOLD HAZARDOUS WASTE

Orange County Waste and Recycling

Leftover household products that contain corrosive, toxic, ignitable, or reactive ingredients are considered to be “household hazardous waste.” Products, such as paints, cleaners, oils, batteries, and

¹ California Environmental Protection Agency, *Cortese List Data Resources*, <http://www.calepa.ca.gov/sitecleanup/corteselist/>, accessed April 24, 2019.



pesticides that contain potentially hazardous ingredients require special care when you dispose of them. Improper disposal of household hazardous wastes can include pouring them down the drain, on the ground, into storm sewers, or in some cases putting them out with the trash. The dangers of such disposal methods might not be immediately obvious, but improper disposal of these wastes can pollute the environment and pose a threat to human health. Household hazardous waste and e-waste can be collected at a County Household Hazardous Waste Collection Center. The CR&R Recycle Center located at 11262 Western Avenue in the City serves the Site.

5.3.2 REGULATORY SETTING

FEDERAL AND STATE LEVELS

Special handling and management are required for materials and wastes that exhibit hazardous properties. Treatment, storage, transport, and disposal of these materials are highly regulated at both the Federal and State levels. Compliance with Federal and State hazardous materials laws and regulations minimizes the potential risks to the public and the environment presented by these potential hazards, which include, but are not limited to, the following:

- Resources Conservation and Recovery Act (RCRA) – hazardous waste management;
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) – cleanup of contamination;
- Superfund Amendment and Reauthorization Act (SARA) – cleanup of contamination; and
- Hazardous Materials Transportation Act (HMTA) – safe transport of hazardous materials.

These laws provide the “cradle to grave” regulation of hazardous wastes. Businesses, institutions, and other entities that generate hazardous waste are required to identify and track their hazardous waste from the point of generation until it is recycled, reused, or disposed of. The primary responsibility for implementing RCRA is assigned to the EPA, although individual States are encouraged to seek authorization to implement some or all RCRA provisions.

The EPA and the DTSC have developed and continue to update lists of hazardous wastes subject to regulation. In addition to the EPA and DTSC, the Santa Ana Regional Water Quality Control Board (RWQCB), is the enforcing agency for the protection and restoration of water resources, including remediation of unauthorized releases of hazardous substances in soil and groundwater. Other State agencies involved in hazardous materials management include the Office of Emergency Services, California Department of Transportation (Caltrans), California Highway Patrol (CHP), California Air Resources Board (CARB), and CalRecycle. California hazardous materials management laws include, but are not limited to, the following:

- Hazardous Materials Management Act – business plan reporting;
- Hazardous Substance Act – cleanup of contamination;
- Hazardous Waste Control Act – Hazardous waste management; and



- Safe Drinking Water and Toxic Enforcement Act of 1986 – releases of and exposure to carcinogenic chemicals.

Department of Toxic Substances Control

The responsibility for implementation of RCRA was given to CalEPA's DTSC in August 1992. The DTSC is also responsible for implementing and enforcing California's own hazardous waste laws, which are known collectively as the Hazardous Waste Control Law. Although similar to RCRA, the California Hazardous Waste Control Law and its associated regulations define hazardous waste more broadly and regulate a larger number of chemicals. Hazardous wastes regulated by California, but not by EPA, are called "non-RCRA hazardous wastes."

State Water Resources Control Board

Brownfields are underutilized properties where reuse is hindered by the actual or suspected presence of pollution or contamination. The goals of the SWRCB's Brownfield Program are to:

- Expedite and facilitate site cleanups and closures for Brownfields sites to support reuse of those sites;
- Preserve open space and greenfields;
- Protect groundwater and surface water resources, safeguard public health, and promote environmental justice; and
- Streamline site assessment, clean up, monitoring, and closure requirements and procedures within the various SWRCB site cleanup programs.

Site cleanup responsibilities for brownfields primarily reside within four main programs at the SWRCB: the Underground Storage Tank Program, the Site Cleanup Program, the Department of Defense Program, and the Land Disposal Program. These SWRCB cleanup programs are charged with ensuring sites are remediated to protect the State's surface and groundwater and return them to beneficial use.

California Air Resources Board

One of CARB's major goals is to protect the public from exposure to toxic air contaminants. The California Air Toxics Program establishes the process for the identification and control of toxic air contaminants and includes provisions to make the public aware of significant toxic exposures and for reducing risk.

The Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983) created California's program to reduce exposure to air toxics. The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, Connelly 1987) supplements the AB 1807 program, by requiring a statewide air toxics inventory, notification of people exposed to a significant health risk, and facility plans to reduce these risks.

Under AB 1807, CARB is required to use certain criteria in the prioritization for the identification and control of air toxics. In selecting substances for review, the CARB must consider criteria relating to



“the risk of harm to public health, amount or potential amount of emissions, manner of, and exposure to, usage of the substance in California, persistence in the atmosphere, and ambient concentrations in the community.” AB 1807 also requires CARB to use available information gathered from the AB 2588 program to include in the prioritization of compounds. This report includes available information on each of the above factors required under the mandates of the AB 1807 program. AB 2588 air toxics “Hot Spots” program requires facilities to report their air toxics emissions, ascertain health risks, and to notify nearby residents of significant risks. In September 1992, the “Hot Spots” Act was amended by Senate Bill 1731, which required facilities that pose a significant health risk to the community to reduce their risk through a risk management plan.

Accidental Release Prevention Law

The State’s Accidental Release Prevention Law provides for consistency with Federal laws (i.e., the Emergency Preparedness and Community Right-to-Know Act and the Clean Air Act) regarding accidental chemical releases and allows local oversight of both the State and Federal programs. State and Federal laws are similar in their requirements; however, the California threshold planning quantities for regulated substances are lower than the Federal quantities. Local agencies may set lower reporting thresholds or add additional chemicals to the program. The Accidental Release Prevention Law is implemented by the Certified Unified Program Agencies (CUPAs) and requires that any business, where the maximum quantity of a regulated substance exceeds the specified threshold quantity, register with the responsible CUPA as a manager of regulated substances and prepare a Risk Management Plan. A Risk Management Plan must contain an off-site consequence analysis, a five-year accident history, an accident prevention program, an emergency response program, and a certification of the truth and accuracy of the submitted information. Businesses submit their plans to the CUPA, which makes the plans available to emergency response personnel. The Business Plan must identify the type of business, location, emergency contacts, emergency procedures, mitigation plans, and chemical inventory at each location.

Transportation of Hazardous Materials/Wastes

Transportation of hazardous materials/wastes is regulated by CCR Title 26. The United States Department of Transportation (DOT) is the primary regulatory authority for the interstate transport of hazardous materials. The DOT establishes regulations for safe handling procedures (i.e., packaging, marking, labeling and routing). The CHP and Caltrans enforce Federal and State regulations and respond to hazardous materials transportation emergencies. Emergency responses are coordinated as necessary between Federal, State and local governmental authorities and private persons through a State Mandated Emergency Management Plan.

Worker and Workplace Hazardous Materials Safety

Occupational safety standards exist to minimize worker safety risks from both physical and chemical hazards in the workplace. Cal/OSHA is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials. Among other requirements, Cal/OSHA requires many businesses to prepare Injury and Illness Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers be informed of the hazards associated with the materials they handle.



REGIONAL

Santa Ana Regional Water Quality Control Board

The RWQCB is the enforcing agency for the protection and restoration of water resources, including remediation of unauthorized releases of hazardous substances in soil and groundwater. The UST program protects public health and safety and the environment from releases of petroleum and other hazardous substances from UST systems. The program is administered by the State Water Board and consists of four program elements: leak prevention, cleanup, enforcement, and tank tester licensing. The RWQCB oversees the cleanup element of the UST program.

South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) works with the California Air Resources Board and is responsible for developing and implementing rules and regulations regarding air toxics on a local level. The SCAQMD establishes permitting requirements, inspects emission sources, and enforces measures through educational programs and/or fines. SCAQMD Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of ACM. The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and cleanup procedures, and storage and disposal requirements for asbestos-containing waste materials.

SCAQMD Rule 1166 sets the requirements to control the emission of VOCs from excavating, grading, handling, and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition. Rule 1166 would require an approved mitigation plan to be obtained from SCAQMD prior to excavating, grading, handling, and/or treating VOC-contaminated soil.

COUNTY OF ORANGE

Orange County Health Care Agency

Since April 1988, the SWRCB has contracted with the County of Orange to provide regulatory oversight for cleanup of leaking underground storage tanks (LUSTs) under the Local Oversight Program (LOP) contract. The Orange County Health Care Agency (OCHCA), serving as the County's LOP, is responsible for the following:

- Confirming a release;
- Identifying and notifying Responsible Parties (RPs);
- Reviewing and approving preliminary site assessment work plans to determine the type and extent of soil and groundwater contamination;
- Overseeing assessment activities;



- Reviewing assessment reports, quarterly reports, feasibility studies, risk appraisals, and corrective action plans;
- Issuing cleanup directives to the RPs;
- Overseeing cleanup operations;
- Approving and certifying cleanup operations; and
- Completing all records.

The OCHCA, Environmental Health Division, is designated as the CUPA for the County of Orange by the State Secretary for Environmental Protection. The CUPA is the local administrative agency that coordinates the regulation of hazardous materials and hazardous wastes in Orange County through the following six programs:

- Hazardous Waste (HW);
- Underground Storage Tank (UST);
- Aboveground Petroleum Storage Tank (APST);
- Hazardous Materials Disclosure (HMD);
- Business Emergency Plan (BEP); and
- California Accidental Release Prevention (CalARP).

CITY OF STANTON

City of Stanton General Plan

Chapter 6, *Health and Community*, of the *City of Stanton General Plan* (General Plan), discusses fire protection, emergency response and operations, and hazardous materials. Chapter 6 provides fire, hazardous materials, and emergency response and operations goals and actions as follows:

Goal CHS 4.1 – Provide and maintain a high level of fire protection services necessary to adequately serve the community.

Action CHS-4.1.1 (a): Periodically review response times to ensure emergency response meet or exceed the standards of OCFA (Orange County Fire Authority).

Action CHS-4.1.1 (c): Use the development review process to assess the impact of new development on fire protection services and to ensure the increased demand for emergency services will be adequately served.



Goal CHS 4.2 – Minimize loss of life injury, and property damage from urban fires.

Action CHS-4.2.1 (b): Ensure city building codes and standards provide for adequate fire protection and meet or exceed State standards.

Goal CHS 5.1 – Maintain a level of preparedness to respond to emergency situations in order to reduce the loss of life, injury and property damage to the community.

Action CHS-5.1.1 (a): Annually assess the status of the city's *Emergency Operations Plan* and make necessary revisions to ensure the Plan is current.

Action CHS-5.1.1 (b): Work with adjacent jurisdictions and regional and State agencies to coordinate emergency response efforts and ensure a maximum level of preparedness.

Action CHS-5.1.1 (c): Continue to participate proactively in Orange County Cities' Emergency Management Organization.

Action CHS-5.1.2 (c): Develop an Emergency Operations Center, in consultation with the OCSD and OCFA.

Action CHS-5.1.2 (d): Identify ways to involve citizens in emergency preparedness and response, such as Community Emergency Response Teams.

Goal CHS 6.1 – Protect the community and property from injury, damage or destruction from the use, transport and disposition of hazardous materials.

Action CHS-6.1.1 (a): Coordinate with the County to ensure that commercial and industrial activities comply with all Federal, State, County, and local laws regulating hazardous materials and wastes to identify and inventory all users of hazardous materials and all hazardous waste generators.

Action CHS-6.1.1 (b): Support efforts of the County, CR&R, and other agencies to accept items for recycling such as used oil and batteries and accept, segregate, package and label waste by properly trained staff.

Stanton Municipal Code

The following sections of the *Stanton Municipal Code* (Municipal Code) address hazardous materials:

Municipal Code Section 17.30.060, *Information Regarding Hazardous Waste*, requires the City's health officer to make information available to fire departments and emergency response personnel upon request, regarding hazardous wastes, extremely hazardous wastes, and underground tanks, when the information is obtained by the health officer. Additionally, Municipal Code Section 20.300.050, *Hazardous Materials*, requires the use, handling, storage, and transportation of combustibles and explosives comply with the California Fire Code and the California Hazardous Materials Regulations. Reporting and disclosure requirements are detailed in Municipal Code Chapter 17.30, *Hazardous Materials Disclosure*. Additionally, pursuant to Municipal Code Section 20.300.050, *Hazardous Materials*, no gasoline or other inflammables or explosives are to be stored unless the location, plans, and construction conform to the laws and regulations of the State and are approved by the City.



5.3.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (refer to Impact Statement HAZ-1);
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (refer to Impact Statement HAZ-1);
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (refer to Impact Statement HAZ-2);
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (refer to Appendix 11.1, *Initial Study/Notice of Preparation and Comment Letters*);
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area (refer to Appendix 11.1);
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (refer to Appendix 11.1); and
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires (refer to Appendix 11.1).

Based on these significance thresholds and criteria, the Project's effects have been categorized as either "no impact," a "less than significant impact," or a "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative, since appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.



5.3.4 IMPACTS AND MITIGATION MEASURES

ACCIDENTAL RELEASE AND/OR ROUTINE HANDLING OF HAZARDOUS MATERIALS

HAZ-1 Would the proposed Project create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials?

Impact Analysis:

Short-term Construction

One of the means through which human exposure to hazardous substance could occur is through accidental release. Incidents that result in an accidental release of hazardous substances into the environment can cause contamination of soil, surface water, and groundwater, in addition to any toxic fumes that might be generated. Human exposure of contaminated soil or water can have potential health effects based on a variety of factors, such as the nature of the contaminant and the degree of exposure. Construction activities associated with the proposed Project could release hazardous materials into the environment through reasonably foreseeable upset and accident conditions. Construction activities could expose construction workers to accidental conditions as a result of existing potential contamination in on-site soils and/or groundwater. The following analysis considers potential disturbance of hazardous materials on-site during demolition/construction.

On-Site Structures

Construction activities would include the demolition of existing apartment buildings. These on-site structures may be associated with hazardous materials (e.g., ACM and/or LBP), as they were constructed in 1963. Demolition of the structures could expose construction personnel and the public to ACMs or LBPs. Federal and State regulations govern the renovation and demolition of structures where ACMs and LBPs are present. All demolition that could result in the release of ACMs or LBPs must be conducted according to Federal and State standards.

The National Emission Standards for Hazardous Air Pollutants mandates that building owners conduct an asbestos survey to determine the presence of ACMs prior to the commencement of any remedial work, including demolition (Mitigation Measure HAZ-1). If ACM is found, abatement of asbestos would be required prior to any demolition activities. If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste would be required to be evaluated independently from the building material by a qualified Environmental Professional (Mitigation Measure HAZ-2). If LBP is found, abatement would be required to be completed by a qualified Lead Specialist prior to any demolition activities. Compliance with Mitigation Measures HAZ-1 and HAZ-2, as well as SCAQMD Rule 1403, would reduce potential impacts in this regard to less than significant levels.



On-Site Pole-Mounted Transformers

As development of the Site occurred in the 1960s, PCBs may be present in on-site pole-mounted transformers. Disturbance of the on-site pole-mounted transformers is not anticipated during construction of the proposed Project. However, if relocation or replacement of the existing on-site pole-mounted transformers should occur, construction personnel and the public could be exposed to PCBs. As the electric utility, SCE would be responsible for determining if PCBs are present. If it is determined that PCBs are present, SCE would be subject to compliance with all applicable Federal, State, and local laws and regulations regarding the handling and transport of PCBs. As such, impacts would be less than significant in this regard.

Based on the analysis above, it is unlikely that significant hazards related to existing hazardous materials would be encountered during construction. However, in the event that any unknown waste materials or suspect materials are discovered by the contractor during construction, implementation of Mitigation Measure HAZ-3 would be required. This measure would minimize impacts in this regard to a less than significant level.

Long-term Operations

Hazardous materials are not typically associated with residential uses. Minor cleaning products, typical pool water treatment chemicals, along with the occasional use of pesticides and herbicides for landscape maintenance of the Site are the extent of materials that would be used as a result of the proposed Project. Thus, as the presence and on-site storage of these materials are common and would not be in substantial quantities such that regulatory reporting would be required. Impacts in this regard are less than significant.

Limited amounts of some hazardous materials could be used in the construction of the Project, including standard construction materials (i.e., paints and solvents), vehicle fuel, and other hazardous materials. The routine transportation, use, and disposal of these materials would be required to adhere to standard State and local procedures and regulations for handling, storage, and disposal of these hazardous substances. Project compliance with existing State and local procedures intended to minimize potential health risks associated with their use or the accidental release of such substances would ensure impacts associated with the handling, storage, and transport of these hazardous materials are less than significant.

Mitigation Measures:

- HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). The sampling method to be used shall be based on the statistical probability that construction materials similar in color and texture contain similar amounts of asbestos. In areas where the material appears to be homogeneous in color and texture over a wide area, bulk samples shall be collected at discrete locations from within these areas. In unique or nonhomogeneous areas, discrete samples of potential ACMs shall be collected. The survey shall identify the likelihood that asbestos is present in concentrations greater than 1 percent in construction materials. If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air



Quality Management District (SCAQMD) Rule 1403. Common asbestos abatement techniques involve removal, encapsulation, or enclosure. The removal of asbestos is preferred when the material is in poor physical condition and there is sufficient space for the removal technique. The encapsulation of asbestos is preferred when the material has sufficient resistance to ripping, has a hard or sealed surface, or is difficult to reach. The enclosure of asbestos is to be applied when the material is in perfect physical condition, or if the material cannot be removed from the Site for reasons of protection against fire, heat, or noise.

HAZ-2 If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. A portable, field X-ray fluorescence (XRF) analyzer shall be used to identify the locations of potential lead paint, and test accessible painted surfaces. The qualified Environmental Professional shall identify the likelihood that lead is present in concentrations greater than 1.0 milligrams per square centimeter (mg/cm²) in/on readily accessible painted surfaces of the buildings. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Potential methods to reduce lead dust and waste during removal include wet scraping, wet planning, use of electric heat guns, chemical stripping, and use of local High Efficiency Particulate Air (HEPA) exhaust systems. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal, if present, shall provide evidence of abatement activities to the City Engineer.

HAZ-3 If unknown wastes or suspect materials (such as stained soils, odors, and/or unknown debris) are discovered during construction by the contractor that he/she believes may involve hazardous waste/materials, the contractor shall:

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
- Notify the City of Stanton Director of Public Works;
- Secure the areas as directed by the City;
- Notify the Orange County Health Care Agency's (OCHCA) Hazardous Waste/Materials Coordinator; and
- Perform remedial activities (as required per OCHCA, or their designee, and dependent upon the nature of the hazardous materials release) as required under existing regulatory agency standards.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.



SCHOOL SITES

HAZ-2 **Would future development in accordance with the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school?**

Impact Analysis: Two existing schools are situated within 0.25-mile of the Site (Stepping Stones Learning Center located 0.11-mile northwest and Walter Elementary School located 0.05-mile southeast of the Site). The Project is anticipated to involve the demolition of the existing apartment buildings, which may require the handling of hazardous (ACMs and LBPs) materials at the Site as well as the transport of these materials off-site to an approved landfill facility. Additionally, the Project may require replacement or relocation of on-site pole-mounted transformers by SCE, which could involve the handling and transport of PCBs. These activities would be required to comply with Federal, State, and local laws and regulations regarding the handling and transport of hazardous materials. With compliance with Federal, State, and local laws and regulations as well as implementation of the recommended Mitigation Measures HAZ-1 and HAZ-2, the Project is not anticipated to result in any negative impacts involving the handling of hazardous materials, substances, or waste within the vicinity of these schools. Impacts in this regard would be reduced to less than significant levels.

Mitigation Measures: Refer to Mitigation Measures HAZ-1 and HAZ-2.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.3.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are situated in the Site vicinity.

- **Would development in accordance with the Project and cumulative development result in cumulatively considerable impacts related to hazards and hazardous materials?**

Impact Analysis: Cumulative projects are not anticipated to result in a cumulatively considerable hazardous materials impact. As discussed above, with implementation of the recommended Mitigation Measures HAZ-1 through HAZ-3, implementation of the proposed Project would not result in significant impacts involving hazards and hazardous materials. Other cumulative projects could result in the increase in handling of hazardous materials, potential for accidental conditions, or an increase in the transport of hazardous materials, particularly during Site disturbance/demolition/remedial activities. However, with compliance with the DTSC, OCHCA, CalEPA, Cal/OSHA, and OCFA laws and regulations, these impacts would be minimized. Compliance with all applicable Federal and State laws and regulations related to the handling of hazardous materials would reduce the likelihood and severity of accidents, thereby ensuring that a less than significant cumulative impact would result. As the proposed Project would not result in significant impacts involving hazards and hazardous materials, the Project would not result in a cumulatively considerable impact in this regard.

Mitigation Measures: Refer to Mitigation Measures HAZ-1 through HAZ-3.



Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.3.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to hazards and hazardous materials have been identified.



5.4 Transportation

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5.4 TRANSPORTATION

This section is based upon the *Tina-Pacific Residential Traffic Impact Analysis* (Traffic Impact Analysis), dated January 8, 2019 and prepared by Ganddini Group, Inc; refer to [Appendix 11.3, *Traffic Impact Analysis*](#). The purpose of the Traffic Impact Analysis is to evaluate transportation impacts associated with Project development. This analysis considers impacts on local intersections and regional transportation facilities. Mitigation measures are recommended, if necessary, to avoid or reduce Project impacts on transportation.

As stated in [Section 3.0, *Project Description*](#), the Project proposes to develop a 161-unit multi-family affordable housing development. However, in addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a 2,300-square foot preschool facility, one additional tot lot along Magnolia Avenue, and a community pool in the center of the Site. Given that the addition of a preschool facility would generate more vehicle trips than the Project without a preschool facility, the Traffic Impact Analysis analyzed Development Scenario Two (Project With Preschool) as the “worst-case” scenario in terms of transportation impacts. As such, the analysis below assumes the Project would include the preschool facility and additional recreational amenities.

5.4.1 EXISTING SETTING

EXISTING ROADWAY SYSTEM

Regional/Local Roadways

Regional access to the Site is provided by State Route 22 and Interstate 5. The north-south roadway of Magnolia Avenue and the east-west roadways of Cerritos Avenue and Katella Avenue provide local circulation. The following discussion provides a brief description of key local roadways:

- ***Magnolia Avenue***: Magnolia Avenue is a four-lane divided roadway oriented in the north-south direction west of the Site. On-street parking is permitted on both sides of the roadway within the Site vicinity and the posted speed limit on Magnolia Avenue is 40 miles per hour (mph). The roadway is identified under the *City of Stanton General Plan* (General Plan) as a primary arterial.
- ***Katella Avenue***: Within the Site vicinity, Katella Avenue is a six-lane divided roadway oriented in the east-west direction south of the Site. On-street parking is prohibited on both sides of the roadway and the posted speed limit on Katella Avenue is 45 mph. The General Plan identifies Katella Avenue as a major arterial.
- ***Cerritos Avenue***: Cerritos Avenue is a four-lane undivided roadway oriented in the east-west direction north of the Site. On-street parking is permitted on both sides of the roadway within the Site vicinity and the posted speed limit is 40 mph. The General Plan identifies Cerritos Avenue as a secondary arterial.

Traffic Impact Analysis Figure 3, *Existing Lane Geometry and Intersection Traffic Controls*, identifies the existing lane geometry and intersection traffic controls based on a field survey of the study area.



Study Area Intersections

The following four study area intersections provide local access to the Site and define the extent of the boundaries for the Traffic Impact Analysis; refer to Exhibit 5.4-1, *Study Area Intersection Locations*. Jurisdictions included within the study area include the cities of Stanton and Garden Grove.

1. Sherrill Street at Cerritos Avenue – City of Stanton
2. Magnolia Avenue at Cerritos Avenue – City of Stanton
3. Magnolia Avenue at Pacific Avenue – City of Stanton
4. Magnolia Avenue at Katella Avenue – City of Stanton

TRAFFIC ANALYSIS METHODOLOGIES

The methodologies used to conduct the future traffic volume forecasts and the traffic operations analysis are summarized in this section. The analysis is based on potential impacts that would result from the increase in vehicle trips to and from the Site that would be generated by Project implementation. For a detailed discussion of the analytical methodology, refer to Appendix 11.3.

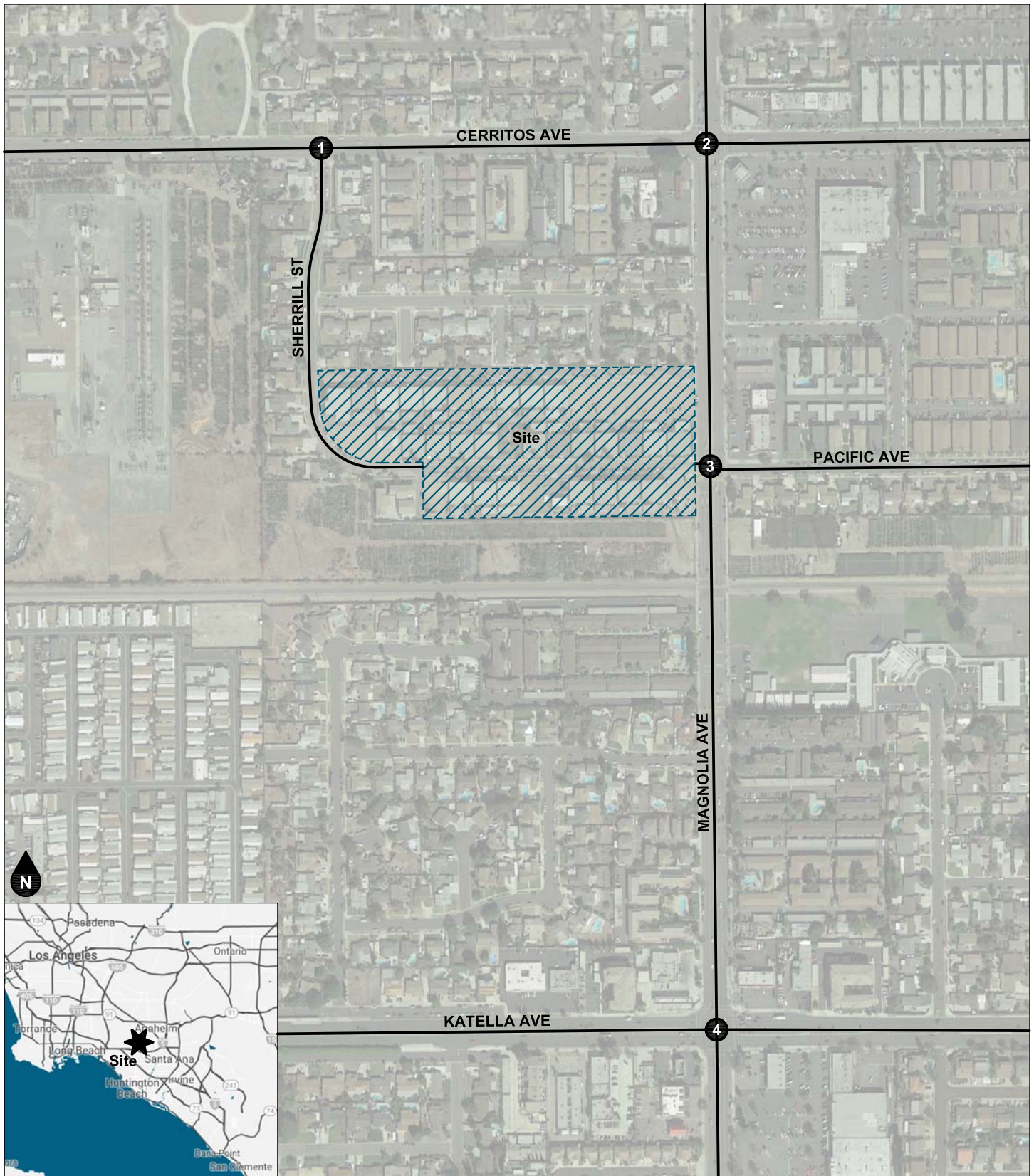
The Traffic Impact Analysis analyzes existing and future weekday a.m. and p.m. peak hour traffic conditions for the following conditions:

- Existing Conditions (Year 2018);
- “Existing Plus Project” Conditions (2018);
- “Opening Year (2022) Without Project” Conditions; and
- “Opening Year (2022) With Project” Conditions.

The 2022 buildout year for the Project operations analysis was chosen based on the anticipated construction completion date for both Phase I and II of the Project.

Intersection Capacity Utilization Methodology

The Traffic Impact Analysis utilizes the Intersection Capacity Utilization (ICU) methodology to analyze signalized intersections. The ICU methodology compares the current traffic volumes using the intersection to the capacity of the intersection. The resulting ICU value represents that portion of the hour required to provide sufficient capacity to accommodate all intersection traffic volumes if all approaches operate at capacity. Level of Service (LOS) is used to qualitatively describe the performance of a roadway facility, ranging from LOS A (free-flow conditions) to LOS F (extreme congestion and system failure). The volume to capacity (V/C) ratio is then correlated to a LOS performance measure based on the following thresholds detailed in Table 5.4-1, *Level of Service Criteria for Signalized Intersections (ICU)*.



Legend

Study Intersection

Source: Ganddini Group, Inc., Tina-Pacific Residential Traffic Impact Analysis, January 8, 2019.



Table 5.4-1
Level of Service Criteria for Signalized Intersections (ICU)

Level of Service	Volume to Capacity Ratio
A	≤ 0.600
B	0.601-0.700
C	0.701-0.800
D	0.801-0.900
E	0.901-1.000
F	>1.000
Source: Ganddini Group, Inc., <i>Tina-Pacific Residential Traffic Impact Analysis</i> , January 8, 2019; refer to Appendix 11.3.	

ICU analysis was performed using the Vistro (Version 6.00-00) software. In accordance with the City of Stanton and City of Garden Grove requirements, the ICU analysis uses the parameters of 1,700 vehicles per hour per lane and a total yellow clearance time (or lost time) of 5 percent.

Intersection Delay Methodology

In order to assess the performance of unsignalized intersections, the Traffic Impact Analysis utilized the intersection delay methodology based on procedures contained in the *Highway Capacity Manual* (Transportation Research Board, 6th Edition). The methodology considers the traffic volume and distribution of movements, traffic composition, geometric characteristics, and signalization details (if signalized) to calculate the average control delay per vehicle and corresponding LOS. Control delay is defined as the portion of delay attributed to the intersection traffic control (such as a traffic signal or stop sign) and includes initial deceleration, queue move-up time, stopped delay, and final acceleration delay. The intersection control delay is then correlated to a LOS based on the following thresholds detailed in Table 5.4-2, *Level of Service for Unsignalized Intersections (HCM)*.

Table 5.4-2
Level of Service for Unsignalized Intersections (HCM)

Level of Service	Intersection Control Delay (seconds per vehicle)
A	≤ 10.0
B	>10.0 to ≤ 15.0
C	> 15.0 to ≤ 25.0
D	> 25.0 to ≤ 35.0
E	> 35.0 to ≤ 50.0
F	> 50.0
Source: Ganddini Group, Inc., <i>Tina-Pacific Residential Traffic Impact Analysis</i> , January 8, 2019; refer to Appendix 11.3.	

At intersections with a traffic signal or all way stop control, LOS is determined by the average control delay for the overall intersection. At intersections with cross street stop control (i.e., one- or two-way stop control), LOS is determined by the average control delay for the worst individual movement (or movements sharing a single lane).



Intersection delay analysis was performed using the Vistro (Version 6.00-00) software. Default values recommended in the *Highway Capacity Manual* were used for any values not specifically identified in the City's guidelines.

EXISTING CONDITIONS

Existing Intersection Volumes

Existing peak hour intersection volumes are based on morning and evening peak period intersection turning movement counts obtained in December 2018 during typical weekday conditions while local schools were in session. Traffic counts during the morning peak period were conducted between 7:00 a.m. and 9:00 a.m. and traffic counts during the evening peak period were conducted between 4:00 p.m. and 6:00 p.m. The actual peak hour within the peak period is the four consecutive 15-minute periods with the highest total volume when all movements are added together. Traffic Impact Analysis Figure 8, *Existing AM Peak Hour Intersection Turning Movement Volumes*, and Figure 9, *Existing PM Peak Hour Intersection Turning Movement Volumes*, show the existing morning and evening peak hour intersection turning movement volumes.

Existing Intersection Levels of Service

Table 5.4-3, *Existing Peak Hour Levels of Service*, summarizes the existing peak hour service level calculations for the four existing study area intersections based on existing traffic volumes and current street geometry. As shown in Table 5.4-3, the study intersections currently operate within acceptable LOS during peak hours under existing conditions.

Table 5.4-3
Existing Peak Hour Levels of Service

Study Intersections		Traffic Control	AM Peak Hour		PM Peak Hour	
			V/C or [Delay] ¹	LOS	V/C or [Delay] ¹	LOS
1	Sherril Street at Cerritos Avenue	CSS	[20.2]	C	[22.1]	C
2	Magnolia Avenue at Cerritos Avenue	TS	0.546	A	0.619	B
3	Magnolia Avenue at Pacific Avenue	TS	0.384	A	0.414	A
4	Magnolia Avenue at Katella Avenue	TS	0.610	B	0.665	B
Notes: CSS = cross street stop; TS = traffic signal; V/C = volume/capacity; LOS = level of service 1. Delay is shown in [seconds per vehicle] for unsignalized study intersections. For intersections with cross street stop control, level of service is based on average delay of the worst individual lane (or movements sharing a lane).						
Source: Ganddini Group, Inc., <i>Tina-Pacific Residential Traffic Impact Analysis</i> , January 8, 2019; refer to Appendix 11.3.						

Existing Pedestrian and Bicycle Facilities

Existing pedestrian facilities in the Site vicinity are shown on Traffic Impact Analysis Figure 4, *Existing Pedestrian Facilities*. As shown, sidewalks are currently provided along the roadways adjacent to the Site, including Magnolia Avenue, Pacific Avenue, Sherrill Street, and Tina Way.

Traffic Impact Analysis Figure 5, *City of Stanton Bicycle Route Map*, identifies Class II bike lanes proposed along Cerritos Avenue and Magnolia Avenue; however, there are no existing bicycle facilities in the immediate Site vicinity.



Existing Transit Service

Traffic Impact Analysis Figure 6, *Orange County Transportation Authority System Map*, shows existing transit routes available in the Site vicinity. As shown, Orange County Transportation Authority (OCTA) Route 33 provides transit service along Magnolia Avenue and Route 50 provides transit service along Katella Avenue. The nearest transit stops to the Site are located at the intersection of Magnolia Avenue and Pacific Avenue and are served by OCTA Route 33.

5.4.2 REGULATORY SETTING

STATE LEVEL

California Department of Transportation

The California Department of Transportation (Caltrans) publishes a document entitled *Guide for the Preparation of Traffic Impact Studies* (Guide), which provides guidelines and recommended elements of traffic studies for projects that could potentially impact State facilities such as State Route highways and freeway facilities. This is a State-level document that is used by each of the Caltrans District offices.

The Guide defines when traffic studies should be conducted to address impacts to state facilities but does not define quantitative impact standards. The Guide states that Measures of Effectiveness (MOEs) are used to evaluate Caltrans facilities, and that the agency strives to maintain a LOS value of C on its facilities. However, the Guide states that the appropriate target LOS varies by facility and congestion level and is defined differently by Caltrans depending on the analyzed facility.

LOCAL LEVEL

Orange County Congestion Management Program

The current version of the *Orange County Congestion Management Program* (CMP) was prepared by OCTA in October 2017. The goals of the CMP are to support regional mobility objectives by reducing traffic congestion; providing a mechanism to coordinate land use and development decisions that support the regional economy; and determining gas tax fund eligibility. All freeways and selected arterial roadways in the County are designated elements of the CMP system of highways and roadways. OCTA has adopted a minimum LOS threshold of LOS E for CMP facilities. Based on OCTA's 2017 *Congestion Management Program*, the intersection of Beach Boulevard and Katella Avenue is the only CMP facility within the City of Stanton.

City of Stanton General Plan

The General Plan Infrastructure and Community Services Chapter identifies strengths, opportunities, and key issues of the City's infrastructure and public service systems; establishes goals, strategies, and actions affecting infrastructure and public services; provides a framework for determining appropriate infrastructure improvements and expansion of public services; and provides a framework for providing sufficient infrastructure and public services to meet the existing and future needs of Stanton. The Infrastructure and Community Services Chapter goals and strategies related to transportation that pertain to the Project include the following:



Goals and Strategies

Goal ICS-1.1 – Provide an efficient, coherent, and well-maintained transportation network that adequately supports the General Plan Land Use Concept.

Strategy ICS-1.1.1: Ensure sufficient funding for maintenance, enhancement, and expansion of the City's transportation infrastructure.

Strategy ICS-1.1.2: Improve efficiency of the City's existing transportation network.

Goal ICS-1.2 – Encourage alternatives to the private automobile by increasing access and opportunities to public transit, as well as to other alternative modes of transportation, such as biking and walking.

Strategy ICS-1.2.1: Capitalize on the economic development and community revitalization potential of transit operations.

5.4.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

PERFORMANCE STANDARDS AND THRESHOLDS OF SIGNIFICANCE

City of Stanton

Performance Standard. The minimum acceptable levels of service established by the City of Stanton are LOS E on Beach Boulevard and LOS D on all other roadways.

Thresholds of Significance. The City of Stanton considers a traffic impact to be significant if project traffic is forecast to increase the V/C ratio at an intersection by three percent ($V/C \geq 0.030$) of the LOS E capacity.

City of Garden Grove

Performance Standard. The *City of Garden Grove General Plan* establishes LOS D as the minimum acceptable LOS for its arterial roadway system. Roadway facilities operating at LOS E or F are considered deficient.

Thresholds of Significance. Based on the City of Garden Grove's performance criteria, a traffic impact is considered significant if:

- The addition of project-generated trips is forecast to cause a signalized study intersection to change from acceptable LOS (LOS D or better) to deficient LOS (LOS E or F); or
- The addition of project-generated trips is forecast to increase the V/C ratio of a signalized study intersection by one percent or more of capacity ($V/C \geq 0.010$) if the intersection is already operating at a deficient LOS (LOS E or F); or
- The addition of project-generated trips is forecast to cause or worsen a deficient LOS (LOS E or F) at an unsignalized intersection and a traffic warrant is satisfied.



CEQA SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities (refer to Impact Statements TRA-1, TRA-2, and TRA-3);
- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways (refer to Impact Statements TRA-2 and TRA-3);¹
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (refer to Impact Statement TRA-4); and
- d) Result in inadequate emergency access (refer to Impact Statement TRA-5).

Based on these significance thresholds and criteria, the Project's effects have been categorized as either "no impact," a "less than significant impact," or a "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative, since appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.

5.4.4 IMPACTS AND MITIGATION MEASURES

TRANSIT, BICYCLE, AND PEDESTRIAN FACILITIES

TRA-1 **Would development of the Project conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?**

Impact Analysis: As stated above, the Site is located adjacent to a number of existing transportation facilities. Pedestrian sidewalks are provided along the roadways adjacent to the Site, including Magnolia Avenue, Pacific Avenue, Sherrill Street, and Tina Way, and OCTA bus stops served by OCTA Route 33 are located on the east and west side of Magnolia Avenue at its intersection with Pacific Avenue. There are no existing bicycle facilities in the immediate Site vicinity.

¹ While this Appendix G Checklist Question has been modified by the Natural Resources Agency to address consistency with *CEQA Guidelines* Section 15064.3, subdivision (b), which relates to use of the vehicle miles traveled (VMT) as the methodology for evaluating traffic impact, the City has not yet adopted a VMT methodology to address this updated Appendix G Checklist Question. Thus, the analysis is based on the City's adopted traffic analysis methodology, which requires use of level of service to evaluate traffic impacts of a project.



Project development would involve vacating Tina Way, Pacific Avenue, and two alleyways on-site, which would eliminate existing sidewalks along Tina Way and Pacific Avenue. Nevertheless, pedestrian circulation in the Site vicinity would be provided by existing sidewalks along Magnolia Avenue, Sherrill Street, and Stardust Lane. The proposed multi-family development would also have internal walkways and pedestrian paths adjacent to the residential units, tot lots, community center, and surface parking areas. Therefore, the Project would not conflict with any adopted pedestrian plan and impacts would be less than significant in this regard.

Existing OCTA transit service in the Site vicinity would similarly not be impacted by Project development. The two bus stops along Magnolia Avenue to the east of the Site would continue to be served by OCTA Route 33. No impacts to transit services would occur in this regard.

As stated, there are no bicycle facilities in the Site vicinity. According to Traffic Impact Analysis Figure 5, *City of Stanton Bicycle Route Map*, the City is proposing Class II bicycle lanes along Magnolia Avenue and Cerritos Avenue. Project development would occur within Site boundaries and thus, would not impact the City's plans to develop bicycle facilities in the Site vicinity. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

CONSTRUCTION TRAFFIC

TRA-2 **Would the Project's construction cause a significant increase in traffic for existing conditions when compared to the traffic capacity of the street system?**

Impact Analysis: Construction activities associated with the Project would generate traffic as a result of construction equipment being transported to and from the Site, and vehicular traffic from construction workers, export of construction debris, and delivery of materials to the Site. Staging areas for construction equipment and materials storage would be established on-site. The construction activities would include demolition, Site preparation, grading/excavation, trenching, building construction, and paving.

Construction-related trips associated with trucks and employees traveling to and from the Site in the morning and afternoon may result in some minor temporary and short-term traffic delays to vehicles traveling along Magnolia Avenue. However, in accordance with *Stanton Municipal Code* (Municipal Code) Section 9.28.070, *Special Provisions*, all construction activity would occur only between 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays with no construction at anytime on Sundays or Federal holidays. Further, Mitigation Measure TRA-1 would require a Construction Management Plan, which would minimize Project-related construction traffic impacts on the local circulation system. Per Mitigation Measure TRA-1, all construction vehicles would carry the required hauling permits and would use the most direct route via Magnolia Avenue or Beach Boulevard to State Route 22. The exact haul routes would be confirmed with the City of Stanton Public Works Department and/or the adjacent jurisdictions (e.g., City of Garden Grove or City of Anaheim) prior to approval. Construction may require temporary closures of vehicle lanes, bicycle lanes, and/or sidewalks. Mitigation Measure TRA-1 would require the Applicant (Developer) coordinate with the City Engineer regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures would not impact operations of adjacent uses or emergency access. In addition, Mitigation Measure TRA-1 would ensure traffic signs, traffic cone arrangements, and flaggers are present during general drop-off



and pick-up hours for nearby schools (i.e., Walter Elementary School) to ensure safe pedestrian access along the Project frontage for students. Overall, construction-related traffic impacts would be short-term and temporary and implementation of Mitigation Measure TRA-1 would ensure construction-related Project impacts are less than significant.

Mitigation Measures:

TRA-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, the Applicant (Developer) shall prepare a Construction Management Plan to be submitted for review and approval by the City of Stanton Public Works Department. The requirement for a Construction Management Plan shall be incorporated into the Project specifications and subject to verification by the City Engineer prior to final plan approval. The Construction Management Plan shall, at a minimum, address the following:

- Traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to enter and exit the Site from Magnolia Avenue.
- Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the Site, traffic controls and detours, and proposed construction phasing plan for the Project.
- Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.
- Require the Applicant (Developer) to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The Applicant (Developer) shall clean adjacent streets, as directed by the City of Stanton Public Works Department, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.
- Hauling or transport of oversize loads shall be subject to the requirements of the City of Stanton Public Works Department and/or the adjacent jurisdictions of the cities of Garden Grove and Anaheim.
- Haul trucks entering or exiting public streets shall at all times yield to public traffic.
- If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the Applicant (Developer) will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer.
- All construction-related parking and staging of vehicles shall be kept out of the adjacent public roadways and shall occur on-site.
- This Plan shall meet standards established in the current *California Manual on Uniform Traffic Control Device* (MUTCD) as well as City of Stanton requirements. The traffic control plans (TCP) shall be prepared by the contractor and submitted to the City Engineer for approval pertaining to off-site work, including sidewalk



construction, building façade, underground utilities, and any work that would require temporary curb lane closures. The plan shall be developed according to the MUTCD (latest edition) guidelines, including plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic.

- Should the Project utilize State facilities for hauling of construction materials, the Construction Management Plan shall be submitted to the California Department of Transportation (Caltrans) for review and comment.
- Should Project construction activities require temporary vehicle lane, bicycle lane, and/or sidewalk closures, the Applicant (Developer) shall coordinate with the City Engineer regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.
- Should Project construction activities occur during general drop-off and pick-up hours for nearby schools (i.e., Walter Elementary School), traffic signs, traffic cone arrangements, and flaggers shall assist with ensuring safe pedestrian access along the Project frontage for students.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

PROJECT TRAFFIC GENERATION

TRA-3 **Would Project operations cause a significant increase in traffic when compared to the traffic capacity of the street system?**

Impact Analysis:

Project Trip Generation

“Trip generation analysis” is the process by which the number of vehicle-trips that a specific proposed land use plan would add to local roadways are identified. Generation rates used in the traffic forecasting procedure are obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (2017), 10th Edition. Table 5.4-4, Project Trip Generation Forecast, summarizes the trip generation rates used in forecasting vehicular trips generated by the Project.



**Table 5.4-4
Project Trip Generation Forecast**

Land Use	ITE Code/ Quantity	AM Peak Hour			PM Peak Hour			Daily Rate/Trips
		% In	% Out	Rate	% In	% Out	Rate	
Generation Factors								
Multi-Family Housing (Low-Rise)	ITE 220	23	77	0.46	63	37	0.56	7.32
Pre-school	ITE 565	53	47	11.00	47	53	11.12	47.62
Trips Generated								
Multi-Family Housing (Low-Rise)	161 DU	17	57	74	57	33	90	1,179
Pre-school	2,300 SF	13	12	25	12	14	26	110
Existing Multi-Family Housing (to be removed)	110 DU	12	39	51	39	23	62	805
Total Net Trips Generated		18	30	48	30	24	54	484
Notes: DU = dwelling units; SF = square feet								
Source: Ganddini Group, Inc., Tina-Pacific Residential Traffic Impact Analysis, January 8, 2019; refer to Appendix 11.3.								

As shown in Table 5.4-4, the existing residential neighborhood generates approximately 805 daily vehicle trips, including 51 trips during the a.m. peak hour and 62 trips during the p.m. peak hour. The proposed Project is forecast to generate approximately 1,289 daily vehicle trips, including 99 trips during the a.m. peak hour and 116 trips during the p.m. peak hour. Therefore, the Project is forecast to generate a total of approximately 484 net new daily vehicle trips, including 48 net new vehicle trips during the a.m. peak hour and 54 net new vehicle trips during the p.m. peak hour.

Project Trip Distribution and Assignment

Non-emergency vehicular access to the Site would be provided via a main gated entry along Magnolia Avenue and one gated egress-only point at the northwest corner of the Site towards Sherrill Street. Traffic Impact Analysis Figure 10, *Project Trip Distribution – Outbound*, and Figure 11, *Project Trip Distribution – Inbound*, show the forecast directional distribution patterns for the outbound and inbound Project-generated trips, respectively. The trip distribution patterns are based on review of existing volume data, surrounding land uses, and the local and regional roadway facilities in the Site vicinity. Traffic Impact Analysis Figure 12, *Project AM Peak Hour Intersection Turning Movement Volumes*, and Figure 13, *Project PM Peak Hour Intersection Turning Movement Volumes*, depict morning and evening peak hour intersection turning movement volumes expected from Project development.

“Existing Plus Project” Conditions

“Existing Plus Project” volume forecasts were derived by adding the Project-generated trips to existing traffic volumes. The intersection levels of service for “Existing Plus Project” conditions are detailed in Table 5.4-5, *Existing Plus Project Intersection Level of Service*. As shown, the study intersections are forecast to operate at LOS C or better during the peak hours under “Existing Plus Project” conditions.



**Table 5.4-5
Existing Plus Project Intersection Level of Service**

ID	Study Intersection	Traffic Control	AM Peak Hour		PM Peak Hour	
			V/C or [Delay] ¹	LOS	V/C or [Delay] ¹	LOS
1	Sherrill Street at Cerritos Avenue	CSS	[20.4]	C	[22.3]	C
2	Magnolia Avenue at Cerritos Avenue	TS	0.548	A	0.622	B
3	Magnolia Avenue at Pacific Avenue	TS	0.404	A	0.426	A
4	Magnolia Avenue at Katella Avenue	TS	0.613	B	0.669	B
Notes: CSS = Cross Street Stop; TS = Traffic Signal; V/C = Volume/Capacity; LOS = Level of Service Delay is shown in seconds per vehicle for unsignalized study intersections. For intersections with cross street stop control, Level of Service is based on average delay of the worst individual lane (or movements sharing a lane).						
Source: Ganddini Group, Inc., <i>Tina-Pacific Residential Traffic Impact Analysis</i> , January 8, 2019; refer to Appendix 11.3.						

Table 5.4-6, *Existing Plus Project Significant Impact Evaluation*, summarizes the significant impact assessment under “Existing Plus Project” conditions. As shown, the proposed Project would not result in any significant impacts based on the thresholds of significance established by the cities of Stanton and Garden Grove. Therefore, traffic impacts under the “Existing Plus Project” conditions would be less than significant.

**Table 5.4-6
Existing Plus Project Significant Impact Evaluation**

Unsignalized Intersections													
ID	Study Intersection	AM Peak Hour					PM Peak Hour						
		With Project		LOS E or F?	Traffic Signal Warranted?	Significant Impact?	With Project		LOS E or F?	Traffic Signal Warranted?	Significant Impact?		
		[Delay]	LOS				[Delay]	LOS					
1	Sherrill Street at Cerritos Avenue	[20.4]	C	No	n/a ¹	No	[22.3]	C	No	n/a ¹	No		
Signalized Intersections													
ID	Study Intersection	AM Peak Hour						PM Peak Hour					
		Without Project		With Project		Change	Significant Impact?	Without Project		With Project		Change	Significant Impact?
		V/C	LOS	V/C	LOS			V/C	LOS	V/C	LOS		
2	Magnolia Avenue at Cerritos Avenue	0.546	A	0.548	A	+0.002	No	0.619	B	0.622	B	+0.003	No
3	Magnolia Avenue at Pacific Avenue	0.384	A	0.404	A	+0.020	No	0.414	A	0.426	A	+0.012	No
4	Magnolia Avenue at Katella Avenue	0.610	B	0.613	B	+0.003	No	0.665	B	0.669	B	+0.004	No
Notes: V/C = Volume/Capacity; [Delay] is shown in seconds per vehicle; LOS = Level of Service 1. n/a = not applicable; peak hour traffic signal warrant only evaluated for LOS E or F conditions.													
Source: Ganddini Group, Inc., <i>Tina-Pacific Residential Traffic Impact Analysis</i> , January 8, 2019; refer to Appendix 11.3.													



Future Cumulative Conditions

To account for ambient growth on roadways, existing volumes were increased by a growth rate of 1.0 percent per year over a four-year period for Opening Year (2022) conditions. This equates to a total growth factor of approximately 1.04 for Opening Year conditions. The ambient growth rate was conservatively applied to all movements at the study intersections.

In addition, to account for trips generated by future cumulative developments, trips generated by pending or approved other development projects in the cities of Stanton, Garden Grove, and Anaheim were added to the study intersections. Traffic Impact Analysis Table 3, *Other Development Trip Generation*, shows the trip generation summary for related cumulative projects. The cumulative projects are depicted on Exhibit 4-1, Cumulative Projects Map. The ambient growth discussed above is assumed to account for any additional background volume growth generated by other developments outside the Site vicinity and not specifically listed in the Traffic Impact Analysis.

“Opening Year (2022) Without Project” Conditions

To develop “Opening Year (2022) Without Project” volume forecasts, existing volumes were combined with ambient growth and trips generated by other cumulative developments. As shown in Table 5.4-7, Opening Year (2022) Without Project Intersection Level of Service, study intersections are forecast to operate at LOS C or better during peak hours under “Opening Year (2022) Without Project” conditions.

Table 5.4-7
Opening Year (2022) Without Project Intersection Level of Service

ID	Study Intersection	Traffic Control	AM Peak Hour		PM Peak Hour	
			V/C or [Delay] ¹	LOS	V/C or [Delay] ¹	LOS
1	Sherrill Street at Cerritos Avenue	CSS	[21.9]	C	[24.2]	C
2	Magnolia Avenue at Cerritos Avenue	TS	0.574	A	0.653	B
3	Magnolia Avenue at Pacific Avenue	TS	0.402	A	0.436	A
4	Magnolia Avenue at Katella Avenue	TS	0.639	B	0.707	C
Notes: CSS = Cross Street Stop; TS = Traffic Signal; V/C = Volume/Capacity; LOS = Level of Service 1. Delay is shown in seconds per vehicle for unsignalized study intersections. For intersections with cross street stop control, Level of Service is based on average delay of the worst individual lane (or movements sharing a lane).						
Source: Ganddini Group, Inc., <i>Tina-Pacific Residential Traffic Impact Analysis</i> , January 8, 2019; refer to Appendix 11.3.						

“Opening Year (2022) With Project” Conditions

“Opening Year (2022) With Project” volume forecasts were developed by adding Project-generated trips to the “Opening Year (2022) Without Project” forecast. The intersection levels of service under “Opening Year (2022) With Project” conditions are detailed in Table 5.4-8, Opening Year (2022) With Project Intersection Level of Service. The study intersections are forecast to operate at LOS C or better during peak hours.



Table 5.4-8
Opening Year (2022) With Project Intersection Level of Service

ID	Study Intersection	Traffic Control	AM Peak Hour		PM Peak Hour	
			V/C or [Delay] ¹	LOS	V/C or [Delay] ¹	LOS
1	Sherrill Street at Cerritos Avenue	CSS	[22.1]	C	[24.5]	C
2	Magnolia Avenue at Cerritos Avenue	TS	0.576	A	0.657	B
3	Magnolia Avenue at Pacific Avenue	TS	0.422	A	0.449	A
4	Magnolia Avenue at Katella Avenue	TS	0.642	B	0.710	C
Notes: CSS = Cross Street Stop; TS = Traffic Signal; V/C = Volume/Capacity; LOS = Level of Service 1. Delay is shown in seconds per vehicle for unsignalized study intersections. For intersections with cross street stop control, Level of Service is based on average delay of the worst individual lane (or movements sharing a lane).						
Source: Ganddini Group, Inc., <i>Tina-Pacific Residential Traffic Impact Analysis</i> , January 8, 2019; refer to Appendix 11.3.						

Table 5.4-9, *Opening Year (2022) Significant Impact Evaluation*, summarizes the significant impact assessment under “Opening Year (2022) With Project” conditions. As shown, the Project would not result in any significant transportation impacts based on the thresholds of significance established by the cities of Stanton and Garden Grove. Impacts would be less than significant in this regard and no mitigation is required.

Table 5.4-9
Opening Year (2022) Significant Impact Evaluation

Unsignalized Intersections													
ID	Study Intersection	AM Peak Hour					PM Peak Hour						
		With Project		LOS E or F?	Traffic Signal Warranted?	Significant Impact?	With Project		LOS E or F?	Traffic Signal Warranted?	Significant Impact?		
		[Delay]	LOS				[Delay]	LOS					
1	Sherrill Street at Cerritos Avenue	[22.1]	C	No	n/a ¹	No	[24.5]	C	No	n/a ¹	No		
Signalized Intersections													
ID	Study Intersection	AM Peak Hour						PM Peak Hour					
		Without Project		With Project		Change	Significant Impact?	Without Project		With Project		Change	Significant Impact?
		V/C	LOS	V/C	LOS			V/C	LOS	V/C	LOS		
2	Magnolia Avenue at Cerritos Avenue	0.574	A	0.576	A	+0.002	No	0.653	B	0.657	B	+0.004	No
3	Magnolia Avenue at Pacific Avenue	0.402	A	0.422	A	+0.020	No	0.436	A	0.449	A	+0.013	No
4	Magnolia Avenue at Katella Avenue	0.639	B	0.642	B	+0.003	No	0.707	C	0.710	C	+0.003	No
Notes: V/C = Volume/Capacity; [Delay] is shown in seconds per vehicle; LOS = Level of Service 1. n/a = not applicable; peak hour traffic signal warrant only evaluated for LOS E or F conditions.													
Source: Ganddini Group, Inc., <i>Tina-Pacific Residential Traffic Impact Analysis</i> , January 8, 2019; refer to Appendix 11.3.													



Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

HAZARDOUS TRAFFIC CONDITIONS

TRA-4 **Would the Project increase hazards due to geometric design features or incompatible uses?**

Impact Analysis: The Project would not introduce hazards related to geometric design features or incompatible uses to the area roadways in a manner that would result in hazardous traffic conditions. The Project proposes to vacate Pacific Avenue, Tina Way, and two alleyways on-site, and would provide new ingress/egress points along Magnolia Avenue and Sherrill Street. As shown on Exhibits 3-3a, *Development Scenario One (Proposed Project Without Preschool)*, and 3-3b, *Development Scenario Two (Proposed Project With Preschool)*, vehicular access to the Site would be provided from one main gated entry along Magnolia Avenue with one gated egress-only point at the northwest corner of the Site towards Sherrill Street. Emergency vehicle access would be provided via a gated entryway at the northeast corner of the Site along Magnolia Avenue with two gated egress points in the southwest corner of the Site. Additionally, the Project is a residential development within a residential area of Stanton and would not introduce any incompatible uses.

The proposed ingress/egress points and street vacations would not result in hazardous traffic conditions. As part of the Project's entitlement review process, the City would review all Site access improvements to confirm compliance with all applicable safety standards and considerations concerning the proposed access configurations. Additionally, the Project would be required to adhere to site access and circulation requirements detailed in Municipal Code Title 12, *Streets and Sidewalks*. Overall, the Project would not increase hazards due to geometric design features or incompatible uses and impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

EMERGENCY ACCESS

TRA-5 **Would the Project result in inadequate emergency access?**

Impact Analysis: Local access to the Site is provided via Katella Avenue, Cerritos Avenue, and Magnolia Avenue. These roadways may be interrupted during the construction phase. However, as concluded under Impact Statement TRA-2, traffic impacts related to temporary construction activities would be less than significant. The Project would also be subject to compliance with Mitigation Measure TRA-1 to ensure continued public safety and to minimize potential effects of construction activities on study area roadways/intersections. Mitigation Measure TRA-1 requires that the Applicant (Developer) prepare and implement a Construction Management Plan for approval by the City of Stanton Public Works Department for the purposes of ensuring traffic control and public safety during all stages of construction. Implementation of the Construction Management Plan would identify construction vehicle haul routes, specify hours for hauling or transport activities, and establish traffic control measures for any street closure, detour, or circulation disruptions, to name a few. Additionally, should any temporary lane closures be required as part of Project construction activities, Mitigation Measure TRA-1 would require the Applicant (Developer) coordinate with the City



Engineer regarding timing and duration of proposed temporary lane closures to ensure the closures do not impact operations of adjacent uses or emergency access. Overall, the Construction Management Plan would ensure adequate emergency access in the Site vicinity and minimize construction-related impacts related to traffic delay and circulation safety. Construction impacts in this regard would be less than significant.

Further, as discussed under Impact Statement TRA-4, the Project proposes a number of ingress/egress points, including an emergency vehicle-only ingress point at the northeast corner of the Site along Magnolia Avenue and two emergency vehicle-only egress points at the southwest corner of the Site onto Sherrill Street. Therefore, the Site would provide adequate emergency access into and out of the proposed residential development. Internal roadways would also be designed to comply with all applicable regulations for emergency vehicle access, and all appropriate fire and emergency access conditions would be incorporated into the Project's design. Therefore, Project operations would result in adequate emergency access and impacts would be less than significant.

Mitigation Measures: Refer to Mitigation Measure TRA-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.4.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in [Table 4-1, *Cumulative Projects List*](#), and illustrated on [Exhibit 4-1, *Cumulative Projects Map*](#), cumulative projects are situated in the Site vicinity.

TRANSIT, BICYCLE, AND PEDESTRIAN FACILITIES

- Would development of the Project, and other related cumulative projects, cumulatively conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Impact Analysis: As analyzed under Impact Statement TRA-1, the Project would not conflict with any plans related to transit, bicycle, or pedestrian facilities. Similar to the proposed Project, future cumulative projects would be analyzed under CEQA to determine any potential conflicts with existing transit, bicycle, or pedestrian facilities plans, ordinances, or policies. Given that the Project would not impact existing OCTA transit stops along Magnolia Avenue or conflict with the City's plans to implement Class II bicycle lanes along Magnolia Avenue and Cerritos Avenue, the Project would not cumulatively contribute to impacts in this regard. Additionally, the proposed street vacation of Tina Way and Pacific Avenue and their associated sidewalks would not cumulatively result in a significant impact as there are no related projects in the immediate vicinity of the Site that could involve removing additional pedestrian facilities. Overall, impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.



CONSTRUCTION TRAFFIC

- **Would construction activities associated with the Project, and other related cumulative projects, cause a cumulatively considerable effect on the existing traffic?**

Impact Analysis: Cumulative construction traffic impacts are typically specific to a project's vicinity. The closest cumulative project to the Site is a 1,065-square foot medical office building proposed at 10441 Magnolia Avenue, approximately 0.2 miles north of the Site; refer to Table 4-1, *Cumulative Projects List*, and Exhibit 4-1. Construction activities associated with the Project and the nearby cumulative project may overlap, resulting in traffic impacts to local roadways. However, as stated, Project construction would not result in significant short-term traffic impacts to study intersections; refer to Impact Statement TRA-2. Further, implementation of Mitigation Measure TRA-1 would include preparation of a Construction Management Plan, which would further reduce construction-related traffic impacts on the local circulation system within the Site vicinity. Cumulative development projects would also be required to reduce construction traffic impacts on the local circulation system and implement any required mitigation measures that may be prescribed pursuant to CEQA provisions and the City's Public Works Department. Therefore, the Project's contribution to cumulative construction traffic impacts would not be considerable.

Mitigation Measures: Refer to Mitigation Measure TRA-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

PROJECT TRAFFIC GENERATION

- **Would implementation of the Project and other related cumulative projects, cause a cumulatively considerable increase in traffic for existing and future cumulative conditions when compared to the traffic capacity of the street system?**

Impact Analysis: As detailed under Impact Statement TRA-3, study area intersections were evaluated for potential impacts under "Opening Year (2022) Without Project" and "Opening Year (2022) With Project" conditions, which include ambient traffic growth and traffic generated by cumulative related projects. Table 5.4-9 assesses the Project's contribution to cumulative transportation impacts under Opening Year (2022) conditions. As shown, the Project would not result in any significant transportation impacts based on the thresholds of significance established by the cities of Stanton and Garden Grove. As such, cumulative impacts under the "Opening Year (2022) With Project" condition would be less than significant, and no mitigation is required. In addition, other cumulative projects would be evaluated on a project-by-project basis, as they are implemented. Each cumulative project would undergo a similar plan review process as the Project to determine potential traffic impacts. Individual projects would be required to implement required mitigation measures that may be prescribed pursuant to CEQA provisions. Overall, Project impacts would not be significantly cumulatively considerable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.



HAZARDOUS TRAFFIC CONDITIONS

- **Would development of the Project, and other related cumulative projects, cause cumulatively considerable hazardous traffic conditions?**

Impact Analysis: Exhibit 4-1 and Table 4-1 identify the closest cumulative project to the Site to be a 1,065-square foot medical office building at 10441 Magnolia Avenue, approximately 0.2 miles to the north. Given the distance, development of the Project and the medical office building project would not result in cumulative hazardous traffic conditions. Neither project proposes new geometric design features or incompatible uses that could result in hazardous traffic conditions. Additionally, each cumulative project would be evaluated on a project-by-project basis and would undergo a similar plan review process as the Project to determine potential impacts related to hazardous traffic conditions. Related projects would also be required to comply with site access and circulation safety requirements detailed in Municipal Code Title 12, *Streets and Sidewalks*. Overall, the Project would not result in a significantly cumulatively considerable hazardous traffic condition.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

EMERGENCY ACCESS

- **Would the Project in conjunction with other related projects result in cumulatively considerable impacts to emergency access?**

Impact Analysis: The closest related project that may have a cumulative impact to emergency access in the Site vicinity is a 1,065-square foot medical office building proposed at 10441 Magnolia Avenue, approximately 0.2 miles to the north of the Site. As stated under Impact Statement TRA-5, the Project would not result in inadequate emergency access during construction. A Construction Management Plan would be prepared and implemented, further reducing traffic delays or emergency access impacts during construction (Mitigation Measure TRA-1). Similarly, cumulative projects would also be required to comply with applicable safety standards for emergency vehicle access during construction. Therefore, impacts related to construction-related emergency access would not be significantly cumulatively considerable.

At Project completion, the proposed development would include ingress/egress points at Magnolia Avenue and Sherrill Street, which would include emergency vehicle-only ingress/egress points to ensure adequate access to the Site. Internal roadways would also be designed to comply with all applicable regulations for emergency vehicle access, and all appropriate fire and emergency access conditions would be incorporated into the Project's design. As part of the entitlement review process, other cumulative projects would also be reviewed by the City for compliance with all applicable safety standards and considerations concerning adequate emergency access. Therefore, Project-related impacts to emergency access during operations would not be significantly cumulatively considerable.

Mitigation Measures: Refer to Mitigation Measure TRA-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.



5.4.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to transportation have been identified.



5.5 Air Quality

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5.5 AIR QUALITY

This section addresses the air emissions generated by construction and operations of the Project and the potential impacts to air quality. The analysis also addresses the consistency of the Project with the air quality policies set forth within the South Coast Air Quality Management District's (SCAQMD) *2016 Air Quality Management Plan* (2016 AQMP). The analysis of Project-generated air emissions focuses on whether the Project would cause an exceedance of an ambient air quality standard or SCAQMD significance thresholds.

For the purposes of air quality emissions associated with mobile sources, traffic information contained in the *Tina-Pacific Residential Traffic Impact Analysis* (Traffic Impact Analysis), prepared by Ganddini Group Inc. and dated January 8, 2019, was utilized; refer to [Appendix 11.3, *Traffic Impact Analysis*](#).

As stated in [Section 3.0, *Project Description*](#), the Project proposes to develop a 161-unit multi-family affordable housing development. However, in addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a 2,300-square foot preschool facility, one additional tot lot along Magnolia Avenue, and a community pool in the center of the Site. Given that the addition of a preschool facility would generate more vehicle trips than the Project without a preschool facility, the Traffic Impact Analysis analyzed Development Scenario Two (Project With Preschool) as the "worst-case" scenario in terms of air quality impacts. As such, the analysis below assumes the Project would include the preschool facility and additional recreational amenities.

5.5.1 EXISTING SETTING

SOUTH COAST AIR BASIN

Geography

The City of Stanton (City) is located in the South Coast Air Basin (Basin), a 6,600-square mile area bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Basin includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, in addition to the San Geronio Pass area of Riverside County.

The extent and severity of the air pollution problem in the Basin is a function of the area's natural physical characteristics (weather and topography), as well as man-made influences (development patterns and lifestyle). Factors such as wind, sunlight, temperature, humidity, rainfall, and topography all affect the accumulation and dispersion of air pollutants throughout the Basin.

Climate

The general region lies in the semi-permanent high-pressure zone of the eastern Pacific. As a result, the climate is mild, tempered by cool sea breezes. The climate consists of a semiarid environment with mild winters, warm summers, moderate temperatures, and comfortable humidity. Precipitation is limited to a few winter storms. The usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds.



The average annual temperature varies little throughout the Basin, averaging 75 degrees Fahrenheit (°F). However, with a less-pronounced oceanic influence, the eastern inland portions of the Basin show greater variability in annual minimum and maximum temperatures. All portions of the Basin have had recorded temperatures over 100°F in recent years.

Although the Basin has a semi-arid climate, the air near the surface is moist due to the presence of a shallow marine layer. Except for infrequent periods when dry, continental air is brought into the Basin by offshore winds, the ocean effect is dominant. Periods with heavy fog are frequent, and low stratus clouds, occasionally referred to as “high fog,” are a characteristic climate feature. Annual average relative humidity is 70 percent at the coast and 57 percent in the eastern part of the Basin. Precipitation in the Basin is typically nine to 14 inches annually and is rarely in the form of snow or hail due to typically warm weather. The frequency and amount of rainfall is greater in the coastal areas of the Basin.

The height of the inversion is important in determining pollutant concentration. When the inversion is approximately 2,500 feet above sea level, the sea breezes carry the pollutants inland to escape over the mountain slopes or through the passes. At a height of 1,200 feet, the terrain prevents the pollutants from entering the upper atmosphere, resulting in a settlement in the foothill communities. Below 1,200 feet, the inversion puts a tight lid on pollutants, concentrating them in a shallow layer over the entire coastal basin. Usually, inversions are lower before sunrise than during the day. Mixing heights for inversions are lower in the summer and more persistent, being partly responsible for the high levels of ozone (O₃) observed during summer months in the Basin. Smog in southern California is generally the result of these temperature inversions combining with coastal day winds and local mountains to contain the pollutants for long periods of time, allowing them to form secondary pollutants by reacting with sunlight. The Basin has a limited ability to disperse these pollutants due to typically low wind speeds.

The Site vicinity offers clear skies and sunshine yet is still susceptible to air inversions. These inversions trap a layer of stagnant air near the ground, where it is then further loaded with pollutants. These inversions cause haziness, which is caused by moisture, suspended dust, and a variety of chemical aerosols emitted by trucks, automobiles, furnaces, and other sources.

The City experiences average high temperatures of up to 85°F during the month of August, and average low temperatures of 46°F during the month of December. The City experiences approximately 13.74 inches of precipitation per year, with the most precipitation occurring in the month of February.¹

Local Ambient Air Quality

The SCAQMD monitors air quality at 37 monitoring stations throughout the Basin. These 37 monitoring stations represent 38 Source Receptor Area (SRA) in the Basin. The communities within an SRA are expected to have similar climatology and ambient air pollutant concentrations. The Site is located in the Central Orange County SRA (SRA 17). The monitoring station representative of SRA 17 is the Anaheim – Pampas Lane Station, which is located approximately 2.54 miles northeast of the Site. The air pollutants measured at the Anaheim – Pampas Lane Station site include O₃, carbon monoxide (CO), particulates (PM₁₀ and PM_{2.5}), and nitrogen dioxide (NO₂). Sulfur dioxide (SO₂) is not measured at the Anaheim – Pampas Lane station. Sulfur dioxide levels in the Basin have been

¹ The Weather Channel, *Stanton CA Monthly Weather*, <https://weather.com/weather/monthly/1/USCA1094:1:US>, accessed March 14, 2019.



well below State and Federal standards for many years. The air quality data monitored at the Anaheim – Pampas Lane station from 2015 to 2017 are presented in Table 5.5-1, *Anaheim Pampas Lane Station Air Quality Monitoring Summary 2015-2017*.

**Table 5.5-1
Anaheim Pampas Lane Station Air Quality Monitoring Summary 2015-2017**

Pollutant	Primary Standard		Year	Maximum Concentration ¹	Number of Days State/Federal Std. Exceeded
	California	Federal			
Carbon Monoxide (CO) ² (1-Hour)	20 ppm for 1 hour	35 ppm for 1 hour	2015 2016 2017	3.070 ppm 2.61 2.46	0/0 0/0 0/0
Ozone (O ₃) ² (1-Hour)	0.09 ppm for 1 hour	N/A	2015 2016 2017	0.100ppm 0.103 0.90	0/1 0/2 0/0
Ozone (O ₃) ² (8-Hour)	0.070 ppm for 8 hours	0.070 ppm for 8 hours	2015 2016 2017	0.081 ppm 0.075 0.076	1/1 4/4 4/4
Nitrogen Dioxide (NO _x) ²	0.18 ppm for 1 hour	0.100 ppm for 1 hour	2015 2016 2017	0.059 ppm 0.064 0.081	0/0 0/0 0/0
Particulate Matter (PM ₁₀) ^{2,3,4}	50 µg/m ³ for 24 hours	150 µg/m ³ for 24 hours	2015 2016 2017	59.0 µg/m ³ 74.0 95.7	2/0 3/0 5/0
Fine Particulate Matter (PM _{2.5}) ^{2,3,4}	No Separate State Standard	35 µg/m ³ for 24 hours	2015 2016 2017	53.8 µg/m ³ 45.5 56.2	3/3 1/1 7/7
Notes: ppm = parts per million µg/m ³ = micrograms per cubic meter NM = Not Measured 1. Maximum concentration is measured over the same period as the California Standard. 2. Measurements taken at the Anaheim-Pampas Lane Monitoring Station located at 1630 Pampas Lane, Anaheim, California 92802. 3. PM ₁₀ exceedances are based on State thresholds established prior to amendments adopted on June 20, 2002. 4. PM ₁₀ and PM _{2.5} exceedances are derived from the number of samples exceeded, not days.					
Sources: California Air Resources Board, <i>ADAM Air Quality Data Statistics</i> , http://www.arb.ca.gov/adam/ , accessed March 18, 2019. California Air Resources Board, <i>AQMIS2: Air Quality Data</i> , https://www.arb.ca.gov/aqmis2/aqdselect.php , accessed March 18, 2019.					

Criteria pollutants are pollutants regulated through the development of human health based and/or environmentally based criteria for setting permissible levels. Criteria pollutants, their typical sources, and effects are identified below:

Carbon Monoxide (CO). CO is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all CO emissions.

CO replaces oxygen in the body's red blood cells. Individuals with a deficient blood supply to the heart, patients with diseases involving heart and blood vessels, fetuses (unborn babies), and patients with chronic hypoxemia (oxygen deficiency) as seen in high altitudes are most susceptible to the adverse effects of CO exposure. People with heart disease are also more susceptible to developing chest pains when exposed to low levels of carbon monoxide.

Ozone (O₃). Ozone occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it



meets the second layer, the stratosphere. The stratospheric (the “good” ozone layer) extends upward from about 10 to 30 miles and protects life on earth from the sun’s harmful ultraviolet rays. “Bad” ozone is a photochemical pollutant, and needs volatile organic compounds (VOCs), nitrogen oxides (NO_x), and sunlight to form; therefore, VOCs and NO_x are ozone precursors. To reduce ozone concentrations, it is necessary to control the emissions of these ozone precursors. Significant ozone formation generally requires an adequate amount of precursors in the atmosphere and a period of several hours in a stable atmosphere with strong sunlight. High ozone concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

While ozone in the upper atmosphere (stratosphere) protects the earth from harmful ultraviolet radiation, high concentrations of ground-level ozone (in the troposphere) can adversely affect the human respiratory system and other tissues. Ozone is a strong irritant that can constrict the airways, forcing the respiratory system to work hard to deliver oxygen. Individuals exercising outdoors, children, and people with pre-existing lung disease such as asthma and chronic pulmonary lung disease are considered to be the most susceptible to the health effects of ozone. Short-term exposure (lasting for a few hours) to ozone at elevated levels can result in aggravated respiratory diseases such as emphysema, bronchitis and asthma, shortness of breath, increased susceptibility to infections, inflammation of the lung tissue, increased fatigue, as well as chest pain, dry throat, headache, and nausea.

Nitrogen Dioxide (NO₂). NO_x are a family of highly reactive gases that are a primary precursor to the formation of ground-level ozone and react in the atmosphere to form acid rain. NO₂ (often used interchangeably with NO_x) is a reddish-brown gas that can cause breathing difficulties at elevated levels. Peak readings of NO₂ occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other industrial operations). NO₂ can irritate and damage the lungs and lower resistance to respiratory infections such as influenza. The health effects of short-term exposure are still unclear. However, continued or frequent exposure to NO₂ concentrations that are typically much higher than those normally found in the ambient air may increase acute respiratory illnesses in children and increase the incidence of chronic bronchitis and lung irritation. Chronic exposure to NO₂ may aggravate eyes and mucus membranes and cause pulmonary dysfunction.

Coarse Particulate Matter (PM₁₀). PM₁₀ refers to suspended particulate matter, which is smaller than 10 microns or ten one-millionths of a meter. PM₁₀ arises from sources such as road dust, diesel soot, combustion products, construction operations, and dust storms. PM₁₀ scatters light and significantly reduces visibility. In addition, these particulates penetrate into lungs and can potentially damage the respiratory tract. On June 19, 2003, the California Air Resources Board (CARB) adopted amendments to the Statewide 24-hour particulate matter standards based upon requirements set forth in the Children’s Environmental Health Protection Act (Senate Bill 25).

Fine Particulate Matter (PM_{2.5}). Due to recent increased concerns over health impacts related to fine particulate matter (particulate matter 2.5 microns in diameter or less), both State and Federal PM_{2.5} standards have been created. Particulate matter impacts primarily affect infants, children, the elderly, and those with pre-existing cardiopulmonary disease. In 1997, the U.S. Environmental Protection Agency (EPA) announced new PM_{2.5} standards. Industry groups challenged the new standard in court and the implementation of the standard was blocked. However, upon appeal by the EPA, the United States Supreme Court reversed this decision and upheld the EPA’s new standards. On January 5, 2005, the EPA published a Final Rule in the Federal Register that designates the Basin as a nonattainment area for Federal PM_{2.5} standards. On June 20, 2002, CARB adopted amendments for



Statewide annual ambient particulate matter air quality standards. These standards were revised/established due to increasing concerns by CARB that previous standards were inadequate, as almost everyone in California is exposed to levels at or above the current State standards during some parts of the year, and the Statewide potential for significant health impacts associated with particulate matter exposure was determined to be large and wide-ranging.

Sulfur Dioxide (SO₂). SO₂ is a colorless, irritating gas with a rotten egg smell; it is formed primarily by the combustion of sulfur-containing fossil fuels. Sulfur dioxide is often used interchangeably with SO_x and lead. Exposure of a few minutes to low levels of SO₂ can result in airway constriction in some asthmatics.

Volatile Organic Compounds (VOC). Volatile organic compounds are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOCs contribute to the formation of smog through atmospheric photochemical reactions and/or may be toxic. Compounds of carbon (also known as organic compounds) have different levels of reactivity; that is, they do not react at the same speed or do not form ozone to the same extent when exposed to photochemical processes. VOCs often have an odor, and some examples include gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include: carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. VOCs are a criteria pollutant since they are a precursor to O₃, which is a criteria pollutant. The SCAQMD uses the terms VOC and ROG (see below) interchangeably.

Reactive Organic Gases (ROG). Similar to VOC, ROG are also precursors in forming ozone and consist of compounds containing methane, ethane, propane, butane, and longer chain hydrocarbons, which are typically the result of some type of combustion/decomposition process. Smog is formed when ROG and nitrogen oxides react in the presence of sunlight. ROG are a criteria pollutant since they are a precursor to O₃, which is a criteria pollutant. The SCAQMD uses the terms ROG and VOC interchangeably.

SENSITIVE RECEPTORS

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive populations (sensitive receptors) that are in proximity to localized sources of toxics and CO are of particular concern. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. The following types of people are most likely to be adversely affected by air pollution, as identified by CARB: children under 14, elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. Locations that may contain a high concentration of these sensitive population groups are called sensitive receptors and include residential areas, hospitals, day-care facilities, elder-care facilities, elementary schools, and parks. The following receptors were identified as sensitive receptors in the Site vicinity:

- The proposed Site is surrounded by adjoining residential receptors to the north, south, and west.
- The closest school is Walter Elementary School, located approximately 280 feet to the southeast, on Magnolia Avenue.



- The closest child care center is Little Star Academy Infant Care and Preschool, located approximately 560 feet to the northwest, on the corner of South Sherrill Street and West Cerritos Avenue.
- The closest assisted living facility is New Horizon Senior Living, located approximately 0.26-mile to the northwest, on West Cerritos Avenue.
- The closest hospital is the West Anaheim Medical Center, located approximately 1.3 miles northwest of the proposed Project, on South Beach Boulevard in Anaheim.

5.5.2 REGULATORY SETTING

FEDERAL LEVEL

U.S. Environmental Protection Agency

The EPA is responsible for implementing the Federal Clean Air Act (FCAA), which was first enacted in 1955 and amended numerous times after. The FCAA established Federal air quality standards known as the National Ambient Air Quality Standards (NAAQS). These standards identify levels of air quality for “criteria” pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety, to protect the public health and welfare; refer to Table 5.5-2, *National and California Ambient Air Quality Standards*.

STATE LEVEL

California Air Resources Board

CARB administers the air quality policy in California. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS in Table 5.5-2, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates. The California Clean Air Act (CCAA), which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMP’s also serve as the basis for the preparation of the State Implementation Plan for the State of California.

Like the EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data show that a State standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a State standard and are not used as a basis for designating areas as nonattainment.



**Table 5.5-2
National and California Ambient Air Quality Standards**

Pollutant	Averaging Time	California ¹		Federal ²	
		Standard ³	Attainment Status	Standards ^{3,4}	Attainment Status
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)	Nonattainment	N/A	N/A ⁵
	8 Hours	0.070 ppm (137 µg/m ³)	Nonattainment	0.070 ppm (137 µg/m ³)	Nonattainment
Particulate Matter (PM ₁₀)	24 Hours	50 µg/m ³	Nonattainment	150 µg/m ³	Attainment/Maintenance
	Annual Arithmetic Mean	20 µg/m ³	Nonattainment	N/A	N/A
Fine Particulate Matter (PM _{2.5})	24 Hours	No Separate State Standard		35 µg/m ³	Nonattainment
	Annual Arithmetic Mean	12 µg/m ³	Nonattainment	12.0 µg/m ³	Nonattainment
Carbon Monoxide (CO)	8 Hours	9.0 ppm (10 mg/m ³)	Attainment	9 ppm (10 mg/m ³)	Attainment/Maintenance
	1 Hour	20 ppm (23 mg/m ³)	Attainment	35 ppm (40 mg/m ³)	Attainment/Maintenance
Nitrogen Dioxide (NO ₂) ⁵	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	N/A	53 ppb (100 µg/m ³)	Attainment/Maintenance
	1 Hour	0.18 ppm (339 µg/m ³)	Attainment	100 ppb (188 µg/m ³)	Attainment/Maintenance
Lead (Pb) ^{7,8}	30 days Average	1.5 µg/m ³	Attainment	N/A	N/A
	Calendar Quarter	N/A	N/A	1.5 µg/m ³	Nonattainment
	Rolling 3-Month Average	N/A	N/A	0.15 µg/m ³	Nonattainment
Sulfur Dioxide (SO ₂) ⁶	24 Hours	0.04 ppm (105 µg/m ³)	Attainment	0.14 ppm (for certain areas)	Unclassified/Attainment
	3 Hours	N/A	N/A	N/A	N/A
	1 Hour	0.25 ppm (655 µg/m ³)	Attainment	75 ppb (196 µg/m ³)	N/A
	Annual Arithmetic Mean	N/A	N/A	0.30 ppm (for certain areas)	Unclassified/Attainment
Visibility-Reducing Particles ⁹	8 Hours (10 a.m. to 6 p.m., PST)	Extinction coefficient = 0.23 km@<70 percent RH	Unclassified	No Federal Standards	
Sulfates	24 Hour	25 µg/m ³	Attainment		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Unclassified		
Vinyl Chloride ⁷	24 Hour	0.01 ppm (26 µg/m ³)	N/A		

Notes: µg/m³ = micrograms per cubic meter; ppm = parts per million; ppb = parts per billion; km = kilometer(s); RH = relative humidity; PST = Pacific Standard Time; N/A = Not Applicable

- California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1- and 24-hour), nitrogen dioxide, and particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.
- Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.
- To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. Note that the 1-hour national standard is in units of ppb. California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
- CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- In 1989, CARB converted both the general Statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the Statewide and Lake Tahoe Air Basin standards, respectively.

Source: California Air Resources Board, *Ambient Air Quality Standards Chart*, May 4, 2016, <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>, accessed March 14, 2019.



South Coast Air Quality Management District

The SCAQMD is one of 35 air quality management districts that have prepared AQMPs to accomplish a five-percent annual reduction in emissions. On March 3, 2017, the SCAQMD Governing Board approved the 2016 AQMP, which is a regional blueprint for achieving air quality standards and healthful air. The 2016 AQMP represents a new approach, focusing on available, proven, and cost-effective alternatives to traditional strategies, while seeking to achieve multiple goals in partnership with other entities promoting reductions in greenhouse gases and toxic risk, as well as efficiencies in energy use, transportation, and goods movement. The 2016 AQMP incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth assumptions, Regional Transportation Plan/Sustainable Communities Strategy, and updated emission inventory methodologies for various source categories. The 2016 AQMP relies on a multi-level partnership of governmental agencies at the Federal, State, regional, and local level. These agencies (EPA, CARB, local governments, Southern California Association of Governments [SCAG] and the SCAQMD) are the primary agencies that implement the AQMP programs.

The 2016 AQMP incorporates the latest scientific and technical information and planning assumptions, including SCAG's latest *Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS), updated emission inventory methodologies for various source categories, and SCAG's latest growth forecasts. The 2016 AQMP includes integrated strategies and measures to meet the NAAQS. To ensure air quality goals are met while maximizing benefits and minimizing adverse impacts to the regional economy, the following policy objectives have guided the development of the 2016 AQMP:

- Eliminate reliance on future technologies (FCAA Section 182[e][5]) measures to the maximum extent feasible;
- Calculate and take credit for co-benefits from other planning efforts;
- Develop a strategy with fair-share emission reductions at the Federal, State, and local levels;
- Invest in strategies and technologies meeting multiple objectives regarding air quality, climate change, air toxics exposure, energy, and transportation;
- Identify and secure significant funding for incentives to implement early deployment and commercialization of zero and near-zero technologies;
- Enhance the socioeconomic analysis and pursue the most efficient and cost-effective path to achieve multi-pollutant and multi-deadline targets; and
- Prioritize enforceable regulatory measures as well as non-regulatory, innovative, and “win-win” approaches for emission reductions.

In addition to the 2016 AQMP and its rules and regulations, the SCAQMD published the *CEQA Air Quality Handbook*. The SCAQMD *CEQA Air Quality Handbook* provides guidance to assist local government agencies and consultants in developing the environmental documents required by CEQA. With the help of the *CEQA Air Quality Handbook*, local land use planners and other consultants are able to analyze and document how proposed and existing projects affect air quality and should be able to fulfill the requirements of the CEQA review process. The SCAQMD is in the process of



developing an *Air Quality Analysis Guidance Handbook* to replace the current *CEQA Air Quality Handbook* approved by the SCAQMD Governing Board in 1993.

LOCAL LEVEL

City of Stanton General Plan

City goals and policies pertaining to air quality are contained in the Regional Coordination Element of the *City of Stanton General Plan* (General Plan). These goals and policies are intended to reduce air pollutant emissions in the City and improve the overall air quality for the community. Applicable air quality-related policies include, but are not limited to, the following:

Goal RC-3.1 – Clean and Safe Air Quality

Strategy RC-3.1.1: Enact and support policies and efforts that not only limit and decrease missions within the boundaries of Stanton but also the region as whole.

Action RC-3.1.1 (a): Promote and participate in regional and local agencies, both public and private, to protect and improve air quality.

Action RC-3.1.1 (b): Participate in the development and update of those regional air quality management plans required under federal and state law, and meet all standards established for clean air in these plans.

Action RC-3.1.1 (C): Coordinate with the South Coast air Quality Management District (AQMD) and Southern California Association of Governments (SCAG) to ensure that all elements of the latest Air Quality Management Plan regarding reductions of air pollutant emissions are being enforced.

Strategy RC-3.1.2: Reduce the negative impacts of poor air quality on the city's sensitive receptors.

Action RC-3.1.2 (a): Implement city land use planning efforts that strive to separate and protect sensitive receptors from polluting point sources to the greatest extent possible.

Action RC-3.1.2 (b): Ensure developments are consistent with the land use designations that will improve growth management in relation to major activity centers.

Strategy RC-3.1.3: Minimize stationary pollution sources (point sources and area sources) in urbanized land areas.

Action RC-3.1.3 (a): Ensure the use of building materials/methods that reduce emissions

Action RC-3.1.3 (b): Encourage the use of energy star compliant technology such as heating equipment, water heaters, swimming pool heaters, cooking equipment, refrigerators, furnaces, boiler units, and other appliances.

Action RC-3.1.3 (d): Encourage residential building construction to exceed energy efficiency standards outlined in Title 24 of the California Administrative code.

Action RC-3.1.3 (g): Enforce SCAQMD Rule 403 and support appropriate future measures to reduce fugitive dust emanating from construction sites.



Strategy RC-3.1.4: Implement control measures to reduce the amount of particulates in the city and the region.

Action RC-3.1.4 (a): Reduce emissions from building materials and methods that generate excessive pollutants, through incentives and/or regulations.

Action RC-3.1.4 (b): Enforce ordinances which address dust generation and mandate the use of dust control to minimize this nuisance.

5.5.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

REGIONAL AIR QUALITY

In its *CEQA Air Quality Handbook*, the SCAQMD has established significance thresholds to assess the impact of project-related air pollutant emissions; refer to Table 5.5-3, *SCAQMD Regional Pollutant Emission Thresholds of Significance*. As shown, there are separate thresholds for short-term construction and long-term operational emissions. A project with daily emission rates below these thresholds is considered to have a less than significant effect on regional air quality from both a direct and cumulative impact standpoint.

**Table 5.5-3
SCAQMD Regional Pollutant Emission Thresholds of Significance**

Phase	Pollutant (pounds/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Construction	75	100	550	150	150	55
Operation	55	55	550	150	150	55
Notes: CO = carbon monoxide; VOC = volatile organic compounds; NO _x = nitrogen oxides; PM ₁₀ = particulate matter smaller than 10 microns; PM _{2.5} = particulate matter smaller than 2.5 microns Source: South Coast Air Quality Management District, <i>CEQA Air Quality Handbook</i> , November 1993.						

LOCAL AIR QUALITY

Localized Significance Thresholds

Localized Significance Thresholds (LSTs) were developed in response to the SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (revised July 2008) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with proposed projects. The SCAQMD provides the LST lookup tables for one, two, and five-acre projects emitting CO, NO_x, PM₁₀, and PM_{2.5}. The SCAQMD recommends that any project over five acres should perform air quality dispersion modeling to assess impacts to nearby sensitive receptors.

Localized CO

In addition, a project would result in a local air quality impact if the project results in increased traffic volumes and/or decreases in Level of Service (LOS) that would result in an exceedance of the CO



ambient air quality standards of 20 parts per million (ppm) for 1-hour CO concentration levels, and 9 ppm for 8-hour CO concentration levels. If the CO concentrations at potentially impacted intersections with the project are lower than the standards, then there is no significant impact. If future CO concentrations with the project are above the standard, then the project would have a significant local air quality impact.

CUMULATIVE EMISSIONS

The SCAQMD's 2016 AQMP was prepared to accommodate growth, meet State and Federal air quality standards, and minimize the fiscal impact that pollution control measures have on the local economy. According to the *CEQA Air Quality Handbook*, project-related emissions that fall below the established construction and operational thresholds are considered less than significant.

SCAQMD rule development through the 1970s and 1980s resulted in dramatic improvement in Basin air quality. Nearly all control programs developed through the early 1990s relied on (i) the development and application of cleaner technology; (ii) add-on emission controls, and (iii) uniform CEQA review throughout the Basin. Industrial emission sources have been significantly reduced by this approach and vehicular emissions have been reduced by technologies implemented at the state level by CARB.

As discussed above, the SCAQMD is the lead agency charged with regulating air quality emission reductions for the entire Basin. SCAQMD created AQMPs, which represent a regional blueprint for achieving healthful air on behalf of the 16 million residents of the South Coast Basin. The historical improvement in air quality since the 1970s is the direct result of southern California's comprehensive, multiyear strategy of reducing air pollution from all sources as outlined in its AQMPs and by utilizing uniform CEQA review throughout the Basin.

Ozone, NO_x, VOC, and CO have been decreasing in the Basin since 1975 and are projected to continue to decrease through 2020. These decreases result primarily from motor vehicle controls and reductions in evaporative emissions. Although vehicle miles traveled in the Basin continue to increase, NO_x and VOC levels are decreasing because of the mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles. NO_x emissions from electric utilities have also decreased due to use of cleaner fuels and renewable energy. The overall trends of PM₁₀ and PM_{2.5} in the air (not emissions) show an overall improvement since 1975. Direct emissions of PM₁₀ have remained somewhat constant in the Basin and direct emissions of PM_{2.5} have decreased slightly since 1975. Area wide sources (fugitive dust from roads, dust from construction and demolition, and other sources) contribute the greatest amount of direct particulate matter emissions.

Part of the control process of the SCAQMD's duty to greatly improve the air quality in the Basin is the uniform CEQA review procedures required by SCAQMD's *CEQA Handbook*. The single threshold of significance used to assess direct and cumulative project impacts has in fact "worked" as evidenced by the track record of the air quality in the Basin dramatically improving over the course of the past decades. As stated by the SCAQMD, the SCAQMD thresholds of significance are based on factual and scientific data and are therefore appropriate thresholds of significance to use for this Project.



CEQA SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Conflict with or obstruct implementation of the applicable air quality plan (refer to Impact Statement AQ-1);
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (refer to Impact Statement AQ-2);
- c) Expose sensitive receptors to substantial pollutant concentrations (refer to Impact Statement AQ-3); and/or
- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (refer to Appendix 11.1, Initial Study/Notice of Preparation and Comment Letters).

Based on these significance thresholds and criteria, the Project's effects have been categorized as either "no impact," a "less than significant impact," or a "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative, since appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.

5.5.4 IMPACTS AND MITIGATION MEASURES

AIR QUALITY PLAN CONSISTENCY

AQ-1 **Would implementation of the Project conflict with or obstruct implementation of the applicable air quality plan?**

Impact Analysis: On March 3, 2017, the SCAQMD Governing Board adopted the 2016 AQMP, which incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth assumptions, RTP/SCS, and updated emission inventory methodologies for various source categories. According to the SCAQMD's *CEQA Air Quality Handbook*, two main criteria must be addressed.

Criterion 1

With respect to the first criterion, SCAQMD methodologies require that an air quality analysis for a project include forecasts of project emissions in relation to contributing to air quality violations and delay of attainment.

Would the Project 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?



Since the consistency criteria identified under the first criterion pertain to pollutant concentrations, rather than to total regional emissions, an analysis of a project's pollutant emissions relative to localized pollutant concentrations associated with the CAAQS and NAAQS is used as the basis for evaluating Project consistency. As discussed under Impact Statements AQ-2 and AQ-3, the Project's short-term construction emissions, long-term operational emissions, and localized concentrations of CO, NO_x, PM₁₀, and PM_{2.5} would be less than significant during Project construction and operations. Therefore, the Project would not result in an increase in the frequency or severity of existing air quality violations. Because VOCs are not a criteria pollutant, there is no ambient standard or localized threshold for VOCs. Due to the role VOC plays in O₃ formation, it is classified as a precursor pollutant and only a regional emissions threshold has been established. As such, the Project would not cause or contribute to localized air quality violations or delay the attainment of air quality standard or interim emissions reductions specified in the AQMP.

Criterion 2

With respect to the second criterion for determining consistency with SCAQMD and SCAG air quality policies, it is important to recognize that air quality planning within the Basin focuses on attainment of ambient air quality standards at the earliest feasible date. Projections for achieving air quality goals are based on assumptions regarding population, housing, and growth trends. Thus, the SCAQMD's second criterion for determining project consistency focuses on whether or not the project exceeds the assumptions utilized in preparing the forecasts presented in the 2016 AQMP. Determining whether or not a project exceeds the assumptions reflected in the 2016 AQMP involves the evaluation of the following criterion.

Would the Project exceed the assumptions in the AQMP based on the years of Project build-out phase?

In the case of the 2016 AQMP, three sources of data form the basis for the projections of air pollutant emissions: the General Plan, SCAG's regional growth forecast, and SCAG's RTP/SCS. The population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the City; these are used by SCAG in all phases of implementation and review.

As discussed in Section 5.8, *Population, Housing, and Employment*, based on the City's average household size of 3.58, the 161 proposed units would introduce up to 576 additional residents within the City. For this reason, the Project is considered growth-inducing since it would generate population growth through its provision of a residential development. However, the Project's potential growth-inducing impacts would be considered less than significant since the 576 additional residents represent only a 1.5 percent increase from the City's current population of 39,470 persons; refer to Table 5.8-1, *Population Estimates and Projections*. Additionally, Table 5.8-5, *Proposed Project Compared to General Plan Buildout Assumptions*, and Table 5.8-6, *Proposed Project Compared to SCAG Growth Forecasts* in Section 5.8, show that compared to the General Plan buildout assumptions, the Project would increase the City's housing stock by 161 dwelling units a (2.2 percent increase) and population by 576 persons (a 2.1 percent increase), which is within the SCAG 2040 population growth forecast (27 percent increase) by 2040. Thus, the Project would be consistent with the types, intensity, and patterns of land use envisioned for the Site vicinity in the RTP/SCS. As the SCAQMD has incorporated these same projections into the 2016 AQMP, it can be concluded that the Project would be consistent with the projections.

It is also noted that the Project's construction and operational air emissions would not exceed the SCAQMD regional thresholds, and localized emissions during construction would be below



SCAQMD LST thresholds. As such, the Project would not result in or cause NAAQS or CAAQS violations. As such, a less than significant impact would occur with regard to 2016 AQMP consistency under the Project.

Mitigation Measures: No mitigation measures required.

Level of Significance: Less Than Significant Impact.

CUMULATIVE CRITERIA POLLUTANTS

AQ-2 **Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?**

Impact Analysis:

Short-Term Construction Air Emissions

Short-term air quality impacts are predicted to occur during grading and construction operations associated with implementation of the Project. Temporary air emissions would result from the following activities:

- Particulate (fugitive dust) emissions from grading and building construction; and
- Exhaust emissions from the construction equipment and the motor vehicles of the construction crew.

The Project would be developed in two phases: Phase I would construct an 83-unit development and Phase II would construct a 78-unit development. If funding is available, Phase I would also include construction of the preschool and additional recreational facilities. Both phases would individually take approximately 12 months (24 months total) to construct and would include the use of the following construction equipment: concrete/industrial saws, excavators, rubber-tired dozers, graders, scrapers, tractors/loaders/ backhoes, cranes, forklifts, generator sets, welders, pavers, paving equipment, rollers, and air compressors. Emissions for each construction phase have been quantified based upon the phase durations and equipment types. The analysis of daily construction emissions was prepared utilizing the California Emissions Estimator Model (CalEEMod, version 2016.3.2). Refer to Appendix 11.4, *Air Quality/GHG/Energy Analysis*, for the CalEEMod outputs and results. Table 5.5-4, *Maximum Daily Construction Emissions*, presents the Project's anticipated daily short-term construction emissions.

Fugitive Dust Emissions

Fugitive dust (PM₁₀ and PM_{2.5}) from grading and construction is expected to be short-term and would cease following Project completion. Most of this material is composed of inert silicates, which are less harmful to health than the complex organic particulates released from combustion sources. These particles are either directly emitted or are formed in the atmosphere from the combustion of gases such as NO_x and SO_x combining with ammonia. The greatest amount of fugitive dust generated is expected to occur during Site grading and excavation of the Project; refer to Appendix 11.4. Dust generated by such activities usually becomes more of a local nuisance than a serious health problem. Of particular concern is the amount of PM₁₀ generated as a part of fugitive dust emissions.



CalEEMod was used to calculate PM₁₀ and PM_{2.5} fugitive dust emissions as part of the Site earthwork activities; refer to [Table 5.5-4](#). Maximum particulate matter emissions would occur during the initial stages of construction, when grading activities would occur. As detailed in [Table 5.5-4](#), construction-related PM₁₀ emissions would range between 2.97 and 7.21 pounds/day and PM_{2.5} emissions would range between 1.72 and 4.59 pounds/day, which are less than the regional significance thresholds for each. Thus, fugitive dust emissions would be below the thresholds of 150 and 55 pounds/day for PM₁₀ and PM_{2.5}, respectively.

Table 5.5-4
Maximum Daily Construction Emissions

Emissions Source	Pollutant (pounds/day) ^{1,2}					
	VOCs	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Year 1						
Construction Emissions	8.04	86.86	55.89	0.11	11.37	5.92
Construction Emissions with SCAQMD Rules Applied ²	8.04	86.86	55.89	0.11	7.21	4.59
SCAQMD Thresholds	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Year 2						
Construction Emissions ²	7.62	81.06	54.50	0.11	11.16	5.66
Construction Emissions with SCAQMD Rules Applied ²	7.62	81.06	54.50	0.11	7.00	4.34
SCAQMD Thresholds	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Year 3³						
Construction Emissions ²	18.27	28.70	35.84	0.07	2.97	1.72
Construction Emissions with SCAQMD Rules Applied ²	18.27	28.70	35.84	0.07	2.97	1.72
SCAQMD Thresholds	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Notes:						
1. Emissions were calculated using CalEEMod version 2016.3.2, as recommended by the SCAQMD.						
2. The reduction/credits for construction emissions are based on "mitigation" included in CalEEMod and are required by the SCAQMD Rules. The "mitigation" applied in CalEEMod includes the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stock piles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. The emissions results in this table represent the "mitigated" emissions shown in Appendix 11.4 .						
3. Although the Project would take 24 months (two years) for construction, a third year is included because CalEEMod bases years of construction on the calendar year. As construction would not begin until December 2020, CalEEMod calculates emissions for the year 2020, 2021, and 2022.						
Refer to Appendix 11.4 for assumptions used in this analysis.						

Construction Exhaust Emissions

Exhaust emissions would be generated by the operation of vehicles and equipment on the Site, such as tractors, dozers, backhoes, cranes, and trucks. The majority of construction equipment and vehicles would be diesel powered, which tends to be more efficient than gasoline-powered equipment. Diesel-powered equipment produces lower carbon monoxide and hydrocarbon emissions than gasoline equipment, but produces greater amounts of NO_x, SO_x, and particulates per hour of activity. The transportation of machinery, equipment and materials to and from the Site, as well as construction worker trips, would also generate vehicle emissions during construction. However, as presented in [Table 5.5-4](#), construction equipment and worker vehicle exhaust emissions would not exceed the emissions thresholds.



VOC Emissions

The application of asphalt and surface coatings creates VOC emissions, which are O₃ precursors. As shown in [Table 5.5-4](#), short-term construction activities associated with the Project would emit a maximum of 18.27 pounds/day of VOC emissions, which does not exceed the 75 pounds/day criteria pollutant thresholds for VOCs.

Total Daily Construction Emissions

CalEEMod was utilized to model construction emissions for VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}. As indicated in [Table 5.5-4](#), construction emissions would not exceed SCAQMD thresholds for any criteria pollutants. As such, construction emissions would be less than significant.

Long-Term Operational Air Emissions

Operational emissions generated by both stationary and mobile sources would result from normal daily activities on the Site after construction is complete (i.e., increased concentrations of O₃, PM₁₀, and CO). Stationary area source emissions would be generated by the consumption of natural gas for space and water heating devices, the operation of landscape maintenance and on-site equipment, and the use of consumer products. Stationary energy emissions would result from energy consumption associated with the Project. Mobile emissions would be generated by the motor vehicles traveling to and from the Site. Emissions associated with each of these sources were calculated and are discussed below.

Area Source Emissions

Area source emissions include those generated by architectural coatings, consumer products, and landscape maintenance equipment as described below.

- Architectural Coatings: As part of Project maintenance, architectural coatings on the Project buildings would emit emissions from the evaporation of solvents contained in paints, varnishes, primers, and other surface coatings.
- Consumer Products: Consumer products include, but are not limited to detergents, cleaning compounds, polishes, personal care products, and lawn and garden products. Many of these products contain organic compounds, which when released in the atmosphere can react to form ozone and other photochemically reactive pollutants.
- Landscape Maintenance Equipment: Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the Site.

Energy Source Emissions

Pollutant emissions associated with energy demand (i.e., electricity generation and natural gas consumption) are classified by the SCAQMD as regional stationary source emissions. However, because electrical generating facilities for the Site vicinity are distributed throughout the Basin and western United States, their emissions contribute to the total regional pollutant burden. Thus, criteria



pollutant emissions from off-site generation of electricity is generally excluded from the evaluation of significance and only natural gas use is considered. The primary use of natural gas by the proposed land uses would be for combustion to produce space heating, water heating, other miscellaneous heating, or air conditioning, consumer products, and landscaping.

Mobile Source Emissions

Project related operational air quality impacts are derived predominantly from mobile sources. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Mobile source air quality impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the Site vicinity. The operational air quality impacts are derived primarily from vehicle trips generated by the Project. The analysis below relies on the net Project trips (as opposed to the passenger car equivalents) to accurately account for the effect of vehicle emissions associated with the Project. According to the Traffic Impact Analysis (refer to [Appendix 11.3, *Traffic Impact Analysis*](#)) the Project would generate approximately 484 net new daily vehicle trips.

Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_x, SO_x, PM₁₀, and PM_{2.5} are all pollutants of regional concern (NO_x and ROG react with sunlight to form O₃ [photochemical smog], and wind currents readily transport SO_x, PM₁₀, and PM_{2.5}). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Fugitive Dust Related to Vehicular Travel

According to CARB, fugitive dust are solid particles that come primarily from the soil, but can also contain sea salt, pollen, spores, tire particles, etc. Fugitive dust does not come out from a vent or a stack and is not usually a by-product of burning. For the purposes of this analysis, dirt roads are not anticipated to exist on the Site and, therefore, would not be the primary source of fugitive dust. However, vehicles traveling on paved roads would be a source of fugitive emissions due to the generation of road dust inclusive of tire wear particulates.

Operational Emissions Summary

The Project's long-term operational emissions estimates were calculated using the CalEEMod model; refer to [Appendix 11.4](#). This model predicts ROG, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} emissions from area, energy, and mobile traffic sources associated with the proposed land uses. [Table 5.5-5, *Long-Term Operational Air Emissions*](#), presents the Project's anticipated operational source emissions for the Project. As indicated, the operational emissions from the Project would not exceed regional thresholds of significance established by the SCAQMD for criteria air emissions. Therefore, a less than significant impact would occur in this regard.



**Table 5.5-5
Long-Term Operational Air Emissions**

Scenario	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Project Summer Emissions						
Area Source	3.86	0.15	13.29	0.00	0.07	0.07
Energy Source	0.08	0.67	0.28	0.00	0.05	0.05
Mobile	0.78	3.24	10.66	0.04	3.41	0.93
Total Maximum Daily Emissions	4.72	4.06	24.23	0.04	3.53	1.05
<i>SCAQMD Regional Threshold</i>	55	55	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Project Winter Emissions						
Area Source	3.86	0.15	13.29	0.00	0.07	0.07
Energy Source	0.08	0.67	0.28	0.00	0.05	0.05
Mobile	0.76	3.32	10.10	0.04	3.41	0.93
Total Maximum Daily Emissions	4.70	4.14	23.67	0.04	3.53	1.05
<i>SCAQMD Regional Threshold</i>	55	55	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Notes:						
1. Emissions were calculated using CalEEMod version 2016.3.2, as recommended by the SCAQMD.						
2. The numbers may be slightly off due to rounding.						
Refer to <u>Appendix 11.4</u> for assumptions used in this analysis.						

Air Quality Health Impacts

Adverse health effects induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, and the number and character of exposed individual [e.g., age, gender]). In particular, ozone precursors VOCs and NO_x affect air quality on a regional scale. Health effects related to ozone are therefore the product of emissions generated by numerous sources throughout a region. Existing models have limited sensitivity to small changes in criteria pollutant concentrations, and, as such, translating Project-generated criteria pollutants to specific health effects or additional days of nonattainment would produce meaningless results. In other words, the Project's less than significant increases in regional air pollution from criteria air pollutants would have nominal or negligible impacts on human health.

As noted in the Brief of Amicus Curiae by the SCAQMD (April 6, 2015), the SCAQMD acknowledged it would be extremely difficult, if not impossible to quantify health impacts of criteria pollutants for various reasons including modeling limitations as well as where in the atmosphere air pollutants interact and form. Further, as noted in the Brief of Amicus Curiae by the San Joaquin Valley Air Pollution Control District (SJVAPCD) (April 13, 2015), SJVAPCD has acknowledged that currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's air emissions and specific human health impacts.

The SCAQMD acknowledges that health effects quantification from ozone, as an example is correlated with the increases in ambient level of ozone in the air (concentration) that an individual person breathes. SCAQMD's Brief of Amicus Curiae states that it would take a large amount of additional emissions to cause a modeled increase in ambient ozone levels over the entire region. The SCAQMD states that based on their own modeling in the SCAQMD's 2012 *Air Quality Management*



Plan, a reduction of 432 tons (864,000 pounds) per day of NO_x and a reduction of 187 tons (374,000 pounds) per day of VOCs would reduce ozone levels at highest monitored site by only nine parts per billion. As such, the SCAQMD concludes that it is not currently possible to accurately quantify ozone-related health impacts caused by NO_x or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. Thus, as the Project would not exceed SCAQMD thresholds for construction and operational air emissions, the Project would have a less than significant impact for air quality health impacts.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

LOCALIZED EMISSIONS

AQ-3 Would the Project expose sensitive receptors to substantial pollutant concentrations?

Impact Analysis: LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized air quality impacts. The SCAQMD provides the LST screening lookup tables for projects that disturb/grade one, two, or five acres per day emitting CO, NO_x, PM_{2.5}, or PM₁₀. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways. The SCAQMD recommends that any project over five acres in size should perform air quality dispersion modeling to assess impacts to nearby sensitive receptors from area source emissions. For LST analysis purposes, SCAQMD is divided into 38 SRAs, each of which contain specific localized air quality emission thresholds for CO, NO_x, PM_{2.5}, and PM₁₀ to determine local air quality impacts. The Project is located within SRA 17, Central Orange County.

Sensitive Receptors

To assess the potential for long-term operational and short-term emission impacts, four receptor locations were identified as representative locations for analysis. Some people are especially sensitive to air pollution and are given special consideration when evaluating air quality impacts from projects. These groups of people include children, the elderly, individuals with pre-existing respiratory or cardiovascular illness, and athletes and others who engage in frequent exercise. Structures that house these persons or places where they gather to exercise are defined as "sensitive receptors;" they are also known to be locations where an individual can remain for 24 hours.

The closest sensitive receptors are adjoining residential uses to the north, south, and west of the Site. Other sensitive receptors in the Site vicinity at greater distances than those identified would experience lower air impacts than those identified below due to the additional particle dispersion from distance and the shielding of intervening structures.

Construction Impacts

The SCAQMD guidance on applying CalEEMod to LSTs specifies the number of acres a particular piece of equipment would likely disturb per day. SCAQMD provides LST thresholds for one-, two-, and five-acre site disturbance areas; SCAQMD does not provide LST thresholds for projects over five



acres. Table 5.5-6, *Project Maximum Daily Disturbed Acreage*, identifies the maximum daily disturbed acreage for the purposes of LST modeling. As shown, the Project could actively disturb approximately 4.0 acres per day during the grading phase of construction.

Table 5.5-6
Project Maximum Daily Disturbed Acreage

Construction Phase	Equipment Type	Equipment Quantity	Acres Graded per 8-hour Day	Operating Hours per Day	Acres Graded per Day
Site Preparation	Rubber Tired Dozers	1	0.5	8	0.5
	Tractors/Loaders/Backhoes	2	0.5	8	1
	Graders	1	0.5	8	0.5
	Scrapers	2	1	8	2
Total Acres Graded – Site Preparation Phase					4

Source: South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, July 2008.

The SCAQMD guidance on applying CalEEMod to LSTs specifies the number of acres a particular piece of equipment would likely disturb per day. Based on the SCAQMD guidance, the Project would disturb approximately four acres of land per day during the grading phase. Therefore, the LST thresholds for two acres were conservatively utilized for the construction LST analysis. The closest sensitive receptors are adjoining residential uses to the north, south, and west of the Site. These sensitive land uses may be potentially affected by air pollutant emissions generated during on-site construction activities. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. As the nearest sensitive uses adjoin the Site (i.e., residential uses to the west), the lowest available LST values for 25 meters were used.

Table 5.5-7, *Construction Localized Significance Emissions Summary*, shows the localized construction-related emissions for NO_x, CO, PM₁₀, and PM_{2.5} compared to the LSTs for SRA 17. It is noted that the localized emissions presented in Table 5.5-7 are less than those in Table 5.5-4 because localized emissions include only on-site emissions (i.e., from construction equipment and fugitive dust), and do not include off-site emissions (i.e., from hauling activities). As shown in Table 5.5-7, the Project's localized construction emissions would not exceed the LSTs for SRA 17. Therefore, localized significance impacts from construction would be less than significant.

Table 5.5-7
Construction Localized Significance Emissions Summary

Phase	Emissions (pounds per day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Construction (Grading Phase)				
Year 1 On-Site Emissions ^{1,2}	50.20	31.96	3.86	2.70
SCAQMD Localized Threshold ³	115	754	6	4
Threshold Exceeded?	NO	NO	NO	NO
Year 2 On-Site Emissions ^{1,2}	46.40	30.88	3.67	2.53
SCAQMD Localized Threshold ³	115	754	6	4
Threshold Exceeded?	NO	NO	NO	NO



**Table 5.5-7 [continued]
Construction localized Significance Emissions Summary**

Notes:	
1.	The grading phase emissions would occur during year 1 and year 2 of construction and present the worst-case scenario for NO _x , CO, PM ₁₀ , and PM _{2.5} .
2.	The reduction/credits for construction emissions applied in CalEEMod are based on the application of dust control techniques as required by SCAQMD Rule 403. The dust control techniques include the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces twice daily; cover stock piles with tarps; water all haul roads three times daily; and limit speeds on unpaved roads to 15 miles per hour.
3.	The Localized Significance Threshold was determined using Appendix C of the SCAQMD Final Localized Significant Threshold Methodology guidance document for pollutants NO _x , CO, PM ₁₀ , and PM _{2.5} . The Localized Significance Threshold was based on the anticipated daily acreage disturbance for construction (approximately 4.0 acre; therefore, the threshold for 2-acre was used), a distance of 82-feet (25) meters to the closest sensitive receptor, and the source receptor area (SRA 17).
Refer to Appendix 11.4 for assumptions used in this analysis.	

Operational Impacts

According to SCAQMD localized significance threshold methodology, LSTs would apply to the operational phase of a proposed project if the project includes stationary sources or attracts mobile sources that may spend extended periods queuing and idling at the site (e.g., warehouse or transfer facilities). Occasional truck trash pickup (once per week) would occur at the Site. These truck trash pickup activities would be intermittent and would not include extended periods of idling time; therefore, idling emissions from truck deliveries would be minimal. Additionally, potential emergency vehicle trips to and from the Site would be sporadic and would not idle on-site or along adjacent roadways for long periods of time. Thus, due to the lack of such emissions, no long-term localized significance threshold analysis is needed. Operational LST impacts would be less than significant in this regard.

Carbon Monoxide Hotspots

CO emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (i.e., adversely affecting residents, school children, hospital patients, the elderly, etc.).

The Basin is designated as an attainment/maintenance area for the Federal CO standards and an attainment area for State standards. There has been a decline in CO emissions even though vehicle miles traveled on U.S. urban and rural roads have increased. On-road mobile source CO emissions have declined 24 percent between 1989 and 1998, despite a 23 percent rise in motor vehicle miles traveled over the same 10 years. California trends have been consistent with national trends; CO emissions declined 20 percent in California from 1985 through 1997 while vehicle miles traveled increased 18 percent in the 1990s. Three major control programs have contributed to the reduced per-vehicle CO emissions: exhaust standards, cleaner burning fuels, and motor vehicle inspection/maintenance programs.

According to the SCAQMD *CEQA Air Quality Handbook*, a potential CO hotspot may occur at any location where the background CO concentration already exceeds 9.0 parts per million (ppm), which is the 8-hour California ambient air quality standard. As previously discussed, the Site is located in SRA 17, Central Orange County. Communities within SRAs are expected to have similar climatology and ambient air pollutant concentrations. The monitoring station representative of SRA 17 is the



Anaheim – Pampas Lane Station, which is located approximately 2.54 miles northeast of the Site. The highest CO concentration at the Anaheim – Pampas Lane Station monitoring station was measured at 2.46 ppm in 2017. As such, the background CO concentration does not exceed 9.0 ppm and a CO hotspot would not occur. Therefore, CO hotspot impacts would be less than significant in this regard.

Air Quality Health Impacts

As evaluated above, the Project's air emissions would not exceed the SCAQMD's LST thresholds, and CO hotspots would not occur as a result of the proposed Project. Therefore, the Project would not exceed the most stringent applicable Federal or State ambient air quality standards for emissions of CO, NO_x, PM₁₀, or PM_{2.5}. It should be noted that the ambient air quality standards are developed and represent levels at which the most susceptible persons (e.g., children and the elderly) are protected. In other words, the ambient air quality standards are purposefully set in a stringent manner to protect children, elderly, and those with existing respiratory problems. Thus, an air quality health impact would be less than significant in this regard.

Mitigation Measures: No mitigation measures required.

Level of Significance: Less Than Significant Impact

5.5.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, Cumulative Projects List, and illustrated on Exhibit 4-1, Cumulative Projects Map, cumulative projects are situated in the Site vicinity.

AIR QUALITY PLAN CONSISTENCY

- **Would implementation of the Project and other related cumulative projects conflict with or obstruct implementation of the applicable air quality plan?**

Impact Analysis: The City is subject to the 2016 AQMP. Additionally, the City is located within the Orange County sub-region of SCAG's RTP/SCS, which governs population growth. As discussed in Impact Statement AQ-1, the Project's anticipated population growth is within SCAG's 2040 forecast population projection for the City and region, and is thus accounted for in the 2016 AQMP. Furthermore, the Project's construction and operational air emissions would not exceed the SCAQMD regional thresholds, and localized emissions during construction would be below SCAQMD LST thresholds. Thus, the Project would be consistent with the types, intensity, and patterns of land use envisioned for the Site vicinity in the RTP/SCS and would be consistent with the 2016 AQMP. As such, the Project would not have a cumulatively considerable contribution to impacts in this regard, and a less than significant impact would occur.

Mitigation Measures: No mitigation measures required.

Level of Significance: Less Than Significant Impact



CUMULATIVE CRITERIA POLLUTANTS

- **Would short-term construction and long-term operational activities associated with the Project and other related cumulative projects, result in cumulatively considerable increased air pollutant emission impacts?**

Impact Analysis:

Short-Term Construction Air Emissions

The SCAQMD neither recommends quantified analyses of cumulative construction emissions, nor does it provide separate methodologies or thresholds of significance to be used to assess cumulative construction impacts. The SCAQMD significance thresholds for construction are intended to meet the objectives of the 2016 AQMP to ensure the NAAQS and CAAQS are not exceeded. As the Project Applicant has no control over the timing or sequencing of the related projects, any quantitative analysis to ascertain the daily construction emissions that assumes multiple, concurrent construction would be speculative. The Project's construction emissions would not exceed SCAQMD thresholds, are temporary in nature, and would cease following Project completion. The proposed Project, in combination with other cumulative projects throughout the Basin (including those listed in [Table 4-1](#) would be required to comply with SCAQMD rules and regulations (i.e., SCAQMD Rule 403 compliance, the implementation of all feasible mitigation measures, and compliance with adopted 2016 AQMP emissions control measures) to reduce construction-related emissions to the extent feasible. Therefore, as cumulative projects would be required to reduce their emissions per SCAQMD rules and mandates and the Project's construction emissions would be below SCAQMD thresholds, the Project would not contribute to an exceedance of the NAAQS and CAAQS and would comply with the 2016 AQMP goals. Thus, it can be reasonably inferred that the Project-related construction activities, in combination with those from other projects in the area, would not deteriorate the local air quality and would not result in cumulative construction-related impacts.

Long-Term Operational Air Emissions

The SCAQMD has set forth both a methodological framework as well as significance thresholds for the assessment of a project's cumulative operational air quality impacts. The SCAQMD's approach for assessing cumulative impacts is based on the 2016 AQMP forecasts of NAAQS attainment in accordance with FCAA and CCAA requirements. This forecast also takes into account the 2016 AQMP forecasted future regional growth. As such, the analysis of cumulative impacts focuses on determining whether a proposed project is consistent with the growth assumptions upon which the 2016 AQMP is based. If a project is consistent with the growth assumptions, then future development would not impede the attainment of NAAQS and a significant cumulative air quality impact would not occur.

As discussed above, the Project's operational emissions would not exceed SCAQMD regional thresholds and would be consistent with the 2016 AQMP. Therefore, the Project would not be significantly cumulatively considerable. A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.



LOCALIZED EMISSIONS

- **Would development associated with implementation of the Project and other cumulative projects result in cumulatively considerable localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations?**

Impact Analysis: As stated above, the LST methodology assists lead agencies in analyzing localized air quality impacts. The SCAQMD provides the LST screening lookup tables for one-, two-, and five-acre projects emitting CO, NO_x, PM_{2.5}, or PM₁₀. Because the disturbed acreages for each cumulative project site can vary, the LST thresholds utilized also vary on a project-by-project basis. Localized emissions only affect the areas immediately adjacent to the Site. As discussed above, construction and operational source emissions for the Project would not exceed the applicable LSTs. Thus, the Project's construction localized emissions impacts would not be cumulatively considerable toward exposing sensitive receptors to substantial pollutant concentrations.

Mitigation Measures: No mitigation measures required.

Level of Significance: Less Than Significant Impact

5.5.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to air quality have been identified.



5.6 Greenhouse Gas Emissions

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5.6 GREENHOUSE GAS EMISSIONS

This section evaluates greenhouse gas (GHG) emissions associated with the Project and analyzes Project compliance with applicable regulations. Consideration of the Project's consistency with applicable plans, policies, and regulations, as well as the introduction of new sources of GHGs, is also analyzed.

For the purposes of analyzing GHG emissions associated with mobile sources, traffic information contained in the *Tina-Pacific Residential Traffic Impact Analysis* (Traffic Impact Analysis), prepared by Ganddini Group Inc. and dated January 8, 2019, was utilized; refer to Appendix 11.3, *Traffic Impact Analysis*.

As stated in Section 3.0, *Project Description*, the Project proposes to develop a 161-unit multi-family affordable housing development. However, in addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a 2,300-square foot preschool facility, one additional tot lot along Magnolia Avenue, and a community pool in the center of the Site. Given that the addition of a preschool facility would generate more vehicle trips than the Project without a preschool facility, the Traffic Impact Analysis analyzed Development Scenario Two (Project With Preschool) as the "worst-case" scenario in terms of greenhouse gas emissions impacts. As such, the analysis below assumes the Project would include the preschool facility and additional recreational amenities.

5.6.1 EXISTING SETTING

The Site lies within City of Stanton (City), which is in the southern portion of the South Coast Air Basin (Basin). The Basin is a 6,600-square mile area bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Basin includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, in addition to the San Geronio Pass area in Riverside County. The Basin's terrain and geographical location (i.e., a coastal plain with connecting broad valleys and low hills) determine its distinctive climate.

The general region lies in the semi-permanent high-pressure zone of the eastern Pacific. The climate is mild and tempered by cool sea breezes. The usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds. The extent and severity of air pollution in the Basin is a function of the area's natural physical characteristics (weather and topography), as well as man-made influences (development patterns and lifestyle). Factors such as wind, sunlight, temperature, humidity, rainfall, and topography all affect the accumulation and/or dispersion of pollutants throughout the Basin.

SCOPE OF ANALYSIS FOR CLIMATE CHANGE

The study area for climate change and the analysis of GHG emissions is broad as climate change is influenced by world-wide emissions and their global effects. However, the study area is also limited by *CEQA Guidelines* [Section 15064(d)], which directs lead agencies to consider an "indirect physical change" only if that change is a reasonably foreseeable impact, which may be caused by the Project.



The baseline against which to compare potential impacts of the Project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities that have grown more than 70 percent between 1970 and 2004. The State of California is leading the nation in managing GHG emissions. Accordingly, the impact analysis for this Project relies on guidelines, analyses, policy, and plans for reducing GHG emissions established by the California Air Resources Board (CARB).

GLOBAL CLIMATE CHANGE – GREENHOUSE GASES

The natural process through which heat is retained in the troposphere is called the “greenhouse effect.”¹ The greenhouse effect traps heat in the troposphere through a three-fold process as follows: short wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long wave radiation; and GHG in the upper atmosphere absorb this long wave radiation and emit this long wave radiation into space and toward the Earth. This “trapping” of the long wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect.

The most abundant GHGs are water vapor and carbon dioxide (CO₂). Many other trace gases have greater ability to absorb and re-radiate long wave radiation; however, these gases are not as plentiful. For this reason, and to gauge the potency of GHGs, scientists have established a Global Warming Potential (GWP) for each GHG based on its ability to absorb and re-radiate long wave radiation.

GHGs normally associated with the Project include the following:²

- Water Vapor (H₂O). Although water vapor has not received the scrutiny of other GHGs, it is the primary contributor to the greenhouse effect. Natural processes, such as evaporation from oceans and rivers, and transpiration from plants, contribute 90 percent and 10 percent of the water vapor in our atmosphere, respectively. The primary human related source of water vapor comes from fuel combustion in motor vehicles; however, it does not contribute a significant amount (less than one percent) to atmospheric concentrations of water vapor. The Intergovernmental Panel on Climate Change (IPCC) has not determined a GWP for water vapor.
- Carbon Dioxide (CO₂). Carbon dioxide is primarily generated by fossil fuel combustion in stationary and mobile sources. Due to the emergence of industrial facilities and mobile sources in the past 250 years, CO₂ emissions from fossil fuel combustion increased by a total of 5.6 percent between 1990 and 2015.³ Carbon dioxide is the most widely emitted GHG and is the reference gas (GWP of 1) for determining GWPs for other GHGs.
- Methane (CH₄). Methane is emitted from biogenic sources, incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. The United States’ top three methane sources are landfills, natural gas systems, and enteric fermentation. Methane is

¹ The troposphere is the bottom layer of the atmosphere, which varies in height from the Earth’s surface to 10 to 12 kilometers.

² All GWPs are given as 100-year GWP. Unless noted otherwise, all GWPs were obtained from the Intergovernmental Panel on Climate Change.

³ United States Environmental Protection Agency, *Inventory of United States Greenhouse Gas Emissions and Sinks 1990 to 2016*, April 2018, https://www.epa.gov/sites/production/files/2018-01/documents/2018_complete_report.pdf, accessed April 8, 2019.



the primary component of natural gas, used for space and water heating, steam production, and power generation. The GWP of methane is 25.

- Nitrous Oxide (N_2O). Nitrous oxide is produced by both natural and human related sources. Primary human related sources include agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuels, adipic acid production, and nitric acid production. The GWP of nitrous oxide is 298.
- Hydrofluorocarbons (HFCs). HFCs are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of HFCs for cooling and foam blowing is increasing, as the continued phase out of Chlorofluorocarbons (CFCs) and HCFCs gains momentum. The 100-year GWP of HFCs range from 124 for HFC-152 to 14,800 for HFC-23.⁴
- Perfluorocarbons (PFCs). PFCs are compounds consisting of carbon and fluorine, and are primarily created as a byproduct of aluminum production and semiconductor manufacturing. Perfluorocarbons are potent GHGs with a GWP several thousand times that of CO_2 , depending on the specific PFC. Another area of concern regarding PFCs is their long atmospheric lifetime (up to 50,000 years).⁵ The GWP of PFCs range from 7,390 to 12,200.⁶
- Sulfur hexafluoride (SF_6). SF_6 is a colorless, odorless, nontoxic, nonflammable gas. SF_6 is the most potent GHG that has been evaluated by the IPCC with a GWP of 22,800.⁷ However, its global warming contribution is not as high as the GWP would indicate due to its low mixing ratio compared to CO_2 (4 parts per trillion [ppt] in 1990 versus 365 parts per million [ppm], respectively).⁸

In addition to the six major GHGs discussed above (excluding water vapor), many other compounds have the potential to contribute to the greenhouse effect. Some of these substances were previously identified as stratospheric ozone (O_3) depleters; therefore, their gradual phase out is currently in effect. The following is a listing of these compounds:

- Hydrochlorofluorocarbons (HCFCs). HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, all developed countries that adhere to the Montreal Protocol are subject to a consumption cap and gradual phase out of HCFCs. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year GWPs of HCFCs range from 90 for HCFC-123 to 1,800 for HCFC-142b.⁹

⁴ Ibid.

⁵ United States Environmental Protection Agency, *Overview of Greenhouse Gas Emissions*, <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>, accessed April 8, 2019.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Intergovernmental Panel on Climate Change, *Climate Change 2015 Synthesis Report*, https://www.ipcc.ch/site/assets/uploads/2018/02/SYR_AR5_FINAL_full.pdf, accessed April 8, 2019.



- 1,1,1 trichloroethane. 1,1,1 trichloroethane or methyl chloroform is a solvent and degreasing agent commonly used by manufacturers. The GWP of methyl chloroform is 146 times that of CO₂.¹⁰
- Chlorofluorocarbons (CFCs). CFCs are used as refrigerants, cleaning solvents, and aerosols spray propellants. CFCs were also part of the U.S. Environmental Protection Agency's (EPA) Final Rule (57 Federal Register [FR] 3374) for the phase out of O₃ depleting substances. Currently, CFCs have been replaced by HFCs in cooling systems and a variety of alternatives for cleaning solvents. Nevertheless, CFCs remain suspended in the atmosphere contributing to the greenhouse effect. CFCs are potent GHGs with 100-year GWPs ranging from 3,800 for CFC 11 to 14,400 for CFC 13.¹¹

5.6.2 REGULATORY SETTING

FEDERAL LEVEL

To date, no national standards have been established for the nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the Federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Energy Independence and Security Act of 2007. The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020, and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

U.S. Environmental Protection Agency Endangerment Finding. The EPA authority to regulate GHG emissions stems from the U.S. Supreme Court decision in *Massachusetts v. EPA* (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing Clean Air Act (CAA) and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the EPA finalized an endangerment finding in December 2009. Based on scientific evidence it found that six GHGs (carbon dioxide [CO₂], methane [CH₄], nitrous oxide [N₂O], hydrofluorocarbons [HFCs], perfluorocarbons [PFCs], and sulfur hexafluoride [SF₆]) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation

¹⁰ Ibid.

¹¹ Ibid.



of the existing CAA and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

Federal Vehicle Standards. In August 2016, the EPA and National Highway Traffic Safety Administration (NHTSA) announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program applies to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO₂ emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

STATE LEVEL

Various Statewide and local initiatives to reduce the State's contribution to GHG emissions have raised awareness that, even though the various contributors to and consequences of global climate change are not yet fully understood, global climate change is under way, and there is a real potential for severe adverse environmental, social, and economic effects in the long term. Every nation emits GHGs and as a result makes an incremental cumulative contribution to global climate change; therefore, global cooperation is necessary to reduce the rate of GHG emissions enough to slow or stop the human-caused increase in average global temperatures and associated changes in climatic conditions.

Executive Order S-3-05. Executive Order S-3-05 set forth a series of target dates by which Statewide emissions of GHGs would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The Executive Order directed the secretary of the California Environmental Protection Agency (Cal/EPA) to coordinate a multi-agency effort to reduce GHG emissions to the target levels. The secretary also submits biannual reports to the governor and California Legislature describing the progress made toward the emissions targets, the impacts of global climate change on California's resources, and mitigation and adaptation plans to combat these impacts. To comply with the executive order, the secretary of Cal/EPA created the California Climate Action Team, made up of members from various State agencies and commissions. The team released its first report in March 2006. The report proposed to achieve the targets by building on the voluntary actions of California businesses, local governments, and communities and through State incentive and regulatory programs.

Executive Order S-13-08. Executive Order S-13-08 seeks to enhance the State's management of climate impacts including sea level rise, increased temperatures, shifting precipitation, and extreme weather events by facilitating the development of the State's first climate adaptation strategy. This strategy results in consistent guidance from experts on how to address climate change impacts in the State of California.

Assembly Bill 1493. AB 1493 (also known as the Pavley Bill) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of GHG emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State."



To meet the requirements of AB 1493, CARB approved amendments to the California Code of Regulations (CCR) in 2004 by adding GHG emissions standards to California's existing standards for motor vehicle emissions. Amendments to CCR Title 13, Sections 1900 and 1961 and adoption of 13 CCR Section 1961.1 require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty weight classes for passenger vehicles (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily to transport people), beginning with the 2009 model year. Emissions limits are reduced further in each model year through 2016 (Phase I) and model years 2017 to 2025 (Phase II).

When fully phased in, the near-term standards result in a reduction of about 22 percent in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term standards result in a reduction of about 30 percent.

Assembly Bill 32 (California Global Warming Solutions Act of 2006). California passed the California Global Warming Solutions Act of 2006 (AB 32; *California Health and Safety Code* Division 25.5, Sections 38500 - 38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on Statewide GHG emissions. AB 32 requires that Statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then CARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

Senate Bill 97. SB 97, signed in August 2007 (Chapter 185, Statutes of 2007; PRC Sections 21083.05 and 21097), acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. This bill directs the Governor's Office of Planning and Research (OPR), which is part of the State Natural Resources Agency, to prepare, develop, and transmit to CARB guidelines for the feasible mitigation of GHG emissions (or the effects of GHG emissions), as required by CEQA.

OPR published a technical advisory recommending that CEQA lead agencies make a good-faith effort to estimate the quantity of GHG emissions that would be generated by a proposed project. Specifically, based on available information, CEQA lead agencies should estimate the emissions associated with project-related vehicular traffic, energy consumption, water usage, and construction activities to determine whether project-level or cumulative impacts could occur, and should mitigate the impacts where feasible. OPR requested CARB technical staff to recommend a method for setting CEQA thresholds of significance as described in *CEQA Guidelines* Section 15064.7 that encourage consistency and uniformity in the CEQA analysis of GHG emissions throughout the State.

The Natural Resources Agency adopted the *CEQA Guidelines* Amendments prepared by OPR, as directed by SB 97. On February 16, 2010, the Office of Administration Law approved the *CEQA Guidelines* Amendments and filed them with the Secretary of State for inclusion in the CCR. The *CEQA Guidelines* Amendments became effective on March 18, 2010.

Senate Bill 375. SB 375, signed in September 2008 (Chapter 728, Statutes of 2008), aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a sustainable communities strategy (SCS) or alternative planning strategy (APS) that prescribe land use allocation in that MPOs regional transportation plan. CARB, in consultation with MPOs, provide each affected region with



reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035. These reduction targets are updated every eight years but can be updated every four years if advancements in emissions technologies affect the reduction strategies to achieve the targets. CARB is also charged with reviewing each MPO's SCS or APS for consistency with its assigned targets. If MPOs do not meet the GHG reduction targets, transportation projects may not be eligible for funding programmed after January 1, 2012.

Senate Bill 1368. SB 1368 (Chapter 598, Statutes of 2006) is the companion bill of AB 32 and was signed into law in September 2006. SB 1368 required the California Public Utilities Commission to establish a performance standard for baseload generation of GHG emissions by investor-owned utilities by February 1, 2007. SB 1368 also required the CEC to establish a similar standard for local publicly owned utilities by June 30, 2007. These standards could not exceed the GHG emissions rate from a baseload combined-cycle, natural gas fired plant. Furthermore, the legislation states that all electricity provided to California, including imported electricity, must be generated by plants that meet the standards set by California Public Utilities Commission (CPUC) and California Energy Commission (CEC).

Senate Bill 32 (SB 32). Signed into law on September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

Senate Bill 100 (SB 100). SB 100 (Chapter 312, Statutes of 2018) requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt-hours(kWh) of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, 60 percent by December 31, 2030, and 100 percent by December 31, 2045. The bill would require the CPUC, CEC, state board, and all other state agencies to incorporate that policy into all relevant planning. In addition, SB 100 would require the PUC, Energy Commission, and state board to utilize programs authorized under existing statutes to achieve that policy and, as part of a public process, issue a joint report to the Legislature by January 1, 2021, and every four years thereafter, that includes specified information relating to the implementation of the policy.

CARB Scoping Plan

On December 11, 2008, CARB adopted its Scoping Plan, which functions as a roadmap to achieve the California GHG reductions required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California would implement to reduce the projected 2020 "Business as Usual" (BAU) emissions to 1990 levels, as required by AB 32. These strategies are intended to reduce CO₂eq¹² emissions by 174 million metric tons (MT). This reduction of 42 million MT CO₂eq, or almost ten percent from 2002 to 2004 average emissions, would be required despite the population and economic growth forecasted through 2020.

CARB's Scoping Plan calculates 2020 BAU emissions as those expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g.,

¹² Carbon Dioxide Equivalent (CO₂eq) - A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.



transportation, electrical power, commercial and residential, industrial, etc.). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. When CARB's Scoping Plan process was initiated, 2004 was the most recent year for which actual data was available. The measures described in CARB's Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term statewide emission limit will ensure that the State stays on course to meet our long-term goal." The Scoping Plan update did not establish or propose any specific post-2020 goals, but identified such goals in water, waste, natural resources, clean energy, transportation, and land use.

On January 20, 2017, CARB released the proposed Second Update to the Scoping Plan, which identifies the State's post-2020 reduction strategy. The Second Update was approved on December 14, 2017 and reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32.¹³ The 2017 Scoping Plan establishes a new emissions limit of 260 million MTCO₂eq for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030. The 2017 Scoping Plan Update contains the following goals:

1. SB 350
 - Achieve 50 percent Renewables Portfolio Standard (RPS) by 2030.
 - Doubling of energy efficiency savings by 2030.
2. Low Carbon Fuel Standard (LCFS)
 - Increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020).
3. Mobile Source Strategy (Cleaner Technology and Fuels Scenario)
 - Maintaining existing GHG standards for light- and heavy-duty vehicles.
 - Put 4.2 million zero-emission vehicles (ZEVs) on the roads.
 - Increase ZEV buses, delivery and other trucks.
4. Sustainable Freight Action Plan
 - Improve freight system efficiency.
 - Maximize use of near-zero emission vehicles and equipment powered by renewable energy.
 - Deploy over 100,000 zero-emission trucks and equipment by 2030.

¹³ California Air Resources Board, *California's 2017 Climate Change Scoping Plan*, November 2017, https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf, accessed April 8, 2019.



5. Short-Lived Climate Pollutant (SLCP) Reduction Strategy
 - Reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030.
 - Reduce emissions of black carbon 50 percent below 2013 levels by 2030.
6. SB 375 Sustainable Communities Strategies
 - Increased stringency of 2035 targets.
7. Post-2020 Cap-and-Trade Program
 - Declining caps, continued linkage with Québec, and linkage to Ontario, Canada.
 - CARB will look for opportunities to strengthen the program to support more air quality co-benefits, including specific program design elements.
8. 20 percent reduction in GHG emissions from the refinery sector.
9. By 2018, develop Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

5.6.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

At this time, there is no absolute consensus in the State of California among CEQA lead agencies regarding the analysis of global climate change and the selection of significance criteria. In fact, numerous organizations, both public and private, have released advisories and guidance with recommendations designed to assist decision-makers in the evaluation of GHG emissions given the current uncertainty regarding when emissions reach the point of significance.

Lead agencies may elect to rely on thresholds of significance recommended or adopted by State or regional agencies with expertise in the field of global climate change (*CEQA Guidelines* Section 15064.7[c]). CEQA leaves the determination of significance to the reasonable discretion of the lead agency and encourages lead agencies to develop and publish thresholds of significance to use in determining the significance of environmental effects. However, the City has not yet established specific quantitative significance thresholds for GHG emissions for development projects.

On December 5, 2008, the SCAQMD adopted GHG significance thresholds for Stationary Sources, Rules, and Plans where the SCAQMD is lead agency. The threshold uses a tiered approach. A proposed project is compared with the requirements of each tier sequentially and would not result in a significant impact if it complies with any tier. Tier 1 excludes projects that are specifically exempt from SB 97 from resulting in a significant impact. Tier 2 excludes projects that are consistent with a GHG reduction plan that has a certified final CEQA document and complies with AB 32 GHG reduction goals. Tier 3 excludes projects with annual emissions lower than a screening threshold. For industrial stationary source projects, the SCAQMD adopted a screening threshold of 10,000 MTCO₂eq per year (MTCO₂eq/year). This threshold was selected to capture 90 percent of the GHG emissions from these types of projects where the combustion of natural gas is the primary source of GHG emissions. For all non-industrial projects, the SCAQMD is proposing a screening threshold of



3,000 MTCO₂eq/year. SCAQMD concluded that projects with emissions less than the screening thresholds would not result in a significant cumulative impact.

Tier 4 consists of three decision tree options. Under the Tier 4 first option, the project would be excluded if design features and/or mitigation measures resulted in emissions 30 percent lower than BAU emissions. However, the Working Group did not provide a recommendation for this approach. The Working Group folded the Tier 4 second option into the third option. Under the Tier 4 third option, the project would be excluded if it was below an efficiency-based threshold of 4.8 MTCO₂eq per service population (SP) per year or 3.0 MTCO₂eq per SP for post-2020 projects. Tier 5 would exclude projects that implement off-site mitigation (GHG reduction projects) or purchase offsets to reduce GHG emission impacts to less than the proposed screening level.

GHG efficiency metrics are utilized as thresholds to assess the GHG efficiency of a project on a per capita basis or on a “service population” basis (the sum of the number of jobs and the number of residents provided by a project) such that a project would allow for consistency with the goals of AB 32 (i.e., 1990 GHG emissions levels by 2020 and 2035). GHG efficiency thresholds can be determined by dividing the GHG emissions inventory goal of the State, by the estimated 2035 population and employment. This method allows highly efficient projects with higher mass emissions to meet the overall reduction goals of AB 32, and is appropriate, because the threshold can be applied evenly to all project types (residential or commercial/retail only and mixed-use).

The project-level efficiency-based threshold of 4.8 MTCO₂eq per SP per year is relative to the 2020 target date. The SCAQMD has also proposed efficiency-based thresholds relative to the 2035 target date to be consistent with the GHG reduction target date of SB 375. GHG reductions by the SB 375 target date of 2035 would be approximately 40 percent. Applying this 40 percent reduction to the 2020 targets results in an efficiency threshold for plans of 4.1 MTCO₂eq per SP per year and an efficiency threshold at the project level of 3.0 MTCO₂eq/year per SP.

As Project completion is anticipated for 2022, the efficiency threshold at the Project level of 3.0 MTCO₂eq/year per SP is adopted as the significant threshold.

CEQA SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (refer to Impact Statement GHG-1); and/or
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (refer to Impact Statement GHG-2).

Based on these significance thresholds and criteria, the Project’s effects have been categorized as either “no impact,” a “less than significant impact,” or a “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative, since appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.



5.6.4 IMPACTS AND MITIGATION MEASURES

GREENHOUSE GAS EMISSIONS

GHG-1 Would greenhouse gas emissions generated by the Project have a significant impact on global climate change?

Impact Analysis: The proposed Project involves constructing a 161-unit multi-family affordable housing development. Project-related GHG emissions would include emissions from direct and indirect sources. The Project would result in direct and indirect emissions of CO₂, N₂O, and CH₄, and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct Project-related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from electricity consumption, water demand, and solid waste generation. Operational GHG estimations are based on energy emissions from natural gas usage and automobile emissions. CalEEMod relies upon trip data within the Traffic Impact Analysis and Project-specific land use data to calculate emissions. Table 5.6-1, *Projected Annual Greenhouse Gas Emissions*, presents the Project's estimated CO₂, N₂O, and CH₄ emissions. CalEEMod outputs are contained within Appendix 11.4, *Air Quality/GHG/Energy Analysis*.

Direct Project-Related Sources of Greenhouse Gases

Construction Emissions. Construction GHG emissions are typically summed and amortized over the lifetime of a project (assumed to be 30 years), then added to the operational emissions. As shown in Table 5.6-1, the Project would result in 21.87 MTCO₂eq/year (amortized over 30 years), which represents a total of 656.07 MTCO₂eq from construction activities (21.87 MTCO₂eq/year multiplied by 30 years).

Area Source. Area source emissions were calculated using CalEEMod and Project-specific land use data. Project-related area sources include landscape maintenance equipment, such as lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the Site. As noted in Table 5.6-1, the Project would result in 2.77 MTCO₂eq/year of area source GHG emissions.

Mobile Source. The CalEEMod model relies upon trip data within the Traffic Impact Analysis and Project-specific land use data to calculate mobile source emissions. The Project-related operational emissions are derived predominantly from mobile sources. Based on the Project-generated daily vehicle trips, the Project would result in approximately 654.58 MTCO₂eq/year of mobile source-generated GHG emissions; refer to Table 5.6-1.



**Table 5.6-1
Projected Annual Greenhouse Gas Emissions**

Source	CO ₂	CH ₄		N ₂ O		Total Metric Tons of CO ₂ eq ^{2,3}
	Metric Tons/yr ¹	Metric Tons/yr ¹	Metric Tons of CO ₂ eq ¹	Metric Tons/yr ¹	Metric Tons of CO ₂ eq ¹	
Direct Emissions						
Construction (amortized over 30 years)	21.76	0.00	0.11	0.00	0.00	21.87
Area Source	2.71	0.00	0.06	0.00	0.00	2.77
Mobile Source ⁴	653.78	0.03	0.80	0.00	0.00	654.58
<i>Total Direct Emissions²</i>	678.25	0.03	0.97	0.00	0.00	679.22
Indirect Emissions						
Energy	339.69	0.01	0.25	0.00	1.50	341.44
Water Demand	55.64	0.34	8.50	0.00	2.69	66.83
Solid Waste	15.03	0.89	22.22	0.00	0.00	37.25
<i>Total Indirect Emissions²</i>	410.36	1.24	30.97	0.00	4.19	445.52
Total Project-Related Emissions²	1,124.74 MTCO₂eq/yr					
Total Project SP Emissions⁴	1.95 MTCO₂eq/yr					
Threshold of Significance	3.0 MTCO₂eq/yr					
Project Exceed Threshold?	No					
Notes: 1. Emissions were calculated using CalEEMod version 2016.3.2, as recommended by the SCAQMD. 2. Totals may be slightly off due to rounding. 3. Carbon dioxide equivalent values calculated using the United States Environmental Protection Agency Website, <i>Greenhouse Gas Equivalencies Calculator</i> , http://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator , accessed April 8, 2019. 4. Based on the City's average household size of 3.58, the 161 proposed units would have a service population of 576 additional residents (161-units × 3.58 persons per household). Therefore, it is assumed in this analysis that the service population of the Project would be 576. California Department of Finance, <i>E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark</i> , May 1, 2018.						
Refer to Appendix 11.4 for assumptions used in this analysis.						

Indirect Project-Related Sources of Greenhouse Gases

Energy Consumption. Energy consumption emissions were calculated using the CalEEMod model and Project-specific land use data. Electricity would be provided to the Site via Southern California Edison (SCE). The Project would indirectly result in 341.44 MTCO₂eq/year due to energy consumption; refer to [Table 5.6-1](#).

Solid Waste. Solid waste associated with operations of the Project would result in 37.25 MTCO₂eq/year; refer to [Table 5.6-1](#).

Water Demand. Emissions from indirect energy impacts due to water demand would result in 66.83 MTCO₂eq/year; refer to [Table 5.6-1](#).

Conclusion

Total Project-Related GHG Emissions. As shown in [Table 5.6-1](#), the total amount of GHG emissions from Project-related direct and indirect sources combined would total 1,124.74 MTCO₂eq/year, or 1.96 MTCO₂eq/year per SP. As such, the Project would not exceed the SCAQMD's project level efficiency threshold of 3.0 MTCO₂eq/year per SP, and the Project would have a less than significant impact in this regard.



Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

CONSISTENCY WITH APPLICABLE GHG PLANS, POLICIES, OR REGULATIONS

GHG-2 **Would implementation of the Project conflict with an applicable greenhouse gas reduction plan, policy, or regulation?**

Impact Analysis:

Scoping Plan Consistency

CARB's Scoping Plan identifies strategies to reduce California's GHG emissions in support of AB 32. Many of the strategies identified in the Scoping Plan are not applicable at the Project level, such as long-term technological improvements to reduce emissions from vehicles. Some measures are applicable and supported by the Project, such as energy efficiency. While some measures are not directly applicable, the Project would not conflict with their implementation. Reduction measures are grouped into 18 action categories by the CARB as follows:

1. California Cap-and-Trade Program Linked to Western Climate Initiative Partner Jurisdictions. Implement a broad-based California cap-and-trade program to provide a firm limit on emissions. Link the California cap-and-trade program with other Western Climate Initiative Partner programs to create a regional market system to achieve greater environmental and economic benefits for California. Ensure California's program meets all applicable AB 32 requirements for market-based mechanisms.
2. California Light-Duty Vehicle GHG Standards. Implement adopted Pavley standards and planned second phase of the program. Align zero-emission vehicle, alternative and renewable fuel and vehicle technology programs with long-term climate change goals.
3. Energy Efficiency. Maximize energy efficiency building and appliance standards, and pursue additional efficiency efforts including new technologies, and new policy and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California (including both investor-owned and publicly owned utilities).
4. Renewables Portfolio Standards. Achieve 33 percent renewable energy mix Statewide.
5. Low Carbon Fuel Standard. Develop and adopt the Low Carbon Fuel Standard.
6. Regional Transportation-Related GHG Targets. Develop regional GHG emissions reduction targets for passenger vehicles.
7. Vehicle Efficiency Measures. Implement light-duty vehicle efficiency measures.
8. Goods Movement. Implement adopted regulations for the use of shore power for ships at berth. Improve efficiency in goods movement activities.



9. *Million Solar Roofs Program.* Install 3,000 megawatts of solar-electric capacity under California's existing solar programs.
10. *Medium- and Heavy-Duty Vehicles.* Adopt medium- (MD) and heavy-duty (HD) vehicle efficiencies. Aerodynamic efficiency measures for HD trucks pulling trailers 53-feet or longer that include improvements in trailer aerodynamics and use of rolling resistance tires were adopted in 2008 and went into effect in 2010. Future, yet to be determined improvements, includes hybridization of MD and HD trucks.
11. *Industrial Emissions.* Require assessment of large industrial sources to determine whether individual sources within a facility can cost-effectively reduce GHG emissions and provide other pollution reduction co-benefits. Reduce GHG emissions from fugitive emissions from oil and gas extraction and gas transmission. Adopt and implement regulations to control fugitive methane emissions and reduce flaring at refineries.
12. *High-Speed Rail.* Support implementation of a high-speed rail system.
13. *Green Building Strategy.* Expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings.
14. *High Global Warming Potential Gases.* Adopt measures to reduce high warming global potential gases.
15. *Recycling and Waste.* Reduce methane emissions at landfills. Increase waste diversion, composting and other beneficial uses of organic materials, and mandate commercial recycling. Move toward zero-waste.
16. *Sustainable Forests.* Preserve forest sequestration and encourage the use of forest biomass for sustainable energy generation. The 2020 target for carbon sequestration is 5 million MTCO₂eq/year.
17. *Water.* Continue efficiency programs and use cleaner energy sources to move and treat water.
18. *Agriculture.* In the near-term, encourage investment in manure digesters and at the five-year Scoping Plan update determine if the program should be made mandatory by 2020.

Table 5.6-2, *Scoping Plan Consistency Analysis*, summarizes the Project's consistency with the CARB Scoping Plan. As summarized, the Project would not conflict with any of the provisions of the Scoping Plan and would support four of the action categories through energy efficiency, water conservation, recycling, and landscaping.



**Table 5.6-2
Scoping Plan Consistency Analysis**

Action	Supporting Measures ¹	Consistency
Cap-and-Trade Program	--	Not Applicable. These programs involve capping emissions from large-scale electricity generation, industrial facilities, and broad scoped fuels. Caps do not directly affect residential projects.
Light-Duty Vehicle Standards	T-1	Not Applicable. This is a Statewide measure establishing vehicle emissions standards.
Energy Efficiency	E-1	Consistent. The Project would include a variety of building, water, and solid waste efficiencies consistent with 2016 California Green Building Standards Code (CALGreen). In addition, the Project would comply with 2019 Title 24, Part 6 (Title 24), of the CCR energy efficiency standards for electrical appliances, natural gas appliances, solar panels, and other devices at the time of building construction.
	E-2	
	CR-1	
	CR-2	
Renewables Portfolio Standard	E-3	Not Applicable. This establishes the minimum Statewide renewable energy mix and is not within the purview of the Project.
Low Carbon Fuel Standard	T-2	Not Applicable. This establishes reduced carbon intensity of transportation fuels and is not within the purview of the Project.
Regional Transportation-Related GHG Targets	T-3	Not Applicable. This is a Statewide measure and is not within the purview of the Project.
Vehicle Efficiency Measures	T-4	Not Applicable. This identifies measures such as minimum tire-fuel efficiency, lower friction oil, and reduction in air conditioning use, and is not within the purview of the Project.
Goods Movement	T-5	Not Applicable. Identifies measures to improve goods movement efficiencies such as advanced combustion strategies, friction reduction, waste heat recovery, and electrification of accessories. While these measures are yet to be implemented and would be voluntary, the Project would not interfere with their implementation.
	T-6	
Million Solar Roofs Program	E-4	Consistent. The Project would comply with the 2019 Title 24 standards which requires new residential projects to include solar panels.
Medium- & Heavy-Duty Vehicles	T-7	Not Applicable. The Project does not anticipate medium- or heavy-duty trucks or trailers on-site.
	T-8	
Industrial Emissions	I-1	Not Applicable. These measures are applicable to large industrial facilities (greater than 500,000 MTCO ₂ eq/year) and other intensive uses such as refineries. The Project is a residential development and does not include any industrial use.
	I-2	
	I-3	
	I-4	
	I-5	
High Speed Rail	T-9	Not Applicable. This supports development of a high speed rail system and is not within the purview of a residential development.
Green Building Strategy	GB-1	Consistent. The Project would include a variety of building, water, and solid waste efficiencies consistent with 2016 CALGreen Code requirements.



**Table 5.6-2 [continued]
Scoping Plan Consistency Analysis**

Action	Supporting Measures ¹	Consistency
High Global Warming Potential Gases	H-1	Not Applicable. The proposed Project buildings are not substantial sources of high GWP emissions and would comply with any future changes in air conditioning, fire protection suppressant, and other requirements.
	H-2	
	H-3	
	H-4	
	H-5	
	H-6	
	H-7	
Recycling and Waste	RW-1	Consistent. The Project would be required to recycle a minimum of 65 percent from construction activities and operations per 2016 CALGreen Code.
	RW-2	
	RW-3	
Sustainable Forests	F-1	Not Applicable. Based on the <i>City of Stanton General Plan</i> (General Plan) Land Use Map and the City's Zoning Map, the Site is designated and zoned High Density Residential.
Water	W-1	Consistent. The Project would install low-flow fixtures and efficient landscaping per the CALGreen Code and Senate Bill X7-7. As such, the Project would comply with Statewide water conservation requirements reducing water usage by 20 percent.
	W-2	
	W-3	
	W-4	
	W-5	
	W-6	
Agriculture	A-1	Not Applicable. Based on the General Plan Land Use Map and the City's Zoning Map, the Site is designated and zoned High Density Residential.
Notes: 1. California Air Resources Board, <i>Appendix B Status of Initial Scoping Plan Measures</i> , http://www.arb.ca.gov/cc/scopingplan/2013_update/appendix_b.pdf , accessed April 22, 2019.		

Conclusion

The Project would not conflict with the Scoping Plan, and the City does not currently have any adopted plans for reducing GHG emissions. Furthermore, as described under Impact Statement GHG-1, the Project's combined long-term operational and amortized construction emissions would not exceed the applicable SCAQMD's threshold of significance. Although these thresholds have not been formally adopted at the time of this analysis, they are considered the allowable amount of emissions for the Project to ensure the Project does not impede regional and/or State GHG reduction goals. Therefore, the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.6.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in [Table 4-1, Cumulative Projects List](#), and illustrated on [Exhibit 4-1, Cumulative Projects Map](#), cumulative projects are situated in the Site vicinity.



GREENHOUSE GAS EMISSIONS

- **Would greenhouse gas emissions generated by the Project and other related cumulative projects have a cumulatively considerable impact on global climate change?**

Impact Analysis: It is generally the case that an individual project of this size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory.¹⁴ GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective.¹⁵ Therefore, potentially significant direct impacts associated with the Project, as discussed under Impact Statement GHG-1, also serve as the Project's cumulative impact. As analyzed above, Project-generated GHG emissions would not exceed the post-2020 SCAQMD's project-level efficiency GHG threshold of 3.0 MTCO₂eq/year per SP. Therefore, cumulative GHG emissions impacts from the Project would not be significantly cumulatively considerable, and a less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

CONSISTENCY WITH APPLICABLE GHG PLANS, POLICIES, OR REGULATIONS

- **Would implementation of the Project and other related cumulative projects cause a cumulatively considerable conflict with an applicable greenhouse gas reduction plan, policy, or regulation?**

Impact Analysis: GHG impacts are recognized as exclusively cumulative impacts, and there are no non-cumulative GHG emission impacts from a climate change perspective. As such, significant direct impacts associated with the Project, as discussed under Impact Statement GHG-2, also serve as the Project's cumulative impact. The analysis above concludes that the Project would be consistent with the applicable measures in the Scoping Plan and would not interfere with the goals of SB 32. In addition, the Project-generated GHG emissions would not exceed the post-2020 SCAQMD's project-level efficiency GHG threshold of 3.0 MTCO₂eq/year per SP. Thus, cumulative GHG impacts under the Project would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.6.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to greenhouse gas emissions have been identified.

¹⁴ California Air Pollution Control Officers Association, *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*, January 2008, <http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf>, accessed April 22, 2019.

¹⁵ Ibid.



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5.7 Noise

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5.7 NOISE

The purpose of this section is to evaluate noise source impacts to surrounding land uses as a result of implementation of the Project. This section evaluates short-term construction-related impacts, as well as future buildout conditions. Mitigation measures are also recommended to avoid or lessen the Project's noise impacts. Information in this section is based on the *City of Stanton General Plan* (General Plan) and the *Stanton Municipal Code* (Municipal Code).

For the purposes of noise levels associated with mobile sources, traffic information contained in the *Tina-Pacific Residential Traffic Impact Analysis* (Traffic Impact Analysis), prepared by Ganddini Group, Inc. and dated January 8, 2019, was utilized; refer to [Appendix 11.3, *Traffic Impact Analysis*](#).

As stated in [Section 3.0, *Project Description*](#), the Project proposes to develop a 161-unit multi-family affordable housing development. However, in addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a 2,300-square foot preschool facility, one additional tot lot along Magnolia Avenue, and a community pool in the center of the Site. Given that the addition of a preschool facility would generate more vehicle trips than the Project without a preschool facility, the Traffic Impact Analysis analyzed Development Scenario Two (Project With Preschool) as the "worst-case" scenario. As such, the noise analysis below assumes the Project would include the preschool facility and additional recreational amenities. Noise measurement and traffic noise modeling data can be found in [Appendix 11.5, *Noise Analysis*](#).

5.7.1 EXISTING SETTING

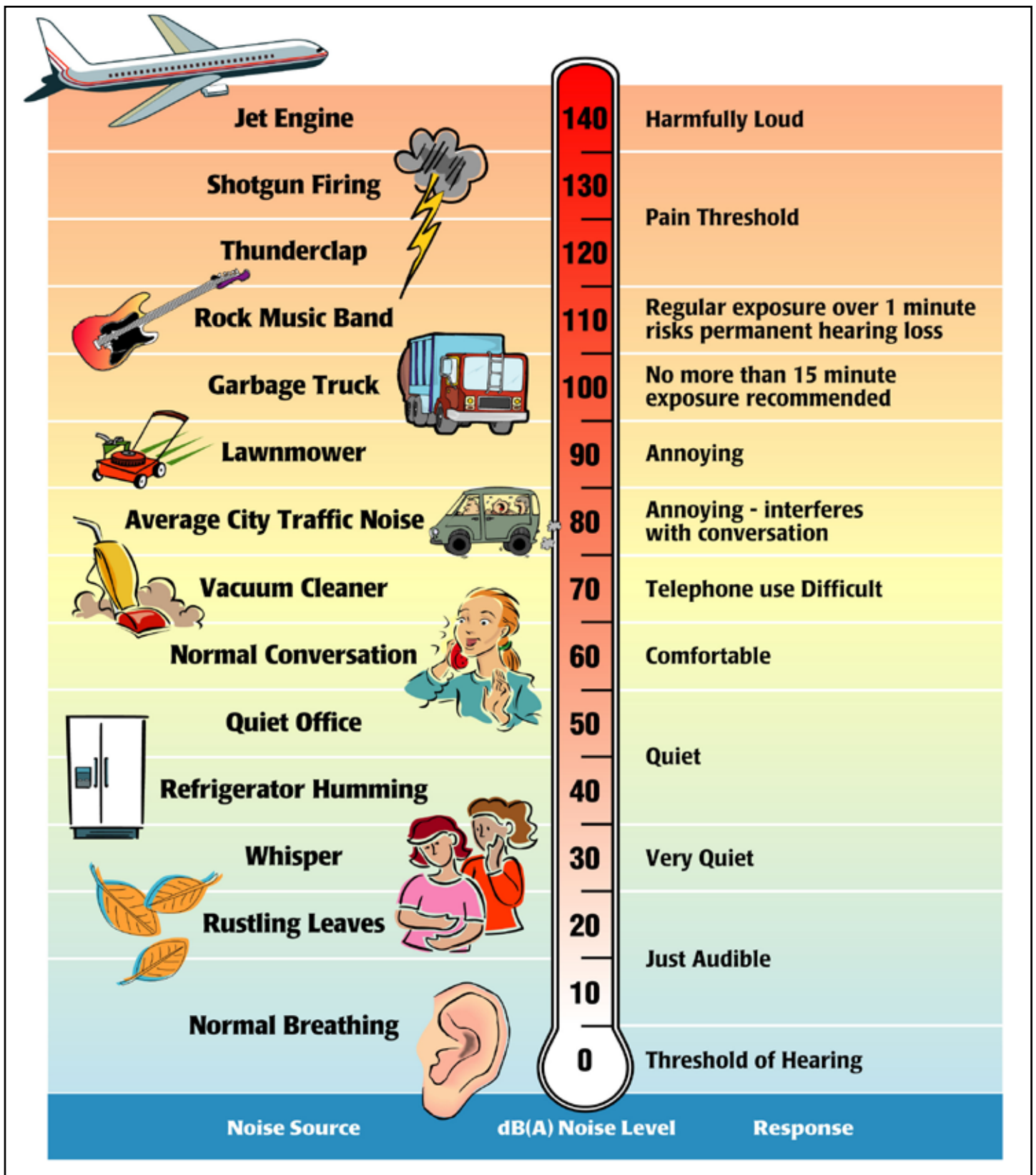
NOISE SCALES AND DEFINITIONS

Sound is described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dBA higher than another is judged to be twice as loud, and 20 dBA higher four times as loud, and so forth. Everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud). Examples of various sound levels in different environments are illustrated on [Exhibit 5.7-1, *Common Environmental Noise Levels*](#).

Many methods have been developed for evaluating community noise to account for, among other things:

- The variation of noise levels over time;
- The influence of periodic individual loud events; and
- The community response to changes in the community noise environment.



Source: Environmental Protection Agency, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety* (EPA/ONAC 550/9-74-004), March 1974.

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ENVIRONMENTAL IMPACT REPORT

Common Environmental Noise Levels

Exhibit 5.7-1



Numerous methods have been developed to measure sound over a period of time; refer to Table 5.7-1, Noise Descriptors.

**Table 5.7-1
Noise Descriptors**

Term	Definition
Decibel (dB)	The unit for measuring the volume of sound equal to 10 times the logarithm (base 10) of the ratio of the pressure of a measured sound to a reference pressure (20 micropascals).
A-Weighted Decibel (dBA)	A sound measurement scale that adjusts the pressure of individual frequencies according to human sensitivities. The scale accounts for the fact that the region of highest sensitivity for the human ear is between 2,000 and 4,000 cycles per second (hertz).
Equivalent Sound Level (L_{eq})	The sound level containing the same total energy as a time varying signal over a given time period. The L_{eq} is the value that expresses the time averaged total energy of a fluctuating sound level.
Maximum Sound Level (L_{max})	The highest individual sound level (dBA) occurring over a given time period.
Minimum Sound Level (L_{min})	The lowest individual sound level (dBA) occurring over a given time period.
Community Noise Equivalent Level (CNEL)	A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. These adjustments are +5 dBA for the evening, 7:00 p.m. to 10:00 p.m., and +10 dBA for the night, 10:00 p.m. to 7:00 a.m.
Day/Night Average (L_{dn})	The L_{dn} is a measure of the 24-hour average noise level at a given location. It was adopted by the U.S. Environmental Protection Agency (EPA) for developing criteria for the evaluation of community noise exposure. It is based on a measure of the average noise level over a given time period called the L_{eq} . The L_{dn} is calculated by averaging the L_{eq} 's for each hour of the day at a given location after penalizing the "sleeping hours" (defined as 10:00 p.m. to 7:00 a.m.) by 10 dBA to account for the increased sensitivity of people to noises that occur at night.
Exceedance Level (L_n)	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% (L_{01} , L_{10} , L_{50} , L_{90} , respectively) of the time during the measurement period.
Source: Cyril M. Harris, <i>Handbook of Noise Control</i> , 1979.	

HEALTH EFFECTS OF NOISE

Human response to sound is highly individualized. Annoyance is the most common issue regarding community noise. However, many factors influence people's response to noise. The factors can include the character of the noise, the variability of the sound level, the presence of tones or impulses, and the time of day of the occurrence. Additionally, non-acoustical factors, such as the person's opinion of the noise source, the ability to adapt to the noise, the attitude towards the source and those associated with it, and the predictability of the noise, all influence people's response. As such, response to noise varies widely from one person to another and with any particular noise, individual responses range from "not annoyed" to "highly annoyed."

The effects of noise are often only transitory, but adverse effects can be cumulative with prolonged or repeated exposure. The effects of noise on the community can be organized into six broad categories:

- Noise-Induced Hearing Loss;
- Interference with Communication;
- Effects of Noise on Sleep;
- Effects on Performance and Behavior;
- Extra-Auditory Health Effects; and
- Annoyance.



According to the United States Public Health Service, nearly ten million of the estimated 21 million Americans with hearing impairments owe their losses to noise exposure. Noise can mask important sounds and disrupt communication between individuals in a variety of settings. This process can cause anything from a slight irritation to a serious safety hazard, depending on the circumstance. Noise can disrupt face-to-face communication and telephone communication, and the enjoyment of music and television in the home. It can also disrupt effective communication between teachers and pupils in schools and can cause fatigue and vocal strain in those who need to communicate in spite of the noise.

Interference with communication has proved to be one of the most important components of noise-related annoyance. Noise-induced sleep interference is one of the critical components of community annoyance. Sound level, frequency distribution, duration, repetition, and variability can make it difficult to fall asleep and may cause momentary shifts in the natural sleep pattern, or level of sleep. It can produce short-term adverse effects on mood changes and job performance, with the possibility of more serious effects on health if it continues over long periods. Noise can cause adverse effects on task performance and behavior at work, and non-occupational and social settings. These effects are the subject of some controversy, since the presence and degree of effects depends on a variety of intervening variables. Most research in this area has focused mainly on occupational settings, where noise levels must be sufficiently high and the task sufficiently complex for effects on performance to occur.

Annoyance can be viewed as the expression of negative feelings resulting from interference with activities, as well as the disruption of one's peace of mind and the enjoyment of one's environment. Field evaluations of community annoyance are useful for predicting the consequences of planned actions involving highways, airports, road traffic, railroads, or other noise sources. The consequences of noise-induced annoyance are privately held dissatisfaction, publicly expressed complaints to authorities, and potential adverse health effects, as discussed above. In a study conducted by the United States Department of Transportation, the effects of annoyance to the community were quantified. In areas where noise levels were consistently above 60 dBA CNEL, approximately nine percent of the community is highly annoyed. When levels exceed 65 dBA CNEL, that percentage rises to 15 percent. Although evidence for the various effects of noise have differing levels of certainty, it is clear that noise can affect human health. Most of the effects are, to a varying degree, stress related. Regarding increases in A-weighted noise levels (dBA), the following relationships should be noted in understanding this analysis:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived by humans.
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference.
- A change in level of at least 5 dBA is required before any noticeable change in community response would be expected. An increase of 5 dBA is typically considered substantial.
- A 10 dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.



GROUND-BORNE VIBRATION

Vibration is an oscillatory motion through a solid medium in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. The peak particle velocity (PPV) or the root mean square (RMS) velocity is usually used to describe vibration amplitudes. PPV is defined as the maximum instantaneous peak or vibration signal, while RMS is defined as the square root of the average of the squared amplitude of the signal. PPV is typically used for evaluating potential building damage, whereas RMS is typically more suitable for evaluating human response. Typically, ground-borne vibration, generated by man-made activities, attenuates rapidly with distance from the source of vibration. Man-made vibration issues are therefore usually confined to short distances (i.e., 500 feet or less) from the source.

Both construction and operation of development projects can generate ground-borne vibration. In general, demolition of structures preceding construction generates the highest vibrations. Construction equipment such as vibratory compactors or rollers, pile drivers, and pavement breakers can generate perceptible vibration during construction activities. Heavy trucks can also generate ground-borne vibrations that vary depending on vehicle type, weight, and pavement conditions.

SENSITIVE RECEPTORS

Human response to noise varies widely depending on the type of noise, time of day, and sensitivity of the receptor. The effects of noise on humans can range from temporary or permanent hearing loss to mild stress and annoyance due to such things as speech interference and sleep deprivation. Prolonged stress, regardless of the cause, is known to contribute to a variety of health disorders. Noise, or the lack thereof, is a factor in the aesthetic perception of some settings, particularly those with religious or cultural significance. Certain land uses are particularly sensitive to noise, including schools, hospitals, rest homes, long-term medical and mental care facilities, and parks and recreation areas. Residential areas are also considered noise sensitive, especially during the nighttime hours. The Site vicinity is predominantly composed of commercial and residential uses. The following receptors were identified as sensitive receptors in vicinity of the Site:

- The proposed Site is surrounded by adjoining residential receptors to the north, south, and west.
- The closest school is Walter Elementary School, located approximately 280 feet to the southeast, on Magnolia Avenue.
- The closest child care center is Little Star Academy Infant Care and Preschool, located approximately 560 feet to the northwest, on the corner of South Sherrill Street and West Cerritos Avenue.
- The closest assisted living facility is New Horizon Senior Living, located approximately 0.26-mile to the northwest, on West Cerritos Avenue.
- The closest hospital is the West Anaheim Medical Center, located approximately 1.3 miles northwest of the proposed Project, on South Beach Boulevard in Anaheim.



AMBIENT NOISE MEASUREMENTS

To quantify existing ambient noise levels in the Site vicinity, Michael Baker International (Michael Baker) conducted noise measurements on December 11, 2018; refer to [Exhibit 5.7-2, *Noise Measurement Locations*](#) and [Table 5.7-2, *Noise Measurements*](#). The noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the Site. Short-term measurements were taken at each site between 2:00 p.m. and 2:59 p.m. Meteorological conditions were clear skies, warm temperatures, with light wind speeds (approximately 0 to 5 miles per hour), and low humidity.

**Table 5.7-2
Noise Measurements**

Site No.	Location ¹	L _{eq} (dBA)	L _{min} (dBA)	L _{max} (dBA)	Date	Time
ST1	Northeast corner of the Pacific Avenue and Magnolia Avenue intersection	69.4	48.1	89.4	12/11/18	1:59 p.m.
ST2	Lawn in front of 8850 Pacific Avenue	51.7	41.4	71.7	12/11/18	2:16 p.m.
ST3	Verona Street cul-de-sac	47.6	39.3	72.8	12/11/18	2:32 p.m.
ST4	Annapolis Avenue cul- de-sac	45.9	38.3	71.5	12/11/18	2:49 p.m.
Notes:						
1. See Exhibit 5.7-2 for the noise level measurement locations.						
Source: Michael Baker International, December 11, 2018; refer to Appendix 11.5 .						

MOBILE SOURCES

Vehicle-related mobile noise is the most common source of noise in the Site vicinity. Additionally, rail and military aircraft operations contribute to infrequent mobile noise sources in the Site vicinity. The Union Pacific Railroad tracks are located approximately 200 feet to the south of the Site and extend in an east-west direction. Furthermore, occasional military aircrafts fly over the Site vicinity from the Los Alamitos Joint Forces Training Base, located approximately three miles to the southwest.



(ST#) Short-term Noise Monitoring Location

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Noise Measurement Locations

Exhibit 5.7-2



EXISTING ROADWAY NOISE LEVELS

Existing roadway noise levels in the Site vicinity were modeled using the Federal Highway Administration's Highway Noise Prediction Model (FHWA RD-77-108) with several roadway and site parameters. These parameters determine the projected impact of vehicular traffic noise and include the roadway cross-section (such as the number of lanes), roadway width, average daily traffic (ADT), vehicle travel speed, percentages of auto and truck traffic, roadway grade, angle-of-view, and site conditions ("hard" or "soft"). The model does not account for ambient noise levels (i.e., noise from adjacent land uses) or topographical differences between the roadway and adjacent land uses. Noise projections are based on modeled vehicular traffic as derived from the Traffic Impact Analysis; refer to [Appendix 11.3](#). Existing modeled traffic noise levels are detailed in [Table 5.7-3, Existing Traffic Noise Levels](#). As shown in [Table 5.7-3](#), mobile noise within the Site vicinity ranges from 64.2 dBA to 66.6 dBA.

**Table 5.7-3
Existing Traffic Noise Levels**

Roadway Segment	ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)		
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour
Magnolia Avenue					
North of Cerritos Avenue	22,200	66.3	520	164	52
Cerritos Avenue to Pacific Avenue	21,500	66.1	504	159	50
Pacific Avenue to Katella Avenue	21,000	66.0	492	156	49
South of Katella Avenue	19,900	65.8	467	148	47
Cerritos Avenue					
West of Sherrill Street	13,200	64.4	309	98	31
Sherrill Street to Magnolia Avenue	13,200	64.2	309	98	31
East of Magnolia Avenue	13,200	64.2	309	98	31
Katella Avenue					
West of Magnolia Avenue	22,900	66.4	537	170	54
East of Magnolia Avenue	24,100	66.6	565	179	57
Notes: ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level					
Source: Noise modeling is based upon traffic data within the <i>Tina-Pacific Residential Traffic Impact Analysis</i> , prepared by Ganddini Group Inc., dated January 2019.					

STATIONARY NOISE SOURCES

The Site vicinity consists of residential and commercial uses, as well as utility and railroad easements. The primary sources of stationary noise in the Site vicinity are urban-related activities (e.g., heating, ventilation, and air conditioning units, parking areas, and conversations). The noise associated with these sources may represent a single-event or a continuous occurrence.



5.7.2 REGULATORY SETTING

FEDERAL LEVEL

Federal Transit Administration

The City of Stanton does not identify specific vibration standards for temporary construction, and therefore, the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual* standards are utilized in this analysis. The *Transit Noise and Vibration Impact Assessment Manual* identifies the vibration level thresholds for potential building damage due to construction activities. The threshold identified in the FTA criteria for this analysis is a PPV of 0.2 inch-per-second for non-engineered timber and masonry buildings.

STATE LEVEL

Title 24 – Building Code

The State's noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for the purpose of interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL.

California Government Code

California Government Code Section 65302(f) mandates that the legislative body of each county, town, and city adopt a noise element as part of their comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services, as shown in Table 5.7-4, *Land Use Compatibility for Community Noise Environments*. The guidelines rank noise land use compatibility in terms of “normally acceptable,” “conditionally acceptable,” “normally unacceptable,” and “clearly unacceptable” noise levels for various land use types. Single-family homes are “normally acceptable” in exterior noise environments up to 60 CNEL and “conditionally acceptable” up to 70 CNEL. Multiple-family residential uses are “normally acceptable” up to 65 CNEL and “conditionally acceptable” up to 70 CNEL. Schools, libraries, and churches are “normally acceptable” up to 70 CNEL, as are office buildings and business, commercial, and professional uses.



Table 5.7-4
Land Use Compatibility for Community Noise Environments

Land Use Category	Community Noise Exposure (L _{dn} or CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low Density, Single-Family, Duplex, Mobile Homes	50 – 60	55 – 70	70 – 75	75 – 85
Residential – Multiple Family	50 – 65	60 – 70	70 – 75	70 – 85
Transient Lodging - Motel, Hotels	50 – 65	60 – 70	70 – 80	80 – 85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 – 70	60 – 70	70 – 80	80 – 85
Auditoriums, Concert Halls, Amphitheaters	NA	50 – 70	NA	65 – 85
Sports Arenas, Outdoor Spectator Sports	NA	50 – 75	NA	70 – 85
Playgrounds, Neighborhood Parks	50 – 70	NA	67.5 – 75	72.5 – 85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 – 70	NA	70 – 80	80 – 85
Office Buildings, Business Commercial and Professional	50 – 70	67.5 – 77.5	75 – 85	NA
Industrial, Manufacturing, Utilities, Agriculture	50 – 75	70 – 80	75 – 85	NA
Notes: NA = Not Applicable; L _{dn} = Day/Night Average; CNEL = community noise equivalent level; dBA = A-weighted decibels <u>Normally Acceptable</u> - Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. <u>Conditionally Acceptable</u> - New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice. <u>Normally Unacceptable</u> - New Construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. <u>Clearly Unacceptable</u> - New construction or development should generally not be undertaken.				
Source: Office of Planning and Research, California, <i>General Plan Guidelines</i> , October 2003.				

LOCAL LEVEL

City of Stanton

City of Stanton General Plan

General Plan Chapter 6, *Community Health and Safety*, includes a Noise Element that provides a framework to limit noise exposure within Stanton. Existing and future noise environments and the compatibility of land uses are considered in the Noise Element, as well as sensitive receptors and generators of stationary noise. The Noise Element contains the following goals and actions that apply to the Project:

Goal CHS-3.1 – Reduce noise impacts from transportation sources throughout Stanton.

Action CHS 3.1.1 (a): Ensure noise mitigation measures are included in the design of new developments.

Action CHS 3.1.1 (d): Limit construction, delivery, and through truck traffic to designated routes.

Action CHS 3.1.1 (e): Encourage, support, and enforce all State and Federal legislation designed to abate and control noise pollution.



Action CHS 3.1.1 (g): Encourage acoustical materials in all new residential and commercial developments where noise levels exceed the compatibility standards outlined in the Noise Element.

Action CHS 3.1.1 (h): Ensure Community Noise Equivalent Levels (CNEL) levels for noise sensitive land uses meet or exceed normally acceptable levels, as defined by State of California standards.

Stanton Municipal Code

The City maintains a comprehensive Noise Control Ordinance within the Municipal Code that sets standards for noise levels Citywide and provides the means to enforce the reduction of obnoxious or offensive noises. Municipal Code Chapter 9.28 establishes noise standards and enforcement procedures. The Noise Control Ordinance is designed to control unnecessary, excessive, and annoying sounds in residential neighborhoods by requiring compliance with the following noise standards.

- Exterior and interior noise of 55 dBA during the hours of 7:00 a.m. to 10:00 p.m.;
- Exterior noise of 50 dBA during the hours of 10:00 p.m. to 7:00 a.m.; and
- Interior noise of 45 dBA during the hours of 10:00 p.m. to 7:00 a.m.

The Noise Control Ordinance prohibits exterior noise sources to exceed the following:

- The noise standard for a cumulative period of more than thirty minutes in any hour; or
- The noise standard plus 5 dB(A) for a cumulative period of more than fifteen minutes in any hour; or
- The noise standard plus 10 dB(A) for a cumulative period of more than five minutes in any hour; or
- The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour; or
- The noise standard plus 20 dB(A) for any period of time.

Under the Noise Control Ordinance, interior noise sources shall not exceed the following:

- The interior noise standard for a cumulative period of more than five minutes in any hour; or
- The interior noise standard plus 5 dB(A) for a cumulative period of more than one minute in any hour; or
- The interior noise standard plus 10 dB(A) for any period of time.

The City exempts construction noise that occurs between the hours of 7:00 a.m. to 8:00 p.m. on weekdays, including Saturday; however, no construction activities are allowed on Sundays or Federal holidays.



5.7.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (refer to Impact Statements N-1);
- b) Generate excessive groundborne vibration or groundborne noise levels (refer to Impact Statement N-2); and/or
- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels (refer to Appendix 11.1, *Initial Study/Notice of Preparation and Comment Letters*).

Based on these significance thresholds and criteria, the Project's effects have been categorized as either "no impact," a "less than significant impact," or a "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative, since appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.

NOISE IMPACT CRITERIA

Significance of Changes in Traffic Noise Levels

An off-site traffic noise impact typically occurs when there is a discernable increase in traffic and the resulting noise level exceeds an established noise standard. In community noise considerations, changes in noise levels greater than 3 dB are often identified as substantial, while changes less than 1 dB would not be discernable to local residents. A 5 dB change is generally recognized as a clearly discernable difference.

As traffic noise levels at sensitive uses likely approach or exceed the 65 CNEL standard, a 3 dB increase as a result of the Project is used as the increase threshold for the Project. A doubling of traffic volume would result in a 3 dB increase in noise levels. Thus, the Project would result in a significant noise impact if a permanent increase in ambient noise levels of 3 dB, or doubling of traffic volume, occurs upon Project implementation and the resulting noise level exceeds the applicable exterior noise standard near a noise-sensitive use.



5.7.4 IMPACTS AND MITIGATION MEASURES

SHORT-TERM CONSTRUCTION AND LONG-TERM OPERATIONAL NOISE IMPACTS

- N-1** Would the Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact Analysis: As illustrated on Exhibits 3-3a, *Development Scenario One (Proposed Project Without Preschool)*, and 3-3b, *Development Scenario Two (Proposed Project With Preschool)*, the Project proposes a 161-unit affordable housing development. However, based upon the availability of funding, the Project may also include a 2,300-square foot preschool facility, one additional tot lot along Magnolia Avenue, and a community pool in the center of the Site. Given that Development Scenario Two (Project With Preschool) would involve more development, the discussion below analyzes Development Scenario Two as the “worst-case” scenario in terms of short-term construction and long-term operational noise impacts.

Short-Term Construction Noise Impacts

Development Scenario Two is anticipated to be completed in two phases. Phase I would construct 83 residential units, a community center, community pool, two tot lots, and a preschool facility. Phase II would construct 78 residential units and one tot lot. Construction activities would generate perceptible noise levels during the demolition, grading, paving, and building construction phases. High groundborne noise levels and other miscellaneous noise levels can be created by the operation of heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, scrapers, and other heavy-duty construction equipment. Table 5.7-5, *Maximum Noise Levels Generated by Construction Equipment*, indicates the anticipated noise levels of construction equipment. The average noise levels presented in Table 5.7-5 are based on the quantity, type, and Acoustical Use Factor for each type of equipment that is anticipated to be used.

Earthwork would be balanced on-site and would not require any import or export of materials. The primary construction equipment noise sources used during construction would be during earthwork activities (use of graders, excavators, dozers), and building construction (use of forklifts, tractors/loaders/backhoes, and a crane). Graders typically generate the highest noise levels, emitting approximately 85 dBA at a distance of 50 feet. Point sources of noise emissions are atmospherically attenuated by a factor of 6 dBA per doubling of distance. This assumes a clear line-of-sight and no other machinery or equipment noise that would mask Project construction noise. The shielding of buildings and other barriers that interrupt line-of-sight conditions further reduce noise levels from point sources.

Construction noise impacts generally happen when construction activities occur in areas immediately adjoining noise sensitive land uses, during noise sensitive times of the day, or when construction durations last over extended periods of time. The closest sensitive receptors are residential uses located approximately 27 feet west of the Site. As indicated in Table 5.7-5, typical construction noise levels would range from approximately 79 to 90 dBA at this distance. These noise levels could intermittently occur for a few days when construction equipment is operating closest to the residential



uses. The remainder of the time, the construction noise levels would be much less because the equipment would be working further away from the existing sensitive uses.

Table 5.7-5
Maximum Noise Levels Generated by Construction Equipment

Equipment Type	Actual L _{max} at 27 Feet (dBA)	Actual L _{max} at 50 Feet (dBA)
Backhoe	83	78
Bulldozer	87	82
Compactor	87	82
Compressor	83	78
Concrete Mixer	84	79
Concrete Pump	86	81
Crane, Mobile	86	81
Dump Truck	81	76
Excavator	86	81
Generator	86	81
Grader	90	85
Loader	84	79
Paver	82	77
Pump	86	81
Roller	85	80
Tractor	89	84
Flatbed Truck	79	74
Welder	79	74

Source: Federal Highway Administration, 2006.

The City has established noise standards for construction activity under Municipal Code Chapter 9.28 (refer to [Section 5.7.2, *Regulatory Setting*](#)). Pursuant to Municipal Code Chapter 9.28, construction noise is prohibited between the hours of 8:00 p.m. and 7:00 a.m. on weekdays, including Saturday, and/or any time on Sunday or a Federal holiday. The Project would be required to comply with these allowable hours for construction. Although construction noise is allowed during the City's allowable construction hours, the Project could expose adjoining residential uses to temporary high noise levels (79 to 90 dBA) during construction activities. Therefore, the Project would be required to comply with Mitigation Measure NOI-1 requiring site-specific noise reduction methods. Specifically, Mitigation Measure NOI-1 would require the construction contractor equip all construction equipment with properly operating and maintained mufflers, locate stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receptors, locate equipment staging in areas furthest away from sensitive receptors, and limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays). Compliance with Mitigation Measure NOI-1 would reduce construction noise impacts at nearby sensitive receptors to ensure existing residential activities are not adversely impacted. Therefore, a less than significant impact would occur with implementation of Mitigation Measures NOI-1.

Long-Term Operational Noise Impacts

MOBILE NOISE

Future development generated by the proposed Project would result in additional traffic on adjacent roadways, thereby potentially increasing vehicular noise in the Site vicinity. Based on the Traffic



Impact Analysis, the proposed Project is projected to generate a total of approximately 484 trips per day, which includes approximately 48 a.m. peak hour trips and approximately 54 p.m. peak hour trips. ADT volumes for Existing and Existing Plus Project conditions are displayed in [Table 5.7-6, *Project Traffic Volume Increase*](#).

**Table 5.7-6
Project Traffic Volume Increase**

Roadway Segment	Existing ADT	Existing Plus Project ADT	Percent Increase ¹
Magnolia Avenue			
North of Cerritos Avenue	22,200	22,400	1%
Cerritos Avenue to Pacific Avenue	21,500	21,700	1%
Pacific Avenue to Katella Avenue	21,000	21,200	1%
South of Katella Avenue	19,900	20,100	1%
Cerritos Avenue			
West of Sherrill Street	13,200	13,200	0%
Sherrill Street to Magnolia Avenue	13,200	13,200	0%
East of Magnolia Avenue	13,200	13,200	0%
Katella Avenue			
West of Magnolia Avenue	22,900	22,900	0%
East of Magnolia Avenue	24,100	24,100	0%
ADT = Average Daily Traffic			
Notes:			
1. According to the U.S. Department of Transportation <i>Highway Traffic Noise Analysis and Abatement Policy and Guidance</i> document, an increase of 100% in traffic volumes (i.e., a doubling of traffic volumes) would create a perceptible increase (3 dB) in noise levels.			
Source: Ganddini Group Inc., Tina-Pacific Residential Traffic Impact Analysis, January 8, 2019.			

As previously discussed, a doubling of traffic volumes (i.e., a 100 percent increase) would result in a 3 dB increase in traffic noise levels, which is barely detectable by the human ear. As depicted in [Table 5.7-6](#), “Existing Plus Project” ADT volumes along Magnolia Avenue would result in a maximum increase of one percent with Project implementation. As such, the Project would not double existing traffic volumes and an increase in traffic noise along local roadways would be imperceptible. Therefore, Project-related traffic noise impacts would be less than significant.

STATIONARY NOISE

Stationary noise sources associated with the proposed Project would include typical urban-related activities (e.g., mechanical equipment, outdoor activity areas, dogs/pets, landscaping activities, weekly garbage collection, and cars parking). The Project’s stationary noise impacts are analyzed in further detail below.

Mechanical Equipment

Heating Ventilation and Air Conditioning (HVAC) systems would be installed for the proposed residential development. HVAC systems can result in noise levels of approximately 50 dBA L_{eq} at 50 feet from the equipment. At the time of this analysis, the exact location of HVAC units is unknown. However, based on [Exhibit 3-4, *Conceptual Landscape Plan*](#), an alleyway and landscaping area would create an approximate 50-foot buffer from the nearest sensitive receptor (i.e. residential uses to the southwest) to the closest potential location of HVAC units on the Site. At this distance, potential noise levels would not exceed the City’s exterior noise standards of 55 dBA (daytime) and 50 dBA (nighttime) as a result of on-site HVAC units. Impacts would be less than significant in this regard.



Outdoor Activity Areas

The proposed Project would provide common open space, including three tot lots (including the proposed preschool facility under Development Scenario Two) and a community pool. These areas have the potential to be accessed by groups of people intermittently for outdoor events, parties, etc. Noise generated by groups of people (i.e., crowds) is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the crowd members. According to *Prediction of Crowd Noise* (M.J. Hayne, November 2006), crowd noise would be approximately 62 dBA at one meter from the source.¹ Noise has a decay rate due to distance attenuation, which is calculated based on the Inverse Square Law. Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source.² As a result, crowd noise at the nearest sensitive receptor (110 feet away from the on-site tot lot³) would be 31 dBA, which would not exceed the City's noise standards and would be lower than existing ambient noise levels near the Site; refer to Table 5.7-2. As such, Project operational noise associated with outdoor activity areas would not introduce an intrusive noise source over existing conditions. Thus, a less than significant impact would occur in this regard.

Garbage Trucks

The Project proposes residential uses that would involve occasional garbage truck operations. Typically, a medium two-axle garbage truck can generate a maximum noise level of 75 dBA at a distance of 50 feet. These are levels generated by a truck that is operated by an experienced "reasonable" driver with typically applied accelerations. Higher noise levels may be generated by the excessive application of power. Lower levels may be achieved but would not be considered representative of normal truck operations. Garbage trucks currently service the Site and surrounding uses, and thus would not introduce a new source of noise to the Site vicinity. As such, impacts would be less than significant in this regard.

Parking Areas

Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. Also, noise would primarily remain on-site and would be intermittent (during peak-events). However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up, and cars passing by may be an annoyance to adjacent noise sensitive receptors. Parking lot noise can also be considered a "stationary" noise source.

The Project would provide 322 on-site residential parking spaces and 32 guest spaces. Noise associated with the proposed parking areas would be of greatest annoyance to existing adjoining residential receptors to the southwest. As shown in Table 5.7-7, Maximum Noise Levels Generated by Parking Lots, noise levels from parking lot activities would range from approximately 53 to 61 dBA at a distance of 50 feet. The adjoining residential uses to the southwest would be located approximately 50 feet from a proposed parking area. As such, parking lot noise levels would be approximately 53 to 61 dBA at these sensitive receptors. However, parking lot activities and associated noise levels are intermittent and sporadic, and an existing parking lot is located within the same distance to the nearest

¹ Crowd noise is estimated at 60 dBA at one meter (3.28 feet) away for raised normal speaking. This noise level would have a +5 dBA adjustment for the impulsiveness of the noise source, and a -3 dBA adjustment for the random orientation of the crowd members. Therefore, crowd noise would be approximately 62 dBA at one meter from the source.

² Cyril M. Harris, *Noise Control in Buildings*, 1994.

³ The western tot lot represents the closest common open space area to nearby sensitive receptors (i.e. residential uses).



adjoining residence as the proposed parking area. Thus, as the Project would not introduce a new source of noise in the Site vicinity and parking lot noise would be infrequent, impacts would be less than significant.

Table 5.7-7
Maximum Noise Levels Generated by Parking Lots

Noise Source	Maximum Noise Levels at 50 Feet from Source (dBA L _{eq})
Car door slamming	61 dBA L _{eq}
Car starting	60 dBA L _{eq}
Car idling	53 dBA L _{eq}

Source: Kariel, H. G., Noise in Rural Recreational Environments, Canadian Acoustics 19(5), 3-10, 1991.

As discussed above, the Project's stationary noise sources are typically intermittent and of short duration and would be comparable to existing sources of noise experienced at the surrounding residential and commercial uses. Further, all stationary noise activities would be required to comply with the City's Noise Ordinance and the California Building Code requirements pertaining to noise attenuation. As such, impacts from stationary sources would be less than significant.

Mitigation Measures:

NOI-1 To reduce construction noise impacts, the Project Applicant (Developer) shall demonstrate, to the satisfaction of the City of Stanton Community and Economic Development Director that the Project complies with the following:

- Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall only occur between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays. The Project construction supervisor shall ensure compliance with the note and the City of Stanton shall conduct periodic inspection at its discretion.
- During all Project construction activities, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest to the Site.
- The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receivers nearest to the Site during all Project construction.
- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.



Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

VIBRATION IMPACTS

N-2 Would Project implementation result in significant vibration impacts to nearby sensitive receptors?

Impact Analysis: Project operations would not generate substantial levels of vibration due to the lack of vibration-generating sources associated with residential uses, and therefore, is not analyzed below. Conversely, Project construction would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The FTA has published standard vibration velocities for construction equipment operations. This evaluation uses the FTA architectural damage criterion for continuous vibrations at older residential structures of 0.2 inch-per-second PPV. As the nearest structures to Project construction are residences, this threshold is considered appropriate.

Construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. The typical vibration produced by construction equipment is illustrated in Table 5.7-8, Typical Vibration Levels for Construction Equipment.

**Table 5.7-8
Vibration Levels for Construction Equipment**

Equipment	PPV (inch-per-second) at 27 feet
Small bulldozer	0.003
Jackhammer	0.031
Loaded Trucks	0.068
Large bulldozer	0.079
Vibratory Roller	0.187
<p>Notes:</p> <ol style="list-style-type: none">1. PPV = peak particle velocity2. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$<p>where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance PPV (ref) = the reference vibration level in in/sec from Table 12-2 of the FTA <i>Transit Noise and Vibration Impact Assessment Guidelines</i></p>3. D = the distance from the equipment to the receiver <p>Source: Federal Transit Administration, <i>Transit Noise and Vibration Impact Assessment Guidelines</i>, Table 12-2, May 2006.</p>	



The nearest structures to the Site would be residential uses to the west (approximately 27 feet away) along Pacific Avenue. As indicated in [Table 5.7-8](#), vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.003 to 0.187 inch-per-second PPV at 27 feet from the source of activity. Therefore, architectural damage would not occur as vibration from construction activities experienced at the nearest structure would be below the 0.2 inch-per-second PPV significance threshold. Thus, a less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.7.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in [Table 4-1](#), *Cumulative Projects List*, and illustrated on [Exhibit 4-1](#), *Cumulative Projects Map*, cumulative projects are situated in the Site vicinity.

SHORT-TERM CONSTRUCTION AND LONG-TERM OPERATIONAL NOISE IMPACTS

- Would the Project generate a cumulatively 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?

Impact Analysis:

Short-Term Construction Noise Impacts

Construction activities associated with the proposed Project and cumulative projects may overlap, resulting in construction noise in the Site vicinity. However, construction noise impacts primarily affect the areas immediately adjacent to the construction site. The closest cumulative project would be a medical office building (10441 Magnolia Avenue), located approximately 745 feet north of the Site. Cumulatively significant noise would generally occur when construction activities on either project site occurs in close proximity in a way that concentrates noise. The nearest sensitive receptors to the medical office building and proposed Project are residential uses located north of Tina Way. These receptors could be exposed to increased noise levels during the simultaneous construction of the medical office building and proposed Project. However, the specific construction phasing/timing and precise location(s) of construction activities, staging equipment, grading areas, etc., at the medical office building site are unknown at this time. Therefore, it would be speculative to quantify cumulative construction noise levels at nearby receptors.

As discussed above, the Project’s short-term construction noise impacts would be reduced to a less than significant level with implementation of Mitigation Measure NOI-1. Therefore, the Project’s contribution to cumulative noise impacts would not be cumulatively considerable. In addition, construction activities at the medical office building site would be required to comply with the City’s



allowable construction hours and mitigate their respective construction noise impacts, as required. Therefore, a less than significant impact would occur in this regard.

Long-Term Operational Noise Impacts

MOBILE NOISE

The Project's contribution to a cumulative traffic noise increase would be considered significant when a doubling of traffic volume (i.e., a 100 percent increase) would occur as a result of the proposed Project in combination with related projects identified in [Table 4-1](#). As previously discussed, a doubling of traffic volume would result in a 3 dB increase in noise levels, which is barely detectable by the human ear. Traffic volume increases as a result of the proposed Project, in combination with traffic generated by cumulative projects, are depicted in [Table 5.7-9](#), *Future Cumulative Traffic Volume Increase*.

**Table 5.7-9
Future Cumulative Traffic Volume Increase**

Roadway Segment	Existing ADT	Cumulative ADT		Cumulative ADT Percent (%) Increase		Cumulatively Significant Impact? ¹
		Future Without Project	Future With Project	Future Without Project vs. Future With Project	Existing vs. Future With Project	
Magnolia Avenue						
North of Cerritos Avenue	22,200	23,800	24,000	1%	8%	No
Cerritos Avenue to Pacific Avenue	21,500	23,200	23,400	1%	8%	No
Pacific Avenue to Katella Avenue	21,000	22,700	22,900	1%	8%	No
South of Katella Avenue	19,900	21,100	21,300	1%	7%	No
Cerritos Avenue						
West of Sherrill Street	13,200	13,900	13,900	0%	5%	No
Sherrill Street to Magnolia Avenue	13,200	14,200	14,200	0%	7%	No
East of Magnolia Avenue	13,200	14,200	14,200	0%	7%	No
Katella Avenue						
West of Magnolia Avenue	22,900	25,100	25,100	0%	9%	No
East of Magnolia Avenue	24,100	26,300	26,300	0%	8%	No
Notes:						
1. According to the U.S. Department of Transportation <i>Highway Traffic Noise Analysis and Abatement Policy and Guidance</i> document, an increase of 100% in traffic volumes (i.e., a doubling of traffic volumes) would create a perceptible increase (3 dB) in noise levels.						
ADT = Average Daily Traffic						
Source: Ganddini Group Inc., Tina-Pacific Residential Traffic Impact Analysis, January 8, 2019.						

As summarized in [Table 5.7-9](#), "Cumulative Future With Project" ADT volumes would increase by approximately one percent when compared to "Cumulative Future Without Project" ADT volumes. Additionally, "Cumulative Future With Project" ADT volumes would increase by a maximum of approximately nine percent when compared to existing ADT. Therefore, the proposed Project would not result in long-term cumulative mobile noise impacts. Overall, the Project, in combination with cumulative mobile noise levels, would result in a less than significant impact.



STATIONARY NOISE

Although related cumulative projects have been identified within the Site vicinity, noise generated by stationary sources on a given site cannot be quantified due to the speculative nature of each development. However, each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential noise impacts and identify necessary attenuation measures, where appropriate. Additionally, as noise dissipates as it travels away from its source, noise impacts from stationary sources would be limited to each of the respective sites and their vicinities. The nearest cumulative project to the Site would be a medical office building located approximately 745 feet to the north. The medical office building and proposed Project would be separated by Cerritos Avenue; therefore, any noise generated by on-site stationary noise equipment would be largely masked by traffic noise along Cerritos Avenue and would dissipate rapidly with distance. As such, cumulative stationary noise impacts would not occur due to distance and intervening traffic noise. As noted above, the proposed Project would not result in significant stationary noise impacts that would significantly affect surrounding sensitive receptors. Thus, the proposed Project and identified cumulative projects are not anticipated to result in a significant cumulative impact in this regard.

Mitigation Measures: Refer to Mitigation Measure NOI-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

VIBRATION IMPACTS

- **Would Project implementation result in cumulatively significant vibration impacts to nearby sensitive receptors?**

Impact Analysis: As stated above, construction activities associated with the proposed Project and cumulative projects may overlap. Despite the potential for overlap, groundborne vibration generated at the Site during construction would not exceed the FTA's 0.2 inch-per-second threshold. The nearest cumulative project is located approximately 745 feet north of the proposed Site. Given the distance, no cumulative vibration impacts would occur. Therefore, vibration impacts of the proposed Project would not be cumulatively considerable. Further, cumulative development projects would be required to implement any required mitigation measures that may be prescribed pursuant to CEQA provisions. Therefore, the Project's contribution to cumulative vibration impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.7.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to noise have been identified.



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5.8 Population and Housing

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5.8 POPULATION, HOUSING, AND EMPLOYMENT

This section identifies the City of Stanton's existing population, housing, and employment statistics and provides an analysis of potential impacts that may result from Project implementation for forecasted future conditions. More specifically, the impact analysis evaluates how Project implementation would induce population, housing, or employment growth in Stanton, either directly or indirectly. The following analyses are based primarily on data obtained from the 2000 and 2010 U.S. Census, California Department of Finance, California Employment Development Department, and Southern California Association of Governments (SCAG) *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy*.

5.8.1 EXISTING SETTING

POPULATION

Population data for the County of Orange (County) and City of Stanton (City) is presented in Table 5.8-1, *Population Estimates and Projections*.

**Table 5.8-1
Population Estimates and Projections**

Year	County of Orange	City of Stanton	City of Stanton as Percent of County of Orange
Population			
2010 ¹	3,010,232	38,186	1.3%
Existing Conditions (May 2018) ²	3,221,103	39,470	1.2%
2010-2018 Change	+210,871	+1,284	--
2010-2018 % Change	+7.0%	+3.4%	--
2040 SCAG Forecast³	3,461,500	41,600	1.2%
2018-2040 Change	+240,397	+2,130	--
2018-2040 % Change	+7.5%	+5.4%	--
Sources: 1. U.S. Census Bureau, <i>Census 2010</i> . 2. California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark, May 1, 2018. 3. Southern California Association of Governments, <i>2016-2040 RTP/SCS Demographics & Growth Forecast Appendix</i> , April 2016, http://scagtrpsecs.net/Documents/2016/final/f2016RTPSCS_DemographicsGrowthForecast.pdf , accessed April 18, 2019.			

COUNTY OF ORANGE

The County's population totaled 3,010,232 persons in 2010 and is currently estimated to be approximately 3,221,103 persons, representing a growth rate of approximately 7.0 percent between 2010 and 2018.

SCAG projections indicate the County's population will increase to approximately 3,461,500 persons by 2040, a 7.5 percent increase from 2018 to 2040.



CITY OF STANTON

As indicated in Table 5.8-1, the City's population was an estimated 38,186 persons in 2010 and is currently estimated to be approximately 39,470 persons, representing a population growth rate of approximately 3.4 percent between 2010 and 2018.

SCAG forecasts the City's population will increase to approximately 41,600 persons by 2040, a 5.4 percent increase from 2018 to 2040. Comparatively, the City is forecast to grow at a slightly lower rate than the County, which is forecast to grow by approximately 7.5 percent. By 2040, the City is forecasted to constitute approximately 1.2 percent of the County's total population.

HOUSING

Housing data for the County and City is presented in Table 5.8-2, *Housing Inventory Estimates and Projections*.

Table 5.8-2
Housing Inventory Estimates and Projections

Year	County of Orange		City of Stanton	
	Dwelling Units	Households	Dwelling Units	Households
Census 2010 ¹	1,046,118	990,019	11,283	10,825
Existing Conditions (May 2018) ²	1,094,169	1,037,173	11,379	10,934
2010-2018 Change	+48,051	+47,154	+96	+109
2010-2018 % Change	+4.6%	+4.8%	+0.9%	+1.0%
2018 Vacancy Rate ²	5.2%	--	3.9%	--
2018 Persons per Household ²	--	3.06	--	3.58
2040 SCAG Forecasts ³	1,215,506 ⁴	1,152,300	12,279 ⁴	11,800
2018-2040 Change	+121,337	+115,127	+900	+866
2018-2040 % Change	+11.1%	+11.1%	+7.9%	7.9%
Sources: 1. U.S. Census Bureau, <i>Census 2010</i> . 2. California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark, May 1, 2018. 3. Southern California Association of Governments, <i>2016-2040 RTP/SCS Demographics & Growth Forecast Appendix</i> , April 2016, http://scagrtppscs.net/Documents/2016/final/f2016RTPSCS_DemographicsGrowthForecast.pdf , accessed April 18, 2019. 4. Dwelling unit forecasts are based on 2018 vacancy rate.				

COUNTY OF ORANGE

The County's housing inventory was an estimated 1,046,118 dwelling units in 2010 and is currently estimated to be approximately 1,094,169 dwelling units, representing an increase of approximately 4.6 percent between 2010 and 2018. As of 2018, the County has an estimated vacancy rate of 5.2 percent and an average household size of 3.06. Based on SCAG, the County's housing inventory is forecast to total approximately 1,215,506 dwelling units by 2040, representing an increase of approximately 11.1 percent between 2018 and 2040; refer to Table 5.8-2.



CITY OF STANTON

The City's housing inventory was an estimated 11,283 dwelling units in 2010 and is currently estimated to be approximately 11,379 dwelling units, representing an increase of approximately 0.9 percent; refer to [Table 5.8-2](#). Comparatively, the City's housing growth rate between 2010 and 2018 was lower than the County's growth rate for the same period (4.6 percent).

Vacancy rates are a measure of the general availability of housing. They also indicate how well the types of available units meet the housing market demand. A low vacancy rate suggests that households may have difficulty finding housing within their price range, whereas a high vacancy rate indicates that either the units available are not suited to the population's needs or there is an oversupply of housing units. The availability of vacant housing units provides households with choices of type and price to accommodate their specific needs. Low vacancy rates can result in higher prices, limited choices, and settling with inadequate housing. It may also contribute to overcrowding. A vacancy rate between 4.0 and 6.0 is considered "healthy." As indicated in [Table 5.8-2](#), the City's 2018 vacancy rate is estimated to be approximately 3.9 percent. Comparatively, the City's vacancy rate is slightly less than the County's overall vacancy rate of 5.2 percent.

SCAG forecasts the City's households will increase to 11,800 by 2040. Assuming a 3.9 percent vacancy rate, the City's housing inventory is anticipated to increase to 12,279 dwelling units by 2040, representing an increase of approximately 7.9 percent between 2018 and 2040; refer to [Table 5.8-2](#).

EMPLOYMENT

[Table 5.8-3](#), *Employment Estimates and Projections*, details employment data for the County and City.

Table 5.8-3
Employment Estimates and Projections

Year	County of Orange		City of Stanton	
	Employment	Unemployment Rate	Employment	Unemployment Rate
Existing Conditions (October 2018) ¹	1,593,000 ¹	2.9%	18,400	3.2%
2040 SCAG Forecast ²	1,898,900	--	8,500	--
2018-2040 Change	+305,900	--	-9,900	--
2018-2040 % Change	+19.2%	--	-53.8%	--
Sources:				
1. California Employment Development Department, Labor Market Information Division, <i>Monthly Labor Force Data for Cities and Census Designated Places (CDP) October 2018 - Preliminary</i> , November 16, 2018.				
2. Southern California Association of Governments, <i>2016-2040 RTP/SCS Demographics & Growth Forecast Appendix</i> , April 2016, http://scagrtpscscs.net/Documents/2016/final/f2016RTPSCS_DemographicsGrowthForecast.pdf , accessed April 18, 2019.				

COUNTY OF ORANGE

According to the California Employment Development Department, the County has an estimated 1,593,000 jobs and an unemployment rate of 2.9 percent as of October 2018. SCAG projections indicate that the number of jobs within the County are forecasted to be 1,898,900 in 2040.



CITY OF STANTON

As indicated in [Table 5.8-3](#), the City has an estimated 18,400 jobs and an unemployment rate of 3.2 percent as of October 2018. SCAG projections indicate that the number of jobs within the City are forecast to be 8,500 in 2040.

The jobs/housing ratio is used as a general measure of balance between a community's employment opportunities and the housing needs of its residents. However, it does not indicate the types of jobs available or if wages are commensurate with housing prices. A ratio of 1.0 or greater generally indicates that a community provides adequate employment opportunities, potentially allowing its residents to work within the community (rather than commuting to neighboring cities). As of 2018, the City's jobs/housing ratio is approximately 1.62.

5.8.2 REGULATORY SETTING

REGIONAL LEVEL

Southern California Association of Governments

SCAG is the responsible agency for developing and adopting regional housing, population, and employment growth forecasts for local governments from Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties.

SCAG's demographic data is developed to enable the proper planning of infrastructure and facilities to adequately meet the needs of anticipated growth. On April 7, 2016, SCAG adopted its *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS), which presents the transportation vision for the SCAG region through the year 2040 and provides a long-term investment framework for balancing future mobility and housing needs with economic, environmental and public health goals.

Regional Housing Needs Assessment (RHNA)

State law requires that jurisdictions provide their fair share of regional housing needs. The State of California Department of Housing and Community Development (HCD) is mandated to determine the State-wide housing need. In cooperation with HCD, local governments and Councils of Governments (COGs) are charged with making a determination of the existing and projected housing needs as a share of the State-wide housing need of their city or region.

The Regional Housing Needs Assessment (RHNA) is an assessment process performed periodically as part of Housing Element and General Plan updates at the local level. The RHNA quantifies the housing need by income group within each jurisdiction during specific planning periods. The *5th Cycle Final RHNA Allocation Plan* was adopted by the SCAG Regional Council on October 4, 2012 and covers the planning period from October 15, 2013 to October 15, 2021. The RHNA allows communities to anticipate growth, so that collectively the region can grow in ways that enhance quality of life, improve access to jobs, promote transportation mobility, and address social equity and fair share housing needs.



LOCAL LEVEL

City of Stanton 2014-2021 Housing Element

The *City of Stanton 2014-2021 Housing Element* (Housing Element) was adopted on October 8, 2013. The Housing Element provides a detailed analysis of the City's demographic, economic, and housing characteristics as required by State law. The Housing Element also provides a comprehensive evaluation of the City's progress in implementing the past policy and action programs related to housing production, preservation, and conservation. Based on the community's housing needs, available resources, constraints, and opportunities for housing production and preservation, the Housing Element identifies goals, strategies, and actions that address the housing needs of present and future residents.

The policy action plan for the 2014-2021 Housing Element is organized to address six key policy areas:

- *Policy Area 1: Production of New Housing* – the production of a range of housing units in Stanton.
- *Policy Area 2: Rehabilitation of Existing Housing Stock* – rehabilitation and improvement of the existing housing stock.
- *Policy Area 3: Preservation and Conservation* – conservation of the housing stock and preservation of housing opportunities for Stanton's residents
- *Policy Area 4: Increasing Opportunities to Access Housing* – access to housing opportunity for all segments of Stanton's populations.
- *Policy Area 5: Expanding Outreach* – greater outreach to the community to increase awareness of and participation in housing programs.
- *Policy Area 6: Sustainability* – promote a housing stock that is energy and water efficient and implement sustainable strategies.

According to the *5th Cycle Final RHNA Allocation Plan*, SCAG determined the housing needs of the City for the 2014-2021 projection period to be 313 housing units; refer to Table 5.8-4, *Stanton 2014-2021 RHNA Allocation*. Table 5.8-4, summarizes the specific number of housing units anticipated to be served between 2014 and 2021.



Table 5.8-4
Stanton 2014-2021 RHNA Allocation

Income Category ¹	RHNA Allocation (Units)
Very Low	68
Low	49
Moderate	56
Above Moderate	140
Total	313
Notes: 1. Income Categories: <u>Very Low Income:</u> Four-person household does not exceed 50 percent of the median family income of the County. <u>Low Income:</u> Four-person household with income between 51 percent and 80 percent of the County median family income. <u>Moderate Income:</u> Four-person household with income between 81 percent and 120 percent of the County median family income. <u>Above Moderate Income:</u> Four-person household with income 121 percent or more of the County median family income. Source: City of Stanton, <i>City of Stanton 2014-2021 Housing Element</i> , October 8, 2013.	

Based on an inventory of available land, including vacant and underutilized land in residential and mixed-use zones, the City determined that there is available capacity to meet its RHNA housing demand for the 2014-2021 planning period. Vacant land within the City would provide capacity for 343 units and underutilized land zoned for mixed use would provide capacity for 2,449 units across all income levels.

5.8.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (refer to Impact Statement PHE-1); and/or
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (refer to Impact Statement PHE-2).

Based on these significance thresholds and criteria, the Project's effects have been categorized as either "no impact," a "less than significant impact," or a "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative, since appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.



5.8.4 IMPACTS AND MITIGATION MEASURES

POPULATION GROWTH

PHE-1 Would the Project directly or indirectly induce substantial unplanned population growth?

Impact Analysis: The Project involves demolishing 28 existing fourplex apartment buildings (112 units) and constructing 161 new multi-family units. Therefore, Project implementation could induce direct population growth in the City through development of new residences.

It is speculative at this point to determine whether all existing residents on-site would relocate within or outside of the City. Thus, this analysis conservatively assumes the existing residents could relocate elsewhere within the City. Based on the City's average household size of 3.58, the 161 proposed units would introduce up to 576 additional residents within the City. Nevertheless, the potential population growth associated with the Project would represent only a 1.5 percent increase from the City's current population of 39,470 persons.

Table 5.8-5, *Proposed Project Compared to General Plan Buildout Assumptions*, compares the Project's population and housing growth to the General Plan's population and housing forecasts for the City at buildout. The City's housing stock is forecast to total approximately 18,572 dwelling units at General Plan buildout, with a resultant population of approximately 66,488 persons; refer to [Table 5.8-5](#). Compared to the General Plan buildout assumptions, the Project would increase the City's housing stock by 161 dwelling units (2.2 percent increase) and increase the City's population by 576 persons (2.1 percent increase). As shown in [Table 5.8-5](#), the Project would not exceed the General Plan buildout population or housing forecasts, and thus would have a less than significant impact on population and housing growth in the City with respect to the General Plan assumptions.

Table 5.8-5
Proposed Project Compared to General Plan Buildout Assumptions

Description	Dwelling Units	Population
Existing Conditions (May 2018) ¹	11,379	39,470
Proposed Project	161	576
<i>Total City (Including Proposed Project)</i>	<i>11,540</i>	<i>40,046</i>
General Plan Buildout Assumptions	18,572	66,488 ²
<i>Project's Percent Increase Compared to General Plan Buildout Increase Assumption</i>	<i>+2.2%</i>	<i>+2.1%</i>
Notes: 1. California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark, May 1, 2018. 2. Based on City's average household size of 3.58.		

Table 5.8-6, *Proposed Project Compared to SCAG Growth Forecasts*, compares the Project's forecast housing and population growth with SCAG's 2040 growth projections for the City. As indicated in [Table 5.8-6](#), SCAG projects that the City's housing stock will total 12,279 dwelling units with a resultant population of 41,600 persons by 2040. Compared to SCAG's growth forecasts, the Project would increase the City's housing stock by 161 dwelling units (17.9 percent increase) and increase the City's population by up to 576 persons (27.0 percent increase). As shown, Project implementation would



not exceed SCAG 2040 growth forecasts for dwelling units and population and impacts in this regard would be less than significant.

Table 5.8-6
Proposed Project Compared to SCAG Growth Forecasts

Description	Dwelling Units	Population
Existing Conditions (May 2018) ¹	11,379	39,470
Proposed Project	161	576
<i>Total City (Including Proposed Project)</i>	<i>11,540</i>	<i>40,046</i>
SCAG 2040 Forecasts ^{2,3}	12,279	41,600
<i>Project's Percent Increase Compared to SCAG 2035 Buildout Increase Assumption</i>	<i>+17.9%</i>	<i>+27.0%</i>
Notes: 1. California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark, May 1, 2018. 2. Southern California Association of Governments, 2016-2040 RTP/SCS Demographics & Growth Forecast Appendix, April 2016, http://scagrtpscsc.net/Documents/2016/final/f2016RTPSCS_DemographicsGrowthForecast.pdf , accessed April 18, 2019. 3. Dwelling unit forecasts are based on 2018 vacancy rate.		

Additionally, SCAG's regional growth projections are based upon long-range development assumptions (i.e., General Plans) of the relevant jurisdiction. Therefore, since the Project is consistent with the Site's High Density Residential land use designation, buildout of the Site based on such assumptions is captured in SCAG's regional growth projections for the City. Overall, although the proposed density would increase at the Site, the Project is consistent with the Site's General Plan designation and would not result in unplanned growth significantly exceeding existing conditions or regional population projections (i.e., General Plan and SCAG RTP/SCS). Therefore, Project impacts related to population and housing growth would be less than significant.

JOBS/HOUSING BALANCE

As stated above, the jobs/housing ratio is used as a general measure of balance between a community's employment opportunities and the housing needs of its residents. As of 2018, the City's jobs/housing ratio is approximately 1.62. The proposed Project is a residential development; therefore, no new jobs would be created with Project development.¹ Instead, the Project would increase the City's population by 161 dwelling units. Based on existing conditions, the Project would slightly decrease the City's jobs/housing ratio to 1.59. A ratio of 1.0 or greater generally indicates that a community provides adequate employment opportunities, potentially allowing its residents to work within the community (rather than commuting to neighboring cities). As such, Project implementation would nominally decrease the City's jobs/housing ratio and result in a less than significant impact.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

¹ The preschool facility proposed under Development Scenario Two (Proposed Project With Preschool) would create a nominal number of jobs and would not substantially affect the Project's impact on the City's existing jobs/housing ratio.



DISPLACED PEOPLE AND REPLACEMENT HOUSING

PHE-2 Would the Project displace existing housing or people, necessitating the construction of replacement housing?

Impact Analysis: The Site is currently developed with 24 fourplex apartment buildings with a total of 112 units. Of the 112 units, 110 are currently occupied by tenants. As part of the Project, the City is proposing to acquire all parcels and relocate existing tenants in order to construct the proposed multi-family development. The Project's tenant relocation process would conform to the requirements of the California Relocation Assistance Law, California Government Code Section 7260 et seq.; the Relocation Assistance and Real Property Acquisition Guidelines; California Code of Regulations, Title 25, Division 1, Chapter 6, *Guidelines*; and the City's adopted right-of-way policies and procedures. More specifically, the City has developed a Project-specific Relocation Program that consists of two principal elements: advisory assistance and financial assistance (relocation benefits). Advisory assistance services would inform existing tenants about the Relocation Program; help in the process of finding appropriate replacement accommodations; facilitate claims processing; and coordinate the involvement of any outside service providers. Financial assistance or relocation benefits would be specific to each resident (displacee).

As part of the Relocation Program's relocation benefits, the City would be required to conduct personal interviews and follow-up visits to counsel each displacee with available options. In compliance with State laws, the City would be required to provide all displacees with residential moving expense payments. Moving expense payments would be made based on the actual cost of a licensed professional mover or a fixed payment based on the number of rooms currently occupied in the displaced unit. The City would also be required to provide rental assistance to displacees who choose to rent, or down payment assistance to displacees who choose to purchase. The rental and down payment amounts would be calculated based on State guidelines detailed in the California Relocation Assistance Law, California Government Code Section 7260 et seq.; the Relocation Assistance and Real Property Acquisition Guidelines; and California Code of Regulations, Title 25, Division 1, Chapter 6, *Guidelines*. Further, if displacees still do not have the financial means to pay new monthly rental costs with the financial rental assistance, the City would be required to provide Last Resort Housing (LRH). Under the Project's Relocation Program, LRH would be provided in the form of supplemental financial payments to ensure the displacee can afford comparable replacement housing. The City would also be required to process advanced payment requests to mitigate hardship for displacees who do not have access to sufficient funds to pay move-in costs, such as first month's rent and/or security deposits.

As such, while the Project would displace the 112 housing units and existing residents currently on-site, compliance with State relocation laws and local policies and procedures would minimize impacts to existing residents and no replacement housing that could result in environmental impacts would need to be constructed. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.



5.8.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are situated in the Site vicinity.

- **Would development in accordance with the Project and cumulative development result in cumulatively considerable impacts related to population and housing?**
- **Would implementation of the Project cumulatively displace existing housing or people, necessitating the construction of replacement housing?**

Impact Analysis: Cumulative impacts involving population and housing are analyzed in terms of consistency with SCAG growth assumptions for Stanton. As stated above, the Project would introduce up to 576 additional residents and 161 multi-family units to the City. Tables 5.8-5 and 5.8-6 compare the Project’s anticipated population and housing increase to the General Plan buildout assumptions and SCAG growth forecasts, respectively. As shown, the Project would not exceed anticipated buildout for either plan. Further, since the Project is consistent with the Site’s High Density Residential land use designation, buildout of the Site based on the land use designation is already contemplated in SCAG’s regional growth projections for the City. As such, the Project’s incremental effects involving population and housing growth are not cumulatively considerable.

The Project would displace existing tenants and demolish the 112 housing units on-site. The cumulative projects detailed in Table 4-1, *Cumulative Projects List*, do not involve demolishing existing residences or displacing tenants and are predominately redevelopment projects of existing commercial and industrial uses. Therefore, the Project would not incrementally contribute towards a cumulative impact in regard to the displacement of existing housing and residents.

Overall, the Project’s incremental effects involving population, housing, and employment are not cumulatively considerable and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.8.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to population, housing, or employment have been identified.



5.9 Public Services and Utilities

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5.9 PUBLIC SERVICES AND UTILITIES

Public services addressed in this section include: fire protection, police protection, schools, and other public facilities such as libraries. Utilities addressed in this section include water, wastewater, and stormwater. This section discusses the existing conditions, which provide the necessary baseline information. Mitigation measures are identified to avoid or lessen potential impacts, where necessary.

5.9.1 EXISTING SETTING

FIRE PROTECTION

The City contracts with Orange County Fire Authority (OCFA) for fire and paramedic services. OCFA maintains one fire station within Stanton, Fire Station #46, located at 7871 Pacific Street. According to the *City of Stanton General Plan* (General Plan), Fire Station #46 currently maintains an Engine and Paramedic Assessment Unit with six captains, six engineers and nine firefighters.

POLICE PROTECTION

The Site is served by the Orange County Sheriff's Department (OCSD). OCSD maintains West Operations Division, which operate out of the West Station, located at the Stanton Civic Center at 11100 Cedar Street. The West Station provides 33 OCSD staff serving Stanton.¹ Based on the City's existing population of 39,470 persons, this represents approximately one sheriff per 1,196 residents.²

The City is divided into three geographical areas for patrol and general crimes investigations. The Site is located in the North Operations geographic region.

Part I offenses include homicide, rape, robbery, assault, burglary, larceny, and auto theft. Part II offenses include crimes such as forgery, vandalism, narcotics, and driving under the influence. Part III offenses are non-criminal cases such as traffic accidents, missing persons and medical aid. In 2016, the OCSD West Operations Division responded to 865 Part I offenses (6.23 percent less than 2015).³

SCHOOLS

The Site is served by the Magnolia School District (MSD) and Anaheim Union High School District (AUHSD). MSD provides educational services for 6,080 students from pre-kindergarten through sixth grade. Currently, MSD operates nine elementary schools.⁴ As of 2018, MSD collects developer

¹ PlaceWorks, *Village Center Initial Study*, page 97, December 2017.

² California Department of Finance, *E-5: Population and Housing Estimates for Cities, Counties, and the State, January 1 2011-2018, with 2010 Benchmark*, May 2018.

³ Orange County Sheriff's Department, *Stanton*, <http://www.ocsd.org/patrol/stanton>, accessed December 17, 2018.

⁴ California Department of Education, *Data Reporting Office*, <https://dq.cde.ca.gov/dataquest/content.asp>, accessed December 17, 2018.



fees for school facilities in the amount of \$1.74 per square foot for residential uses. According to correspondence with MSD, MSD currently has adequate facilities to serve existing enrollment.^{5,6}

The AUHSD operates 20 high schools located in the cities of Anaheim, Cypress, Buena Park, La Palma, and Stanton. AUHSD has a current enrollment of 30,297 students. As of 2018, AUHSD collects developer fees for school facilities in the amount of \$1.895 per square foot for residential uses.⁷ According to correspondence with AUHSD, AUHSD has adequate facilities to serve existing enrollment.

The Site is within the attendance areas for Esther L. Walter Elementary School, Robert M. Pyles STEM Academy, Dale Junior High School, and Magnolia High School.^{8,9} The existing enrollment for the schools serving the Site is provided in Table 5.9-1, *Schools Serving the Project Site*.

**Table 5.9-1
Schools Serving the Project Site**

School	Enrollment (2017-2018)
Magnolia School District	
Esther L. Walter Elementary School	592
Robert M. Pyles STEM Academy	755
Anaheim Union High School District	
Dale Junior High School	1,084
Magnolia High School	1,740
Source: California Department of Education, <i>DataQuest: 2017-18 Enrollment by Ethnicity and Grade</i> , https://dq.cde.ca.gov/dataquest/ , accessed April 24, 2019.	

LIBRARIES

Library services for the City are provided by the Orange County Public Libraries (OCPL) at the Stanton Library located at 7850 Katella Avenue. The Stanton Library has 5,890 square feet of building area and a collection of 31,071 items and 18 computers.¹⁰

The OCPL standards are 1.3 volumes, 0.2 square feet of library space, and a circulation of 4.5 per capita. Based on the City's existing population of 39,470 persons, Stanton requires 51.3 volumes, 7.9 square feet of library space, and a circulation of 177.6 per capita. Funding for library services is provided through the collection of property taxes. According to OCPL, the Stanton Library is closed for refurbishment and opening in summer 2019.¹¹

⁵ Magnolia School District, *Esther L. Walter School 2017-2018 School Accountability Report Card*, published in the 2018-2019 School Year.

⁶ Magnolia School District, *Robert M. Pyles STEM Academy 2017-2018 School Accountability Report Card*, published in the 2018-2019 School Year.

⁷ Written Communication: Tom Rizzuti, Project Manager, Facilities and Planning, Anaheim Union High School District, December 21, 2018.

⁸ Ibid.

⁹ Written Communication: Nicole Atilano, Office Manager, Maintenance, Operations, Transportation, and Facilities, Magnolia School District, April 24, 2019.

¹⁰ PlaceWorks, *Village Center Initial Study*, page 100, December 2017.

¹¹ Orange County Public Libraries, *Stanton*, <http://www.ocpl.org/libloc/stanton>, accessed March 19, 2019.



WATER

Water Supply

The Site receives water services from the Golden State Water Company's (GSWC) West Orange System (WOS). Located in the northwest portion of Orange County, the WOS serves most of the cities of Cypress, Stanton, and Los Alamitos, small portions of the cities of Seal Beach, Garden Grove, and La Palma, and adjacent unincorporated areas of Orange County including the community of Rossmoor. According to WOC's *2015 Urban Water Management Plan – West Orange* (2015 UWMP), WOC had 27,862 municipal water connections in 2015.¹²

GSWC obtains its water supply for the WOS from two primary sources: imported water and GSWC operated groundwater wells. In addition, a small amount of recycled water is purchased from the City of Cerritos. Imported water is purchased from the Municipal Water District of Orange County (MWDOC), with a small amount purchased from the city of Seal Beach. Groundwater supplies are withdrawn from 17 active GSWC-owned wells in the Orange County Groundwater Basin (Basin). The Basin is the only major non-adjudicated groundwater basin in southern California but is managed by the Orange County Water District (OCWD). To recharge the Basin and prevent seawater intrusion, OCWD and Orange County Sanitation District (OCSD) have implemented the Groundwater Replenishment System (GRWS) to augment existing groundwater supplies through indirect potable reuse. The Basin is further managed through financial incentives that are based on uniformly establishing the Basin Production Percentage (BPP) for all pumpers.¹³ In 2013, OCWD adopted a policy to work toward maintaining a stable BPP of 75 percent.

According to the 2015 UWMP, groundwater supplies constituted approximately 90 percent of WOS's total water supply between 2011 and 2015, with the remainder provided by imported water. In the future, groundwater is expected be approximately 90 percent of the WOS's total supply based on the projected target BPP set by OCWD of 75 percent. The 2015 UWMP indicates that WOS water supplies is anticipated to equal demands for normal year, dry year, and multiple dry year conditions through planning year 2040; refer to Table 5.9-2, *WOS Supply and Demand Comparison*.

WASTEWATER

The OCSD is responsible for collecting, treating, and disposing wastewater generated within the City. OCSD serves an approximately 479 square mile area of Orange County with a population of approximately 2.5 million people. Wastewater generated at the Site is treated by OCSD at plants in Fountain Valley (OCSD Reclamation Plant No. 1) or Huntington Beach (OCSD Reclamation Plant No. 2). OCSD Reclamation Plant No. 1 has a capacity of 204 million gallons per day (mgd) for primary treatment and 182 mgd for secondary treatment. OCSD Reclamation Plant No. 2 has a capacity of 168 mgd for primary treatment and 150 mgd for secondary treatment. OCSD Reclamation Plant No. 1 and OCSD Reclamation Plant No. 2 collectively treated 188 mgd in 2017.¹⁴

¹² Kennedy/Jenks Consultants, *2015 Urban Water Management Plan – West Orange*, July 2016.

¹³ Basin production percentage (BPP) is the ratio of groundwater production to total water demand.

¹⁴ Carollo Engineers, *Orange County Sanitation District Cost of Service Study Report*, page 1-2, December 2017.



**Table 5.9-2
WOS Supply and Demand Comparison**

	2020	2025	2030	2035	2040
Normal Year					
Supply Totals	16,722	16,983	17,246	17,510	17,701
Demand Totals	16,722	16,983	17,246	17,510	17,701
Difference	0	0	0	0	0
Single Dry Year					
Supply Totals	16,722	16,983	17,246	17,510	17,701
Demand Totals	16,722	16,983	17,246	17,510	17,701
Difference	0	0	0	0	0
Multiple Dry Year					
First Year					
Supply Totals	16,722	16,983	17,246	17,510	17,701
Demand Totals	16,722	16,983	17,246	17,510	17,701
Difference	0	0	0	0	0
Second Year					
Supply Totals	16,722	16,983	17,246	17,510	17,701
Demand Totals	16,722	16,983	17,246	17,510	17,701
Difference	0	0	0	0	0
Third Year					
Supply Totals	16,722	16,983	17,246	17,510	17,701
Demand Totals	16,722	16,983	17,246	17,510	17,701
Difference	0	0	0	0	0
Notes: Volume is in acre-feet per year.					
Sources:					
1. Kennedy/Jenks Consultants, 2015 Urban Water Management Plan – West Orange, July 2016.					

OCSD implements various capital improvements each year to increase treatment capacity, upgrade or reconstruct aging facilities, and improve treated water quality discharged into the ocean. OCSD design standards and guidelines are implemented to ensure the district has adequate conveyance and wastewater treatment capacity. To ensure older/inadequate facilities are upgraded as needed, OCSD collects capital improvement funds from new development. OCSD is not currently experiencing long-term capacity related problems.¹⁵

The Public Works Department's Sewer Maintenance Program maintains and operates the City's sanitary sewer collection system for connection to OCSD mains. The City has three major trunk lines and one lift station near the intersection of Court Street and Acacia Avenue. Existing lines serving the Site include private interior sewer lines that connect to a public lines along Magnolia Avenue.

STORMWATER

The Engineering Division of the Public Works Department manages the City's Capital Improvement Program, which includes storm drains within the City limits. Stormwater flows are processed by four regional drainage facilities as well as a network of local drainage facilities. Almost all of Stanton's stormwater runoff drains to the Bolsa Chica Channel, which flows to Huntington Harbor and the Seal

¹⁵ Orange County Sanitation District, *Sewer System Management Plan for Orange County Sanitation District*, Volume I, Page 9-2, July 31, 2018.



Beach National Wildlife Refuge on the U.S. Naval Weapons Station.¹⁶ Refer to Section 5.2, *Hydrology and Water Quality*, for an expanded discussion of the Site's hydrology and drainage conditions.

5.9.2 REGULATORY SETTING

FEDERAL LEVEL

Water

Federal Safe Drinking Water Act of 1974

The Safe Drinking Water Act authorizes the U.S. Environmental Protection Agency (EPA) to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. The EPA, States, and water systems then work together to make sure that these standards are met. Originally, Safe Drinking Water Act focused primarily on treatment as the means of providing safe drinking water at the tap. The 1996 amendments greatly enhanced the existing law by recognizing source water protection, operator training, funding for water system improvements, and public information as important components of safe drinking water. This approach ensures the quality of drinking water by protecting it from source to tap. The Safe Drinking Water Act applies to every public water system in the United States.

Wastewater

Federal Clean Water Act (33 USC Sections 1251, et seq.)

The Clean Water Act's (CWA) primary goals are to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint-source discharge programs, and wetlands protection. The EPA has delegated the responsibility for administration of CWA portions to State and regional agencies. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality.

STATE LEVEL

Fire Protection

California Code of Regulations Title 24 – Fire Codes

California Code of Regulations (CCR) Title 24, refers to the California Building Standards Code (CBSC), which contains complete regulations and general construction building standards of State agencies, including administrative, fire and life safety and field inspection provisions. Part 2 was

¹⁶ City of Stanton Website, *Storm Water Pollution Prevention*, <http://ci.stanton.ca.us/Departments/Public-Works-and-Engineering/Storm-Water-Pollution-Prevention>, accessed December 18, 2018.



updated in 2008 to reflect changes in the base document from the Uniform Building Code to the International Building Code. CBSC Part 9 refers to the California Fire Code, which contains other fire safety-related building standards. In particular, the CBSC Chapter 7A, *Materials and Construction Methods for Exterior Wildfire Exposure*, addresses fire safety standards for new construction.

California Public Resources Code Sections 4290-4299 and General Code Section 51178

A variety of State codes, particularly Public Resources Code Sections 4290-4299 and General Code Section 51178, require minimum Statewide fire safety standards pertaining to: roads for fire equipment access; signage identifying streets, roads and buildings; minimum private water supply reserves for emergency fire use; and fire fuel breaks and greenbelts. They also identify primary fire suppression responsibilities among the Federal, State, and local governments. In addition, any person who owns, leases, controls, operates or maintains a building or structure in or adjoining a mountainous area or forest-covered, brush-covered or grass-covered land, or any land covered with flammable material, must follow procedures to protect the property from wildland fires. This regulation also helps ensure fire safety and provide adequate access to outlying properties for emergency responders and safe evacuation routes for residents.

Schools

Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50)

Senate Bill 50 (SB 50) was enacted by the State Legislature in 1998 and made significant amendments to existing State law governing school fees. Specifically, SB 50 amended prior California Government Code Section 65995(a) to prohibit State or local agencies from imposing school impact mitigation fees, dedications or other requirements in excess of those provided in the statute in connection with “any legislative or adjudicative act...by any State or local agency involving...the planning, use, or development of real property....” The legislation also amended California Government Code Section 65996(b) to prohibit local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “legislative or adjudicative act [involving] the planning, use or development of real property.” Further, SB 50 established the base amount of allowable developer fees: \$1.93 per square foot for residential construction and \$0.31 per square foot for commercial. These base amounts are commonly called “Level 1 fees” and are the same caps that were in place at the time SB 50 was enacted. Level 1 fees are subject to inflation adjustment every two years.

In certain circumstances, for residential construction, school districts can impose fees that are higher than Level 1 fees. School districts can impose Level 2 fees, which are equal to 50 percent of land and construction costs if they: (1) prepare and adopt a school needs analysis for facilities; (2) are determined by the State Allocation Board to be eligible to impose these fees; and (3) meet at least two of the following four conditions:

- At least 30 percent of the district’s students are on a multi-track year-round schedule;
- The district has placed on the ballot within the previous four years a local school bond that received at least 50 percent of the votes cast;
- The district has passed bonds equal to 30 percent of its bonding capacity; or



- At least 20 percent of the district's teaching stations are relocatable classrooms.

Additionally, if the State's bond funds are exhausted, a school district that is eligible to impose Level 2 fees is authorized to impose even higher fees. Commonly referred to as "Level 3 fees," these fees are equal to 100 percent of land and construction costs of new schools required as a result of new developments.

Water

State of California Water Recycling Act

Enacted in 1991, the Water Recycling Act established water recycling as a State priority. The Water Recycling Act encourages municipal wastewater treatment districts to implement recycling programs to reduce local water demands.

California Code of Regulations, Title 22, Division 4, Chapter 3 Water Recycling Criteria

California regulates the wastewater treatment process and use of recycled water pursuant to CCR Title 22, Division 4, Chapter 3, Water Recycling Criteria. According to these regulations, recycled water to be used for irrigation of public areas must be filtered and disinfected to tertiary standards.

Urban Water Management Act

The Urban Water Management Plan Act was passed in 1983 and codified as Water Code Sections 10610 through 10657. Since its adoption, the Urban Water Management Plan Act has been amended on several occasions. Some of the more notable amendments include an amendment in 2004, which required additional discussion of transfer and exchange opportunities, non-implemented demand management measures, and planned water supply projects. Also, in 2005, another amendment required water use projections (required by Water Code Section 10631) to include projected water use for single-family and multi-family residential housing needed for lower income households. In addition, Government Code Section 65589.7 was amended to require local governments to provide the adopted housing element to water and sewer providers. The Act requires "every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, to prepare and adopt, in accordance with prescribed requirements, an urban water management plan." Urban water suppliers must file these plans with the California Department of Water Resources every five years describing and evaluating reasonable and practical efficient water uses, reclamation, and conservation activities. As required by the *Memorandum of Understanding Regarding Urban Water Conservation in California* and Assembly Bill 11 (Filante, 1991), the 2005 Urban Water Management Plan Act, incorporated water conservation initiatives, and a Water Shortage Contingency Plan.

Water Conservation Act of 2009

Water Code Sections 10800, *et seq.* creates a framework for future planning and actions by urban (and agricultural) water suppliers to reduce California's water use. The law requires urban water suppliers to reduce Statewide per capita water consumption by 20 percent by 2020. Additionally, the State is required to make incremental progress towards this goal by reducing per capita water use by at least 10 percent by 2015. Each urban retail water supplier was required to develop water use targets and



an interim water use target by July 1, 2011. Each urban retail water supplier was required, by July 2011, to include in their water management plan the baseline daily per capita water use, water use target, interim water use target, and compliance daily per capita water use.

Efficiency Standards

CCR Title 24 contains the CBSC, including the California Plumbing Code (Part 5), which promotes water conservation. CCR Title 20 addresses Public Utilities and Energy and includes appliance efficiency standards that promote water conservation. In addition, a number of California laws listed below require water-efficient plumbing fixtures in structures:

- CCR Title 20 Section 1604(g) establishes efficiency standards that give the maximum flow rate of all new showerheads, lavatory faucets, sink faucets, and tub spout diverters.
- CCR Title 20 Section 1606 prohibits the sale of fixtures that do not comply with established efficiency regulations.
- CCR Title 24 Sections 25352(i) and (j) address pipe insulation requirements, which can reduce water used before hot water reaches equipment or fixtures. Insulation of water-heating systems is also required.
- Health and Safety Code Section 17921.3 requires low-flush toilets and urinals in virtually all buildings.

LOCAL LEVEL

Fire Protection

City of Stanton General Plan

The General Plan Community Health and Safety Element includes goals, strategies, and actions to address the City's fire protection needs. The following goals, strategies, and actions are relevant to the Project:

Goal CHS-4.1 – Provide and maintain a high level of fire protection services necessary to adequately serve the community.

Strategy CHS-4.1.1. Ensure that adequate fire facilities and personnel are maintained by the County and contracted by the city to provide adequate service levels.

Action CHS-4.1.1 (a): Periodically review response times to ensure emergency response meet or exceed the standards of the OCFA.

Action CHS-4.1.1 (b): Work directly with the OCFA to annually assess fire protection services and to evaluate the adequacy of facilities and resources serving the city.

Action CHS-4.1.1 (c): Use the development review process to assess the impact of new development on fire protection services and to ensure that increased demand for emergency services will be adequately served.



Goal CHS-4.2 – Minimize loss of life, injury, and property damage from urban fires.

Strategy CHS-4.2.1. Ensure that existing and new developments maintain or exceed standards for fire prevention to minimize the risk of fire.

Action CHS-4.2.1 (a): Continue to involve the OCFA in the development review process by forwarding development proposals for their review and comment regarding fire prevention measures.

Stanton Municipal Code

Chapter 17.08, *Fire Code*, of the *Stanton Municipal Code* (Municipal Code) states that the City has adopted the California Fire Code, 2016 Edition.

Police Protection

City of Stanton General Plan

The General Plan Community Health and Safety Element includes goals, strategies, and actions to address the City's police protection needs. The following goals, strategies, and actions are relevant to the Project:

Goal CHS-4.3 – Provide and maintain a high level of police protection services necessary to adequately serve the community and provide a sense of safety to residents.

Strategy CHS-4.3.1. Ensure that sufficient Sheriff's facilities and personnel are maintained by the County and contracted by the city to provide adequate service levels.

Action CHS-4.3.1 (a): Periodically review response times to ensure emergency response reflects the standards of the Sheriff's Department.

Action CHS-4.3.1 (b): Work directly with the Sheriff's Department to annually assess crime prevention and law enforcement services and to evaluate the adequacy of facilities and resources serving the city.

Action CHS-4.3.1 (d): Use the development review process to assess the impact of new development on police protection services and to ensure that increased demand for emergency services will be adequately served.

Goal CHS-4.4 – Provide safe communities by discouraging criminal activity and encouraging safety through design.

Strategy CHS-4.4.1. Ensure that new development is designed to discourage criminal activity and provide a level of safety.

Action CHS-4.4.1 (a): Involve the Sheriff's Department in the development review process by forwarding development proposals for their review and comment regarding crime and safety measures.



Action CHS-4.4.1 (b): Encourage the use of design measures that address security and safety in residential and non-residential developments such as lighting, landscaping, access, placement of buildings, etc.

Schools

City of Stanton General Plan

The General Plan Infrastructure and Community Services Element includes goals, strategies, and actions to address the City's school service needs. The following goals, strategies, and actions are relevant to the Project:

Goal ICS-4.2 – Support efforts to maintain and improve facilities in local school districts.

Strategy ICS-4.2.1. Work with the Garden Grove Unified, Magnolia, and Savanna School Districts, and Anaheim Union High School to properly serve the educational needs of Stanton's youth.

Action ICS-4.2.1 (a): Continue efforts to cooperatively resolve service demands for educational facilities.

Action ICS-4.2.1 (b): Continue to monitor the impacts of new development and redevelopment on city-serving school districts.

Libraries

City of Stanton General Plan

The General Plan Infrastructure and Community Services Element includes goals, strategies, and actions to address the City's library service needs. The following goals, strategies, and actions are relevant to the Project:

Goal ICS-4.3 – Promote life-long learning opportunities within the city of Stanton for learners of all ages.

Strategy ICS-4.3.2. Encourage educational and cultural opportunities for residents outside of the local school system.

Action ICS-4.3.2 (b): Promote the continued expansion of library services within the city.

Water

2015 Urban Water Management Plan

In compliance with Water Code Sections 10610 through 10656 of the Urban Water Management Planning Act, GSWC adopted its 2015 UWMP in July 2016. The 2015 UWMP outlines the existing and future water supplies for the WOC service area and assesses the WOC's forecasted water demands and supply availability through 2040. The WOC service area includes most of the Cities of Cypress, Stanton, and Los Alamitos, small portions of the Cities of Seal Beach, Garden Grove and La Palma, and adjacent unincorporated areas of Orange County including the community of Rossmoor.



City of Stanton General Plan

The General Plan Infrastructure and Community Services Element includes goals, strategies, and actions to address the City's water demands. The following goal, strategies, and actions are relevant to the Project:

Goal ICS-2.1 – Provide adequate linear infrastructure to serve new and existing development within the city of Stanton.

Strategy ICS-2.1.1. Ensure sufficient funding for the maintenance of existing linear facilities and the construction of new linear facilities as needed.

Action ICS-2.1.1 (a): Require all new development to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the sewer, stormwater, and potable water city systems.

Strategy ICS-2.1.2. Provide for the improvement of facilities and delivery where existing systems are deficient.

Action ICS-2.1.2 (a): Implement a continuous six-year Capital Improvement Program (CIP) to upgrade and maintain the city sewer, stormwater, and potable water infrastructure.

Action ICS-2.1.2 (b): Monitor the capacity of all linear facilities within the city, to assure that present needs are being met and that future development will be adequately served.

Stanton Municipal Code

Municipal Code Section 6.24.050, *New Development – Standards*, specifies that all new development projects shall obtain a guarantee of an adequate water supply of potable water prior to project approval and that all environmental evaluations include projections for the consumption of potable and (where feasible) reclaimed water, and for the generation and disposal of liquid and solid wastes. In addition, Municipal Code Section 6.24.050 stipulates that all new structures are to be equipped with low-flush toilets and low-flow showers and faucets and encourages the use of drought-tolerant plant species.

Municipal Code Section 20.312.050, *Irrigation Plans and Water Conservation Standards*, establishes water-efficient landscape standards that are at least as effective as the State Model Water-Efficient Landscape Ordinance as required by Executive Order No. B-29-15.

Wastewater

Orange County Sanitation District Capital Facilities Charges

OCSD implements its Capital Facilities Charge (Ordinance No. OCSD-40) when a property newly connects to the OCSD system or a previously connected property expands its use. Funding generated from the Capital Facility Charge is used for the acquisition, construction, and reconstruction of OCSD's wastewater collection, treatment, and disposal facilities; to repay principal and interest on debt instruments; or to repay Federal or State loans for the construction and reconstruction of sewage facilities, together with costs of administration and provisions for necessary reserves.



City of Stanton General Plan

The General Plan Infrastructure and Community Services Element includes goals, strategies, and actions to address the City's wastewater treatment demands. The following goals, strategies, and actions are relevant to the Project:

Goal ICS-2.1 – Provide adequate linear infrastructure to serve new and existing development within the city of Stanton.

Strategy ICS-2.1.1. Ensure sufficient funding for the maintenance of existing linear facilities and the construction of new linear facilities as needed.

Action ICS-2.1.1 (a): Require all new development to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the sewer, stormwater, and potable water city systems.

Strategy ICS-2.1.2. Provide for the improvement of facilities and delivery where existing systems are deficient.

Action ICS-2.1.2 (a): Implement a continuous six-year Capital Improvement Program (CIP) to upgrade and maintain the city sewer, stormwater, and potable water infrastructure.

Action ICS-2.1.2 (b): Monitor the capacity of all linear facilities within the city, to assure that present needs are being met and that future development will be adequately served.

Stanton Municipal Code

Article IV, *Sewers and Sewage Disposal*, of the Municipal Code includes public sewer development standards and specifications and states that no person shall make or maintain any connection with any public sewer of the City unless a permit from the City Engineer has been obtained.

Stormwater

Regional Water Quality Control Board

NPDES permits are required for operators of municipal separate storm sewer systems, construction projects, and industrial facilities. These permits specify limits on the amount of pollutants that can be contained in the discharge of each facility of property. The OCSD operates its two wastewater treatment plants (OCSD Reclamation Plant No. 1 and OCSD Reclamation Plant No. 2) and wastewater collection and disposal systems pursuant to the requirements of Order No. R8-2004-0062, issued by the Santa Ana RWQCB.

City of Stanton General Plan

The General Plan Infrastructure and Community Services Element includes goals, strategies, and policies to address the City's stormwater demands. The following goals, strategies, and policies are relevant to the Project:

Goal ICS-2.1 – Provide adequate linear infrastructure to serve new and existing development within the city of Stanton.



Strategy ICS-2.1.1. Ensure sufficient funding for the maintenance of existing linear facilities and the construction of new linear facilities as needed.

Action ICS-2.1.1 (a): Require all new development to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the sewer, stormwater, and potable water city systems.

Strategy ICS-2.1.2. Provide for the improvement of facilities and delivery where existing systems are deficient.

Action ICS-2.1.2 (a): Implement a continuous six-year Capital Improvement Program (CIP) to upgrade and maintain the city sewer, stormwater, and potable water infrastructure.

Action ICS-2.1.2 (b): Monitor the capacity of all linear facilities within the city, to assure that present needs are being met and that future development will be adequately served.

5.9.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

PUBLIC SERVICES

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - Fire protection (refer to Impact Statement PSU-1);
 - Police protection (refer to Impact Statement PSU-2);
 - Schools (refer to Impact Statement PSU-3);
 - Parks (refer to Appendix 11.1, *Initial Study/Notice of Preparation and Comment Letters*); or
 - Other public facilities (i.e., libraries) (refer to Impact Statement PSU-4).

UTILITIES AND SERVICE SYSTEMS

- a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects (refer to Impact Statement PSU-5);
- b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years (refer to Impact Statement PSU-5);



- c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments (refer to Impact Statement PSU-5);
- d) 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 (refer to Appendix 11.1); or
- e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste (refer to Appendix 11.1).

Based on these significance thresholds and criteria, the Project's effects have been categorized as either "no impact," a "less than significant impact," or a "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative, since appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.

5.9.4 IMPACTS AND MITIGATION MEASURES

FIRE PROTECTION SERVICES

PSU-1 Would the Project result in the need for additional fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Impact Analysis:

Construction-Related Impacts

The Project does not involve construction of any new or physically altered fire protection facilities. Construction activities associated with the Project would create a temporary incrementally increased demand for OCFA fire protection services. All construction activities would be subject to compliance with all applicable State and local regulations in place to reduce risk of construction-related fire (i.e., installation of temporary construction fencing to restrict site access and maintenance of a clean construction site). Therefore, Project construction would not result in the need for additional fire protection facilities, the construction of which could cause significant environmental impacts, and would not adversely impact service ratios, response times, or other OCFA performance standards. A less than significant impact would occur in this regard.

Operational Impacts

Project implementation would increase demands for OCFA fire protection services. However, this increase would not require the construction of new OCFA fire protection facilities or expansion of existing fire protection facilities. The City's demands on OCFA fire protection services are offset through the collection of property taxes, intergovernmental revenues, and other sources which the County collects to ensure adequate fire facilities and staffing. Further, the Project would be designed



in compliance with Municipal Code Chapter 17.08, *Fire Code*, which adopts by reference the 2016 edition of the California Fire Code, and several General Plan actions intended to reduce operational risks to fire. Pursuant to General Plan Action CHS-4.1.1 (c), the City would evaluate the Project's potential to impact fire protection services during the development review process to ensure that any increased demand for emergency services would be adequately served. OCFA would also review the Project for its compliance with applicable fire life safety codes and regulations as part of its construction document plan check process. Based on correspondence from OCFA, Project implementation would result in a less than significant impact to OCFA fire services following conformance with applicable standard conditions and regulations related to development, including water supply, built-in fire protection systems, road grads and width, access, and building materials.¹⁷ Specific OCFA standard conditions and regulations applicable to the Project include those requiring automatic fire sprinkler systems, adequate water supply system to supply fire hydrants and fire sprinkler systems, and adequate fire apparatus and personnel access to and around on-site structures; refer to Appendix 11.1, *Initial Study/Notice of Preparation and Comment Letters*.

Project implementation would not induce significant population growth; refer to Section 6.3, *Growth-Inducing Impacts*. As a result, collection of OCFA revenue, compliance with Municipal Code Chapter 17.08 and relevant General Plan actions, and implementation of applicable OCFA standard conditions would ensure impacts concerning fire protection services are less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

POLICE PROTECTION SERVICES

PSU-2 **Would the Project result in the need for additional police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?**

Impact Analysis:

Construction-Related Impacts

The Project does not involve construction of any new or physically altered police protection facilities. Construction would create a temporary incrementally increased demand for OCSD sheriff services. However, all construction activities would be subject to compliance with Municipal Code Chapter 16.04, California Building Code Adopted, which adopts by reference the CBSC. CBSC Chapter 33, *Safeguards During Construction*, includes emergency access requirements that would minimize site safety hazards and potential construction-related impacts to OCSD sheriff services. Therefore, Project construction would not result in the need for additional OCSD sheriff facilities, the construction of which could cause significant environmental impacts, and would not adversely impact service ratios, response times, or other OCSD performance standards. A less than significant impact would occur in this regard.

¹⁷ Written Correspondence: Tamera Rivers, Management Analyst – Strategic Services Division, Orange County Fire Authority, April 9, 2019.



Operational Impacts

As noted, the Site is currently occupied by four-plex apartment buildings on 15 parcels. Project implementation would increase demands for OCSD sheriff services. However, this increase would not require the construction of any new OCSD facilities or expansion of existing OCSD facilities. Project implementation would be subject to compliance with applicable local regulations to reduce impacts to OCSD services, including Municipal Code Chapter 16.04, which adopts by reference the CBSC. The CBSC includes emergency access requirements, which would minimize site safety hazards and potential operational impacts to police services. Pursuant to General Plan Action CHS-4.4.1 (a), the Project's development proposal would be forwarded to the OCSD for their review and comment regarding crime safety measures as part of the development review process.

As concluded in Section 5.8, *Population, Housing, and Employment*, Project implementation would not induce significant population growth. Therefore, the Project would not result in the need for additional police protection facilities, the construction of which could cause significant environmental impacts, and would not adversely impact service ratios, response times, or other OCSD performance standards. A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SCHOOL SERVICES

PSU-3 **Would the Project result in the need for additional school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?**

Impact Analysis:

Construction-Related Impacts

The Project does not involve construction of any new or physically altered school facilities. The Project has been sited such that its construction would not disrupt school services. Due to its temporary nature, Project construction activities would not generate additional students and impacts to school services would be less than significant.

Operational Impacts

As noted, the Site is currently occupied by four-plex apartment buildings on 15 parcels. The Project involves the construction of up to 161 multi-family residential units, which would result in the addition of approximately 112 school-age children who could attend MSD and AUHSD schools; refer to Table 5.9-3, *Estimated Student Generation*.



**Table 5.9-3
Estimated Student Generation**

Grade Level	Student Generation Factor (students per unit)	Project-Generated Students
Elementary School	0.397	64
Junior High School	0.095	16
High School	0.198	32
Total	--	112
Source: Written Communication: Nicole Atilano, Office Manager, Maintenance, Operations, Transportation, and Facilities, Magnolia School District, April 24, 2019.		

It is the City's goal to support efforts to maintain and improve facilities in local school districts and to monitor the impacts of new development and redevelopment on City-serving school districts (General Plan Action ICS-4.2.1 (b)). Pursuant to SB 50 and in furtherance of General Plan Action ICS-4.2.1 (b), individual development projects are required to pay statutory fees to MSD and AUHSD at the time of development to offset impacts on school capacities. Pursuant to Government Code Section 65996, payment of statutory fees is considered to be full mitigation for new development projects. Thus, payment of school impact fees would offset the cost of providing service for the approximately 112 additional students generated by the Project. Additionally, it should be noted that should Development Scenario Two (Proposed Project With Preschool) be developed, the Project would provide a 2,300-square foot preschool facility on-site available to future Project residents as well as neighboring residents within the MSD. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

LIBRARY SERVICES

PSU-4 Would the Project result in the need for additional library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Impact Analysis:

Construction-Related Impacts

The Project does not involve construction of any new or physically altered library facilities. The Project has been sited such that its construction would not disrupt library services. Due to its temporary nature, Project construction activities would not generate additional students and impacts to library services would be less than significant.

Operational Impacts

Project implementation would generate a population increase of approximately 576 persons, with a resultant demand for approximately 0.75 volumes, 0.11 feet of library space, and a circulation of 2.59 per capita. Although the Project would increase demands for library services within the Project area, the Stanton Public Library has access to a circulation of more than two million volumes in the OCPL system, including those available in surrounding branch libraries. Funding for OCPL services is



primarily provided through County property taxes dedicated to the library. These funds would be used to maintain existing performance objectives for the OCPL system. Thus, adequate materials would be available to serve the Project, and impacts related to library services would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

UTILITIES

PSU-5 Would the Project require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Impact Analysis:

Construction-Related Impacts

The Project would involve the construction of private water, wastewater, stormwater drainage, electric power, natural gas, and telecommunication facilities to connect to existing facilities located within the Site vicinity. The Project's potential environmental effects for construction of the abovementioned improvements are analyzed in this EIR. Construction of the new utilities would be subject to compliance with all applicable local, State, and Federal laws, ordinances, and regulations, as well as the specific mitigation measures in this EIR. Compliance with the relevant laws, ordinances, and regulations, as well as the specified mitigation measures, would ensure the Project's construction-related environmental impacts associated with the proposed private utility improvements are reduced to less than significant levels.

Operational Impacts

Water

As discussed, the Site is served by GSWC's West Orange System. Project operations is anticipated to result in a water demand of 17.1 million gallons per year (approximately 52.5 acre-feet per year); refer to [Appendix 11.4, *Air Quality/Greenhouse Gas Analysis*](#). The 2015 UWMP for the West Orange System indicates water supplies are anticipated to equal demands for normal year, dry year, and multiple dry year conditions through planning year 2040; refer to [Table 5.9-2](#). Further, the Project would be subject to conformance with all applicable Federal, State, and local regulations related to water demand. The Project would be designed such that it fully conforms with the regulations for water efficiency identified in the California Building Standards Code (California Code of Regulations, Title 24), Part 5, California Plumbing Code; and Part 11, California Green Building Standards Code. The Project would also be subject to conformance with the City's landscape water use standards codified in Municipal Code Section 20.312.050, *Irrigation Plans and Water Conservation Standards*. It is the City's goal to provide adequate infrastructure to serve new and existing development (General Plan Goal ICS-2.1). Pursuant to General Plan Action ICS-2.1.1 (a), the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the potable water system. Payment of standard water connection fees and ongoing user fees would ensure that sufficient facilities



are available. As a result, Project implementation is not anticipated to require the relocation or construction of new or expanded water facilities. Impacts would be less than significant in this regard.

Wastewater Treatment

Based on OCSD generation rates, Project implementation would generate approximately 33,166 gallons of wastewater per day (based on 206 gallons per day per equivalent dwelling unit) which would require in the construction of private wastewater treatment laterals to connect to existing facilities within the Site vicinity.¹⁸ Wastewater generated at the Site is treated at the OCSD Reclamation Plant No. 1 or OCSD Reclamation Plant No. 2. OCSD Reclamation Plant No. 1 has a capacity of 204 mgd for primary treatment and 182 mgd for secondary treatment. OCSD Reclamation Plant No. 2 has a capacity of 168 mgd for primary treatment and 150 mgd for secondary treatment. OCSD Reclamation Plant No. 1 and OCSD Reclamation Plant No. 2 collectively treated 188 mgd in 2017.¹⁹ Given the excess capacity available at OCSD Reclamation Plant No. 1 and Reclamation Plant No. 2, sufficient capacity exists to serve the Project and new wastewater treatment facilities or expansion of existing facilities would not be necessary. Adequate capacity exists to serve the Project in addition to OCSD's existing commitments. Notwithstanding, the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the wastewater treatment system in conformance with General Plan Action ICS-2.1.1. Payment of standard OCSD wastewater connection fees and ongoing user fees would ensure that sufficient wastewater treatment capacity is available. As a result, Project implementation is not anticipated to require the relocation or construction of new or expanded wastewater treatment facilities. Impacts would be less than significant in this regard.

Further, wastewater generated through Project implementation would not cause the OCSD reclamation plants to exceed Santa Ana RWQCB requirements, as the Project would generate wastewater similar to that already treated at the reclamation plants and all wastewater discharged would be subject to Santa Ana RWQCB-issued permits. A less than significant impact would occur in this regard.

Stormwater Drainage

Project implementation would result in the construction of private stormwater drainage facilities to connect to existing City-owned facilities within the Site vicinity. Based on correspondence with OC Public Works, the Dale-Cerritos Storm Drain and Stanton Storm Drain contain deficient segments and are not capable of conveying runoff from a 100-year storm event.²⁰ As indicated in Section 5.2, Hydrology and Water Quality, the Project would involve comparable amounts of impervious surfaces as compared to existing conditions, and is not anticipated to result in substantially increased surface runoff. Further, the Site is not located within a 100-year flood zone.²¹ To ensure Project operations does not result in increased run-off amounts and degraded water quality and in furtherance of Municipal Code Section 20.500.090, Mitigation Measure HWQ-1 would require preparation of a Project-specific water quality management plan (WQMP) for review and approval by the City Engineer prior to Project construction. The WQMP would include Project-specific design measures

¹⁸ Carollo Engineers, *Orange County Sanitation District Cost of Service Rate Study and Financial Analysis*, Appendix 1, Use Codes and Rate Schedule, December 2017.

¹⁹ Carollo Engineers, *Orange County Sanitation District Cost of Service Study Report*, page 1-2, December 2017.

²⁰ Written Correspondence: Richard Vuong, Manager – Planning Division, OC Public Works Service Area/OC Development Services, April 22, 2019.

²¹ Federal Emergency Management Act, *Flood Insurance Rate Map, Map Number 06059C0136J*, effective December 3, 2009.



to control pollutants in stormwater and urban runoff in order to prevent any deterioration in water quality that would impair subsequent or competing uses of the receiving waters. The proposed drainage and flood control improvements would be implemented in accordance with applicable City, Santa Ana RWQCB, and NPDES requirements, as well as specific requirements identified in the Project's WQMP. Additionally, the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the City's stormwater system in conformance with General Plan Action ICS-2.1.1. Payment of standard connection fees and ongoing user fees would ensure that sufficient stormwater treatment capacity is available. As a result, Project implementation is not anticipated to require the relocation or construction of new or expanded stormwater treatment facilities. Following implementation of Mitigation Measure HWQ-1, which would require preparation of a Project-specific WQMP to ensure the Project operations do not result in increased run-off amounts, impacts would be less than significant.

Dry Utilities

Dry utilities associated with natural gas, electricity, and telecommunication services currently serve existing residents on-site. The proposed construction of 161 multi-family residential units would not result in increased demands that require or result in the relocation or construction of new or expanded dry utilities, the construction or relocation of which could cause significant environmental effects. Similar to existing residents, future residents would pay connection fees to each dry utility provider in order to receive service. Impacts would be less than significant in this regard.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.9.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in [Table 4-1, *Cumulative Projects List*](#), and illustrated on [Exhibit 4-1, *Cumulative Projects Map*](#), cumulative projects are situated in the Site vicinity.

FIRE PROTECTION SERVICES

- **Would the Project, in combination with other cumulative projects, result in cumulatively considerable impacts to fire protection services?**

Impact Analysis: As indicated in [Table 4-1](#), there are six projects in the City of Stanton which would receive fire protection services from OCFA in addition to the Project (the cities of Garden Grove and Anaheim employ municipal fire protection services). Cumulative development occurring within the City would have the potential to impact OCFA fire protection services. However, cumulative development would be subject to all applicable laws, ordinances, and regulations in place for fire protection and emergency services. Collection of OCFA revenue and compliance with Municipal Code Chapter 17.08 and relevant General Plan actions would ensure cumulative impacts to fire protection services are less than significant.

As indicated above, the Project would not require the expansion of fire protection facilities or services. The Project's demands on OCFA fire protection services would be offset through the collection of



property taxes, intergovernmental revenues, and other sources which the County collects to ensure adequate fire facilities and staffing. Further, the Project would be designed in compliance with Municipal Code Chapter 17.08, which adopts by reference the 2016 edition of the California Fire Code, and several General Plan actions intended to reduce operational risks to fire. Therefore, the Project's cumulative impacts to fire protection services would not be significantly cumulatively considerable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

POLICE PROTECTION SERVICES

- **Would the proposed Project, in combination with other cumulative projects, result in cumulatively considerable impacts to police protection services?**

Impact Analysis: As indicated in Table 4-1, there are six projects within the City that would receive police protection services from OCSD in addition to the Project (the cities of Garden Grove and Anaheim employ municipal police protection services). Cumulative development occurring within the Site vicinity would have the potential to impact OCSD sheriff protection services. However, cumulative projects would be subject to all applicable laws, ordinances, and regulations in place for police protection services, including Chapter 16.04, California Building Code Adopted, which adopts by reference the CBSC. The CBSC includes emergency access requirements that would minimize site safety hazards and potential operational impacts to police services. To further off-set impacts to OCSD sheriff protection services, cumulative development proposals would be forwarded to the OCSD for their review and comment regarding crime safety measures as part of the development review process (General Plan Action CHS-4.4.1 (a)).

As concluded above, the Project would not require the construction of any new OCSD facilities or expansion of existing sheriff protection facilities. The Project would be subject to all applicable laws, ordinance, and regulations for sheriff protection services, including Municipal Code Chapter 16.02 and General Plan Action CHS-4.4.1 (a). Therefore, the proposed Project's cumulative impacts to sheriff protection services would not be significantly cumulatively considerable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SCHOOL SERVICES

- **Would the Project, in combination with other cumulative projects, result in cumulatively considerable impacts to school services?**

Impact Analysis: Students generated by development of cumulative projects identified in Table 4-1 would reside within the school district boundaries of the MSD and AUHSD. As a result, these developments could increase demand for school services over time. However, similar to the Project, cumulative developments would be subject to all applicable laws, ordinances, and regulations in place related to school services. Pursuant to SB 50, individual development projects are required to pay statutory fees to MSD and AUHSD at the time of development to offset impacts on school services, including capacities and resources. Pursuant to Government Code Section 65996, payment of



statutory fees is considered to be full mitigation for new development projects. Thus, payment of school impact fees would ensure cumulative impacts to school services are less than significant.

As indicated above, the Project's demands on MSD and AUHSD services would be fully offset through payment of school impact fees. Therefore, the Project's cumulative impacts to school services would not be significantly cumulatively considerable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

LIBRARY SERVICES

- **Would the Project, in combination with other cumulative projects, result in cumulatively considerable impacts to library services?**

Impact Analysis: Future residents of cumulative projects identified in Table 4-1 would increase demand for OCPL library services. Funding for OCPL services is primarily provided through County property taxes dedicated to OCPL and its branch libraries. These funds would be used to maintain existing performance objectives for the OCPL system. As a result, collection of property taxes would ensure cumulative impacts to library services are less than significant.

As indicated above, the Project's demands on OCPL library services would be fully offset through collection of property taxes, a portion of which would be dedicated to OCPL. Therefore, the Project's cumulative impacts to library services would not be significantly cumulatively considerable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

UTILITIES

- **Would the Project, in combination with other cumulative projects, result in relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Impact Analysis:

Water

The cumulative developments identified in Table 4-1 would require the construction of water facilities, many of which are served by GSWC. Cumulative development would be evaluated on a case-by-case basis at the Project level, as they are implemented, for their potential to result in construction-related impacts. All projects would be subject to the review and approval of the City and GSWC, as applicable, and would be subject to compliance with the relevant laws, ordinances, and regulations in place for water facilities. Thus, cumulative impacts concerning the construction of water facilities would be less than significant.



Cumulative development would also increase GSWC's water demand throughout the Site vicinity. As indicated above, the 2015 UWMP projects adequate water supply under normal, single-dry, and multiple-dry year conditions through 2040. According to the 2015 UWMP, GSWC, Metropolitan, and OCWD have implemented and will continue to implement projects to ensure that total water supplies are adequate for anticipated demands over time. Further, conservation measures, including requirements to comply with SBX7-7, implemented within the West Orange System are expected to reduce demands. Since GSWC considered cumulative development in its 2015 UWMP and concluded that adequate water supplies are available to meet all water conditions through 2040, cumulative impacts to water supplies would be less than significant.

Project operations is anticipated to result in a water demand of 17.1 million gallons per year (approximately 52.5 acre-feet per year); refer to [Appendix 11.4](#). The 2015 UWMP for the West Orange System indicates water supplies are anticipated to equal demands for normal year, dry year, and multiple dry year conditions through planning year 2040; refer to [Table 5.9-2](#). Further, the Project would be designed such that it fully conforms with the regulations for water efficiency identified in the CBSC as well as the City's landscape water use standards codified in Municipal Code Section 20.312. Pursuant to General Plan Action ICS-2.1.1 (a), the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the potable water system. Payment of standard water connection fees and ongoing user fees would ensure that sufficient facilities are available. As a result, the Project's impacts to water supplies would not be significantly cumulatively considerable.

Wastewater

Cumulative development would result in increased wastewater generation within the Site vicinity which would require wastewater treatment at OCSD facilities. Cumulative development would be subject to payment of sewer connection fees and ongoing user fees, on a project-by-project basis, which would be used in part to defray the costs of any necessary wastewater infrastructure upgrades. Payment of these fees, along with compliance with Santa Ana RWQCB-issued permits, would further ensure cumulative impacts to wastewater treatment facilities are less than significant.

As discussed, Project implementation would not cause the OCSD reclamation plants to exceed Santa Ana RWQCP wastewater treatment requirements. The Project would generate approximately 33,166 gallons of wastewater per day which would not exceed treatment capacities at either of the two OCSD reclamation plants. Additionally, all discharge would be subject to Santa Ana RWQCB-issued permits. Pursuant to General Plan Action ICS-2.1.1 (a), the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the wastewater treatment system. The Project would also pay relevant OCSD connection fees and ongoing user fees. Therefore, the Project's impacts to wastewater treatment would not be significantly cumulatively considerable.

Stormwater

The related projects identified in [Table 4-1](#) in addition to the Project could result in the construction of new stormwater drainage facilities or the expansion of existing facilities. All cumulative development would be subject to the review and approval of the Santa Ana RWQCB, as applicable, and cumulative development within the City would be responsible for upholding the City's Stormwater Discharge and Water Quality Ordinance, which is included in Municipal Code Chapter



6.20. Following conformance with relevant laws, ordinances, and regulations in place for stormwater drainage facilities, cumulative impacts to stormwater drainage facilities would be less than significant.

As discussed, the Project would involve the construction of stormwater drainage facilities. The proposed drainage and flood control improvements would be implemented in accordance with applicable City, Santa Ana RWQCB, and NPDES requirements, as well as specific requirements identified in the Project's WQMP. Additionally, the Project would be required to pay its fair share of the cost of all essential linear infrastructure improvements, including improvements to the City's stormwater system in conformance with General Plan Action ICS-2.1.1. Payment of standard connection fees and ongoing user fees would ensure that sufficient stormwater treatment capacity is available. As a result, Project implementation is not anticipated to require the relocation or construction of new or expanded stormwater treatment facilities. Following implementation of Mitigation Measure HWQ-1 and conformance with all applicable City, Santa Ana RWQCB, and NPDES requirements, the Project's impacts to stormwater drainage facilities would not be cumulatively considerable.

Dry Utilities

The cumulative projects identified in Table 4-1 in addition to the Project could result in the construction of new dry utilities or the expansion of existing dry utilities. Cumulative development would be evaluated on a case-by-case basis at the Project level, as they are implemented, for their potential to result in construction-related impacts. All projects would be subject to the review and approval of the City and applicable dry utility providers, and would be subject to compliance with the relevant laws, ordinances, and regulations in place for dry utilities. Thus, cumulative impacts concerning the construction of dry utilities would be less than significant.

As discussed, Project implementation would not result in increased demands that require or result in the relocation or construction of new or expanded dry utilities, the construction or relocation of which could cause significant environmental effects. Thus, Project's impacts to dry utilities would not be cumulatively considerable.

Mitigation Measures: Refer to Mitigation Measure HWQ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.9.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to public services and utilities have been identified.



5.10 Energy

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5.10 ENERGY

As of December 2018, the updated *CEQA Guidelines* includes Energy in the Appendix G, *Environmental Checklist Form*. Therefore, this section analyzes potential Project impacts related to energy consumption and energy plan consistency. Mitigation measures are recommended to avoid potential impacts or reduce them to a less than significant level.

5.10.1 EXISTING SETTING

Energy consumption is analyzed in this EIR due to the potential direct and indirect environmental impacts associated with the Project. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants during both construction and operations.

ELECTRICITY/NATURAL GAS SERVICES

Southern California Edison (SCE) provides electrical services in Orange County (and to the City) through State-regulated public utility contracts. Over the past 15 years, electricity generation in California has undergone a transition. Historically, California has relied heavily on oil- and gas-fired plants to generate electricity. Spurred by regulatory measures and tax incentives, California's electrical system has become more reliant on renewable energy sources, including cogeneration, wind energy, solar energy, geothermal energy, biomass conversion, transformation plants, and small hydroelectric plants. Unlike petroleum production, generation of electricity is usually not tied to the location of the fuel source and can be delivered great distances via the electrical grid. The generating capacity of a unit of electricity is expressed in megawatt (MW). One MW provides enough energy to power 1,000 average California homes per day. Net generation refers to the gross amount of energy produced by a unit, minus the amount of energy the unit consumes. Generation is typically measured in megawatt-hours (MWh), kilowatt-hours (kWh), or gigawatt-hours (GWh).

The Southern California Gas Company (SCGC) provides natural gas services to the City. Natural gas is a hydrocarbon fuel found in reservoirs beneath the earth's surface and is composed primarily of methane (CH₄). It is used for space and water heating, process heating and electricity generation, and as transportation fuel. Use of natural gas to generate electricity is expected to increase in coming years because it is a relatively clean alternative to other fossil fuels like oil and coal. In California and throughout the western United States, many new electrical generation plants that are fired by natural gas are being brought online. Thus, there is great interest in importing liquefied natural gas from other parts of the world. Nearly 45 percent of the electricity consumed in California was generated using natural gas.¹ While the supply of natural gas in the United States and production has increased greatly, California produces little, and imports 90 percent of its natural gas.²

Electricity and natural gas service are available in locations where land uses could be developed. The City's ongoing development review process includes a review and comment opportunity for privately owned utility companies, including SCE and SCGC, to allow informed input from each utility company on all development proposals. The input facilitates a detailed review of all projects by service purveyors to assess the potential demands for utility services on a project-by-project basis. The ability

¹ California Energy Commission, *Supply and Demand of Natural Gas in California*, https://www.energy.ca.gov/almanac/naturalgas_data/overview.html, accessed April 23, 2019.

² Ibid.



of utility providers to provide services concurrently with each project is evaluated during the development review process. Utility companies are bound by contract to update energy systems to meet any additional demand.

ENERGY USAGE

Energy usage is typically quantified using the British Thermal Unit (BTU). Total energy usage in California was 7,830.3 trillion BTU in 2016 (the most recent year for which this specific data is available), which equates to an average of 198 million BTU per capita.³ Of California's total energy usage, the breakdown by sector is 40 percent transportation, 24 percent industrial, 19 percent commercial, and 17 percent residential.⁴ Electricity and natural gas in California are generally consumed by stationary users such as residences and commercial and industrial facilities, whereas petroleum consumption is generally accounted for by transportation-related energy use. In 2018, taxable gasoline sales (including aviation gasoline) in California accounted for 15,589,042,965 gallons of gasoline.⁵

The electricity consumption attributable to Orange County from 2007 to 2017 is shown in Table 5.10-1, *Electricity Consumption in Orange County 2007-2017*. As indicated in Table 5.10-1, energy consumption in Orange County remained relatively constant between 2007 and 2017, with no substantial increase or decrease.

Table 5.10-1
Electricity Consumption in Orange County 2007-2017

Year	Electricity Consumption (in millions of kilowatt hours)
2007	21,130
2008	21,545
2009	20,687
2010	19,820
2011	20,034
2012	20,544
2013	20,413
2014	20,835
2015	20,675
2016	20,140
2017	20,031

Source: California Energy Commission, *Electricity Consumption by County*, <http://www.ecdms.energy.ca.gov/elecbycounty.aspx>, accessed April 23, 2019.

The natural gas consumption in Orange County from 2007 to 2017 is shown in Table 5.10-2, *Natural Gas Consumption in Orange County 2007-2017*. Similar to energy consumption, natural gas consumption in Orange County remained relatively constant between 2007 and 2017, with no substantial increase or decrease.

³ United States Energy Information Administration, *Table F30: Total Energy Consumption, Price, and Expenditure Estimates*, 2016, https://www.eia.gov/state/seds/data.php?incfile=/state/seds/sep_fuel/html/fuel_te.html&sid=US, accessed April 23, 2019.

⁴ Ibid.

⁵ California Department of Tax and Fee Administration, *Net Taxable Gasoline Gallons*, <http://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf>, accessed April 23, 2019.



Table 5.10-2
Natural Gas Consumption in Orange County 2007-2017

Year	Natural Gas Consumption (in millions of therms)
2007	647
2008	633
2009	611
2010	636
2011	640
2012	613
2013	636
2014	545
2015	544
2016	570
2017	576

Source: California Energy Commission, *Gas Consumption by County*, <http://www.ecdms.energy.ca.gov/gasbycounty.aspx>, accessed April 23, 2019.

GASOLINE/DIESEL FUELS

Automotive fuel consumption in Orange County from 2007 to 2018 is shown in Table 5.10-3, *Automotive Fuel Consumption in Orange County 2007-2018*. As shown in Table 5.10-3, on-road automotive fuel consumption in Orange County has declined steadily since 2007. Heavy-duty vehicle fuel consumption dropped in 2008 and 2009 and since then has steadily risen.

Table 5.10-3
Automotive Fuel Consumption in Orange County 2007-2018

Year	On-Road Automotive Fuel Consumption (Gallons)	Heavy-Duty Vehicle/Diesel Fuel Consumption (Gallons)
2007	1,423,778,297	140,962,964
2008	1,365,076,979	130,526,813
2009	1,357,149,650	118,572,627
2010	1,363,676,577	121,946,393
2011	1,349,691,464	128,731,296
2012	1,323,464,829	132,391,898
2013	1,309,170,033	136,506,102
2014	1,310,499,602	140,126,848
2015	1,302,220,609	146,075,106
2016	1,295,517,278	151,612,836
2017	1,280,170,453	155,501,327
2018	1,248,703,310	159,431,547

Source: California Air Resources Board, EMFAC2014.



5.10.2 REGULATORY SETTING

STATE LEVEL

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

In 1978, the CEC established the Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6), commonly referred to as "Title 24," California's energy efficiency standards for residential and non-residential buildings, in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy efficiency standards for residential and non-residential buildings. The 2016 Title 24 standards went into effect on January 1, 2017. In general, Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The 2016 Title 24 standards are 28 percent more efficient than previous standards for residential development.⁶ The standards offer developers better windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses. Further, the 2019 Building Energy Efficiency Standards, which take effect on January 1, 2020, will promote photovoltaic systems in newly constructed residential buildings. With rooftop solar electricity generation, homes built under the 2019 standards will use about 53 percent less energy than those under the 2016 standards.⁷

California Green Building Code

The California Green Building Code (California Code of Regulations, Title 24, Part 11), is a Statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. California Green Building Code standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. The California Green Building Code also provides voluntary tiers and measures that local governments may adopt to encourage or require additional measures in the five green building topics. The most recent update to the California Green Building Code was adopted in 2016 and went into effect January 1, 2017.

California Public Utilities Commission Energy Efficiency Strategic Plan

The California Public Utilities Commission (CPUC) prepared an Energy Efficiency Strategic Plan in 2011 with the goal of promoting energy efficiency and a reduction in greenhouse gases. Assembly Bill 1109, adopted in 2007, also serves as a framework for lighting efficiency. This bill requires the State Energy Resources Conservation and Development Commission to adopt minimum energy efficiency

⁶ California Energy Commission, *2016 Energy Standards Overview*, <https://www.lgc.org/wordpress/wp-content/uploads/2016/02/2016-Energy-Standards-Overview-California-Energy-Commission.pdf>, accessed April 22, 2019.

⁷ California Energy Commission, *2019 Building Energy Efficiency Standards*, https://www.energy.ca.gov/title24/2019standards/documents/2018_Title_24_2019_Building_Standards_FAQ.pdf, accessed April 22, 2019.



standards as a means to reduce average statewide electrical energy consumption by not less than 50 percent from the 2007 levels for indoor residential lighting and not less than 25 percent from the 2007 levels for indoor commercial and outdoor lighting by 2018. According to the Energy Efficiency Strategic Plan, lighting comprises approximately one-fourth of California's electricity use while nonresidential sector exterior lighting (parking lot, area, walkway, and security lighting) usage comprises 1.4 percent of California's total electricity use, much of which occurs during limited occupancy periods.

5.10.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation (refer to Impact Statement EN-1); and/or
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency (refer to Impact Statement EN-2).

Based on these significance thresholds and criteria, the Project's effects have been categorized as either "no impact," a "less than significant impact," or a "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative, since appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.

METHODOLOGY

The impact analysis focuses on the three sources of energy that are relevant to the proposed Project: electricity, natural gas, and transportation fuel for vehicle trips associated with new development as well as the fuel necessary for Project construction. The analysis of electricity/natural gas usage is based on California Emissions Estimator Model (CalEEMod) greenhouse gas (GHG) emissions modeling, which quantifies energy use for occupancy. The results of the CalEEMod modeling are included in Appendix 11.4, *Air Quality/GHG/Energy Analysis*. Modeling was based primarily on the default settings in the computer program for Orange County. The amount of operational fuel use was estimated using the California Air Resources Board's Emissions Factor 2014 (EMFAC2014) computer program, which provides projections for typical daily fuel usage in Orange County. The results of EMFAC2014 modeling and construction fuel estimates are included in Appendix 11.4.



5.10.4 IMPACTS AND MITIGATION MEASURES

ENERGY CONSUMPTION

EN-1 Would the Project result in wasteful, inefficient, or unnecessary consumption of energy resources?

Impact Analysis: The Project's estimated energy consumption is summarized in Table 5.10-4, *Energy Consumption*. As shown in Table 5.10-4, the electricity usage as a result of the Project would constitute an approximate 0.004 percent increase over Orange County's typical annual electricity consumption and an approximate 0.005 percent increase in the typical annual natural gas consumption in Orange County. The Project-related vehicle fuel consumption would increase Orange County's consumption by 0.008 percent.

**Table 5.10-4
Energy Consumption**

Energy Type	Project Annual Energy Consumption ¹	Orange County Annual Energy Consumption ²	Percentage Increase Countywide ²
Electricity Consumption	800 MWh	20,031,000 MWh	0.004%
Natural Gas Consumption	26,457 therms	576,000,000 therms	0.005%
Fuel Consumption			
Construction (Heavy-Duty Diesel Vehicle) Fuel Consumption ³	58,017 gallons	159,431,547 gallons	0.036%
Operational Automotive Fuel Consumption ³	93,616 gallons	1,248,703,310 gallons	0.008%
Notes: 1. As modeled in CalEEMod version 2016.3.2. 2. The Project increases in electricity and natural gas consumption are compared with the total consumption in Orange County in 2017. The Project increases in automotive fuel consumption are compared with the projected Countywide fuel consumption in 2018. Orange County electricity consumption data source: California Energy Commission, <i>Electricity Consumption by County</i> , http://www.ecdms.energy.ca.gov/elecbycounty.aspx , accessed April 22, 2019. Orange County natural gas consumption data source: California Energy Commission, <i>Gas Consumption by County</i> , http://www.ecdms.energy.ca.gov/gasbycounty.aspx , accessed April 22, 2019. 3. Project fuel consumption calculated based on CalEEMod results. 2018 countywide fuel consumption is from the California Air Resources Board EMFAC2014 model. Refer to Appendix 11.4 for assumptions used in this analysis.			

Construction-Related Energy Consumption

Project construction would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during demolition, Site clearing, grading, and construction. Fuel energy consumed during construction would be temporary and would not represent a significant demand on energy resources. In addition, some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest EPA and CARB engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. Due to increasing



transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive, and that there is a significant cost-savings potential in green building practices and materials.

Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The Project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ all reasonable energy conservation practices in the interest in minimizing the cost of doing business.

As indicated in Table 5.10-4, the Project's fuel from construction would be 58,017 gallons, which would increase fuel use in the County by 0.036 percent. As such, construction would have a nominal effect on the local and regional energy supplies. It is noted that construction fuel use is temporary and would cease upon completion of construction activities. There are no unusual Project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or State. Therefore, construction fuel consumption would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. As such, a less than significant impact would occur in this regard.

Operational Energy Consumption

Transportation Energy Demand

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration (NHTSA) is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with Federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. Table 5.10-4 provides an estimate of the daily fuel consumed by vehicles traveling to and from the Site. As indicated in Table 5.10-4, Project operations is estimated to consume approximately 93,616 gallons of fuel per year, which would increase Orange County's automotive fuel consumption by 0.008 percent. The Project would not result in any unusual characteristics that would result in excessive operational fuel consumption. Fuel consumption associated with Project-related vehicle trips would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. As such, a less than significant impact would occur in this regard.

Electricity Demand

The Project would consume energy for interior and exterior lighting, heating/ventilation and air conditioning (HVAC), refrigeration, electronics systems, appliances, and security systems, among other things. The Project would be required to comply with Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of the Title 24 standards significantly reduces energy usage. Furthermore, the electricity provider, SCE, is subject to California's Renewables Portfolio Standard (RPS). The RPS



requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 50 percent of total procurement by 2030. Renewable energy is generally defined as energy that comes from resources, which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. The increase in reliance of such energy resources further ensures projects would not result in the waste of the finite energy resources. As indicated in [Table 5.10-4](#), operational energy consumption would represent an approximate 0.004 percent increase in electricity consumption over the current Countywide usage. Therefore, the Project would not result in the inefficient, wasteful, or unnecessary consumption of building energy, and impacts in this regard would be less than significant.

As indicated in [Table 5.10-4](#), operational energy consumption would represent an approximate 0.004 percent increase in electricity consumption and a 0.005 percent increase in natural gas consumption over the current Countywide usage. The Project would adhere to all Federal, State, and local requirements for energy efficiency, including the Title 24 standards, as well as the Project's design features. The Project would not result in the inefficient, wasteful, or unnecessary consumption of building energy. Additionally, the Project would not result in a substantial increase in demand or transmission service, resulting in the need for new or expanded sources of energy supply or new or expanded energy delivery systems or infrastructure.

Conclusion

The Project would be subject to compliance with all Federal, State, and local requirements for energy efficiency. As shown in [Table 5.10-4](#), the increase in electricity, natural gas, and fuel consumption over existing conditions is minimal. For the reasons described above, the Project would not place a substantial demand on regional energy supply or require significant additional capacity, or significantly increase peak and base period electricity demand, or cause wasteful, inefficient, and unnecessary consumption of energy during Project construction, operation, and/or maintenance, or preempt future energy development or future energy conservation. Project impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

CONFLICT WITH APPLICABLE ENERGY PLAN

EN-2 **Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?**

Impact Analysis: The City currently does not have a plan pertaining to renewable energy or energy efficiency. State and local plans for renewable energy and energy efficiency include CPUC's Energy Efficiency Strategic Plan, the 2019 Title 24 Code, and the 2016 CALGreen standards. The Project would be required to comply with Title 24 and CALGreen standards. Compliance with 2019 Title 24 Code and 2016 CALGreen standards would ensure the Project incorporates energy efficient windows, solar panels, insulation, lighting, ventilation systems, as well as water efficient fixtures and electric vehicles charging infrastructure. Adherence to the CPUC's energy requirements would ensure conformance with the State's goal of promoting energy and lighting efficiency. Therefore, the proposed Project would result in less than significant impacts associated with renewable energy or energy efficiency plans.



Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.10.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in [Table 4-1, *Cumulative Projects List*](#), and illustrated on [Exhibit 4-1, *Cumulative Projects Map*](#), cumulative projects are situated in the Site vicinity.

ENERGY CONSUMPTION AND PLAN CONSISTENCY

- Would implementation of the Project and other cumulative projects result in wasteful, inefficient, or unnecessary consumption of energy resources?
- Would implementation of the Project and other cumulative projects conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Impact Analysis: The geographic context for cumulative energy consumption impacts for electricity and natural gas is Countywide and relative to SCE and SCGC’s service areas. While the geographic context for the transportation-related energy use is more difficult to define, it is meaningful to consider the Project in the context of County-wide consumption. Future growth within the County is anticipated to increase the demand for electricity, natural gas, and transportation energy, as well as the need for energy infrastructure. As shown above, the Project would nominally increase the County’s electricity, natural gas, and operational fuel consumption by 0.004, 0.005, and 0.008 percent, respectively; refer to [Table 5.10-4](#). Additionally, per the RPS, the Project and cumulative projects identified in [Table 4-1](#) would utilize electricity provided by SCE that would be comprised of 33 percent renewable energy by 2020 and 50 percent renewable energy by 2030. Furthermore, the Project and other cumulative projects in the Site vicinity would be subject to Title 24, CalGreen, and the CPUC’s Energy Efficiency Strategic Plan. Thus, the Project and related projects would comply with energy conservation plans and efficiency standards required to ensure that energy is used efficiently. As such implementation of the Project and other cumulative projects would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Mitigation Measures: No mitigation measures required.

Level of Significance: Less Than Significant Impact

5.10.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to energy have been identified.



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6.0 Other CEQA Considerations

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6.0 OTHER CEQA CONSIDERATIONS

6.1 LONG-TERM IMPLICATIONS OF THE PROJECT

Pursuant to *CEQA Guidelines* Section 15126.2, this section analyzes short-term uses of the environment and the maintenance and enhancement of long-term productivity. If the Project is approved and constructed, a variety of short- and long-term impacts would occur on a local level. For example, surrounding uses may be temporarily impacted by dust and noise during Project grading and construction. There may also be an increase in vehicle pollutant emissions caused by grading and construction activities. However, these disruptions would be temporary and may be avoided or lessened to a large degree through mitigation cited in this EIR and through compliance with the *Stanton Municipal Code* (Municipal Code); refer to Sections 5.0, *Environmental Analysis*, 8.0, *Effects Found Not To Be Significant*, and Appendix 11.1, *Initial Study/Notice of Preparation and Comment Letters*.

The Project would create long-term environmental consequences associated with the redevelopment of a blighted residential neighborhood to a multi-family affordable housing development. Development of the Project and the subsequent long-term effects may impact the physical, aesthetic, and human environments. Long-term physical consequences of development include increased traffic volumes, increased noise from Project-related mobile (traffic) and stationary (landscaping, heating, ventilation, and air conditioning, etc.) sources, hydrology and water quality impacts, and increased energy and natural resource consumption. Incremental degradation of local and regional air quality would also occur as a result of mobile source emissions generated from Project-related traffic and stationary source emissions generated from the consumption of natural gas and electricity. However, as concluded in Section 5.0, Section 8.0, and Appendix 11.1, the Project's impacts would be less than significant following compliance with the established regulatory framework and required mitigation. Therefore, the proposed Project would not have significant long-term implications in this regard.

6.2 IRREVERSIBLE ENVIRONMENTAL CHANGES THAT WOULD OCCUR IF THE PROJECT IS IMPLEMENTED

According to *CEQA Guidelines* Sections 15126(c) and 15126.2(c), an EIR is required to address any significant irreversible environmental changes that would occur should the Project be implemented. As stated in *CEQA Guidelines* Section 15126.2(c):

"Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."

The Project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during the construction phase of the Project and would continue throughout its operational lifetime. Project development would require a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Site. Project construction would require the consumption of resources that are not renewable, or which may renew so slowly as to be considered non-renewable. These resources would include the following construction supplies: lumber and other



forest products; aggregate materials used in concrete and asphalt; metals; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment.

The resources that would be committed during Project operation would be similar to those currently consumed within the City. Resources would include energy resources such as electricity and natural gas, petroleum-based fuels required for vehicle trips, fossil fuels, and water. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the Project and the existing, finite supplies of these natural resources would be incrementally reduced. Project operation would occur in accordance with Title 24, Part 6 of the *California Code of Regulations*, which sets forth conservation practices that would limit the amount of energy consumed by the Project. However, the energy requirements associated with the Project would, nonetheless, represent a long-term commitment of essentially non-renewable resources.

Limited use of potentially hazardous materials typical of residential uses, including minor amounts of cleaning products and occasional use of pesticides and herbicides for landscaping. Residential uses such as the Project typically do not generate, store, or dispose of large quantities of hazardous materials. Further, residential land uses generally do not involve dangerous or volatile operational activity that may expose persons to large quantities of hazardous materials. The Project would utilize minor amounts of cleaning products, pesticides, and herbicides, similar to the existing residential development on-site. Potential use of hazardous materials on-site would be required to comply with applicable government regulations and standards. Compliance with these regulations and standards would serve to protect against significant and irreversible environmental change resulting from the accidental release of hazardous materials.

In summary, Project construction and operation would result in the irretrievable commitment of limited, slowly renewable, and nonrenewable resources, which would limit the availability of these particular resource quantities for future generations or for other uses during the life of the Project. The Project would involve the use of building materials and energy, some of which are non-renewable resources. Consumption of these resources would occur with any development in the region and are not unique to the Project. Additionally, increasingly efficient building fixtures and automobile engines are expected to offset this demand to some degree. Continued use of such resources would also be on a relatively small scale and consistent with regional and local growth forecasts in the area. As such, although irreversible environmental changes would result from the Project, such changes would not be considered significant.

6.3 GROWTH-INDUCING IMPACTS

CEQA Guidelines Section 15126.2(d) requires that an EIR analyze growth-inducing impacts of a project. Specifically, *CEQA Guidelines* Section 15126.2(d) requires that an EIR:

“Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”



In general, a project could foster spatial, economic, or population growth in a geographic area if it results in any of the following:

- Removal of an impediment to growth (e.g., establishment of an essential public service and provision of new access to an area);
- Fostering of economic expansion or growth (e.g., changes in revenue base and employment expansion);
- Fostering of population growth (e.g., construction of additional housing), either directly or indirectly;
- Establishment of a precedent setting action (e.g., an innovation, a change in zoning and general plan amendment approval); or
- Development of or encroachment on an isolated or adjacent area of open space (being distinct from an infill project).

Should a project meet any one of the above-listed criteria, it may be considered growth-inducing. Generally, growth-inducing projects are either located in isolated, undeveloped, or underdeveloped areas, necessitating the extension of major infrastructure such as sewer and water facilities or roadways, or encourage premature or unplanned growth. Note that the *CEQA Guidelines* require an EIR to “discuss the ways” a project could be growth-inducing and to “discuss the characteristics of some projects that may encourage ... activities that could significantly affect the environment.” However, the *CEQA Guidelines* do not require that an EIR predict (or speculate) specifically where such growth would occur, in what form it would occur, or when it would occur. The answers to such questions require speculation, which CEQA discourages; refer to *CEQA Guidelines* Section 15145.

In accordance with the *CEQA Guidelines* and based on the above-listed criteria, the Project’s potential growth-inducing impacts are evaluated below.

IMPACT ANALYSIS

Removal of an Impediment to Growth

As discussed in Section 5.9, *Public Services and Utilities*, Project implementation would increase demands for public services, including fire, police, school, and library services as up to 576 additional residents would be introduced into the City. Given that the Site is already developed as a multi-family residential neighborhood, the Project is not expected to generate substantially more demand for public services compared to existing conditions following compliance with existing Federal, State, and local laws, ordinances, regulations, and standards.

The Project would also increase demands for utilities and services systems (i.e., water, wastewater treatment, and stormwater). Because the Project is currently served by existing utility providers and facilities and based on correspondence with service providers, it is expected that existing utilities and service systems can be readily expanded and/or extended to serve the Project. Therefore, the Project would not remove an impediment to growth associated with the establishment of an essential public service and is not considered growth-inducing in this regard.



The Site is already served by an existing roadway network of major, primary, and secondary arterials (i.e., Katella Avenue, Magnolia Avenue, and Cerritos Avenue) and would not provide new access to an area; refer to [Section 5.4, *Transportation*](#). Therefore, the Project would not remove an impediment to growth associated with the provision of new access to an area and is not considered growth-inducing in this regard.

Economic Growth

According to the California Employment Development Department, the annual average civilian labor force within the City totaled approximately 19,000 persons in October 2018.¹ Project implementation would introduce new jobs during construction. However, these jobs would be temporary and would not be growth-inducing in this regard. Additionally, as a residential use, the Project would not generate new permanent jobs within the City and thus, would not substantially increase the City's employment base or revenue base beyond existing conditions. Overall, based on the nature and scale of development proposed, Project implementation is not anticipated to result in significant economic growth.

Population Growth

A project could induce population growth in an area either directly or indirectly. More specifically, the development of new residences or businesses could induce population growth directly, whereas the extension of roads or other infrastructure could induce population growth indirectly. The Site is located in a developed area of the City and does not involve the extension of roads or other infrastructure into undeveloped areas; refer to the "Removal of an Impediment to Growth" Section above.

The Project would increase local employment opportunities during construction activities; however, these jobs would be temporary and would not be growth-inducing in this regard. Further, no permanent jobs would be created by the Project given that it is a residential use.

The Project would relocate all existing tenants, demolish existing housing on-site, and redevelop the property into a 161-unit multi-family affordable housing development. As detailed in [Section 5.8, *Population, Housing, and Employment*](#), it is speculative at this point to determine whether all existing tenants on-site would relocate within, or outside of, the City. Thus, this analysis conservatively assumes the existing residents could relocate elsewhere within the City. Based on the City's average household size of 3.58, the 161 proposed units would introduce up to 576 additional residents within the City. For this reason, the Project is considered growth-inducing since it would generate population growth through its provision of a residential development. However, the Project's potential growth-inducing impacts would be considered less than significant since the 576 additional residents represents only a 1.5 percent increase from the City's current population of 39,470 persons; refer to [Table 5.8-1, *Population Estimates and Projections*](#). Additionally, [Tables 5.8-5, *Proposed Project Compared to General Plan Growth Forecasts*](#), and [5.8-6, *Proposed Project Compared to SCAG Growth Forecasts*](#), show that the Project's percent increase compared to General Plan buildout (2.1 percent) and SCAG 2040 forecasts (27.0 percent) are within population projections for the City and region. Thus, growth inducing impacts related to population growth would be less than significant in this regard.

¹ California Employment Development Department, Labor Market Information Division, *Monthly Labor Force Data for Cities and Census Designated Places, October 2018 - Preliminary*, November 16, 2018.



Precedent Setting Action

The Project is consistent with the Site's land use designation and zoning and thus, would not require a General Plan Amendment or Zone Change. Project implementation would still require the approval of the following discretionary actions; however, the Project would not set a precedent for future projects with similar characteristics.

- Precise Plan of Development;
- Tentative Tract Map;
- Street Vacation;
- Conditional Use Permit;
- Project-specific Relocation Plan; and
- Density Bonus Concession.

The approval of these actions would not set a precedent that would make it more likely for other projects in the region to gain approval of similar applications. Further, future projects would also be required to complete applicable environmental review on a project-by-project basis. As such, the proposed Project would not involve a precedent setting action that could significantly affect the environment.

Development or Encroachment of Open Space

The Project is an infill development and would redevelop the existing residential neighborhood on-site into a multi-family affordable housing development. The Site is located in a highly urbanized area of Stanton and is surrounded on all sides by development, including residential uses to the north, east, and west, commercial uses to the east, and a Southern California Edison easement to the south. While the SCE easement is designated Open Space under the General Plan, it is currently utilized as a commercial nursery and the Project would not develop or encroach into the easement. As such, the Project is not considered growth inducing with respect to development or encroachment on open space.

Summary

In summary, Project implementation is not considered growth-inducing with respect to: removing an impediment to growth; fostering economic expansion or growth; establishing a precedent-setting action; or developing or encroaching into an isolated area of open space. The Project is considered growth-inducing in a local context with respect to fostering population growth (approximately 576 additional residents), although it is not considered growth-inducing in a regional context. Overall, the Project's growth-inducing impacts are considered less than significant.



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7.0 Alternatives to the Proposed Project

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7.0 ALTERNATIVES TO THE PROPOSED PROJECT

Under CEQA, the identification and analysis of alternatives to a project is a fundamental part of the environmental review process. CEQA Public Resources Code Section 21002.1(a) establishes the need to address alternatives in an Environmental Impact Report (EIR) by stating that in addition to determining a project's significant environmental impacts and indicating potential means of mitigating or avoiding those impacts, "the purpose of an environmental impact report is ... to identify alternatives to the project."

Direction regarding the definition of project alternatives is provided in the *CEQA Guidelines* as follows:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.¹

The *CEQA Guidelines* emphasize that the selection of project alternatives be based primarily on the ability to reduce significant effects relative to the proposed project, "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."² The *CEQA Guidelines* further direct that the range of alternatives be guided by a "rule of reason," such that only those alternatives necessary to permit a reasoned choice are addressed.³

In selecting project alternatives for analysis, potential alternatives must pass a test of feasibility. *CEQA Guidelines* Section 15126.6(f)(1) states that:

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 (or the site is already owned by the proponent).

Beyond these factors, *CEQA Guidelines* require the analysis of a "no project" alternative and an evaluation of alternative location(s) for the project, if feasible. Based on the alternatives analysis, an environmentally superior alternative is to be designated. If the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives.⁴ In addition, *CEQA Guidelines* Section 15126.6(c) requires that an EIR identify any alternatives that were considered for analysis but rejected as infeasible and discuss the reasons for their rejection.

The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. The range of potential alternatives to the proposed Project shall also include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. Among the factors that may be considered 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 (or the site is already owned by the proponent). Only

¹ *CEQA Guidelines* Section 15126.6(a).

² *CEQA Guidelines* Section 15126.6(b).

³ *CEQA Guidelines* Section 15126.6(f).

⁴ *CEQA Guidelines* Section 15126.6(e)(2).



locations that would avoid or substantially lessen any of the Project's significant effects need be considered for inclusion. An alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative need not be considered.

Potential environmental impacts associated with the following alternatives are compared to the Project's impacts:

- Alternative 1 – “No Project” Alternative; and
- Alternative 2 – “Single-Family Residential” Alternative.

Throughout the following analysis, the alternatives' impacts are analyzed for each environmental issue area, as examined in Section 5.1, *Tribal and Cultural Resources*, through Section 5.9, *Public Services and Utilities*, of this EIR. In this manner, each alternative can be compared to the Project on an issue-by-issue basis. A table is included at the end of this section that provides an overview of the alternatives analyzed and a comparison of each alternative's impact in relation to the Project. This section also identifies alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process. Among the factors used to eliminate alternatives from detailed consideration are: failure to meet most of the basic Project objectives; infeasibility; or inability to avoid significant environmental impacts. Section 7.6, “*Environmentally Superior*” Alternative, references the “environmentally superior” alternative, as required by the *CEQA Guidelines*.

7.1 SUMMARY OF PROJECT OBJECTIVES

An EIR must only discuss in detail an alternative that is capable of feasibly attaining most of the basic objectives associated with the action, while at the same time avoiding or substantially lessening any of the significant effects associated with the proposed Project. A summary of the objectives, as provided within Section 3.0, *Project Description*, is provided below:

1. Provide affordable housing within Stanton that would help the City meet Regional Housing Needs Allocation (RHNA) requirements detailed in the *City of Stanton 2014-2021 Housing Element*;
2. Redevelop the blighted neighborhood as proposed by the Stanton Redevelopment Agency prior to its dissolution;
3. Develop a well-designed residential community with attractive and unifying architecture, recreational facilities, outdoor spaces, and landscaping; and
4. Provide existing residents on-site with tenant relocation assistance as required by State law.

7.2 SUMMARY OF SIGNIFICANT IMPACTS

Pursuant to Section 15126.6(a) of the *CEQA Guidelines*, an EIR shall describe a range of reasonable alternatives to the project that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. Only those impacts found significant and unavoidable are relevant in making the final determination of whether an alternative is environmentally superior or inferior to the proposed Project. However, as analyzed in Section 5.1 through Section 5.9 of this EIR, the Project would not result in any significant and unavoidable impacts.



Findings rejecting alternatives are required only if one or more significant environmental effects will not be avoided or substantially lessened by mitigation measures. An agency need not make findings rejecting alternatives described in the EIR if all the project's significant impacts will be avoided or substantially lessened by mitigation measures. An agency need make only one or more of the findings listed in Public Resource Code Section 21081(a) for each significant impact, so if it makes a mitigation finding for each significant impact, no further findings are required. (Refer to Public Resources Code Section 21081(a)(1)-(2); *CEQA Guidelines* Section 15091(a)(1)-(2).)

In *Laurel Hills Homeowners Ass'n v. City Council* (1978) 83 Cal.App.3d 515, the court held that, if mitigation measures substantially lessen a project's significant environmental effects, the lead agency may approve the project without making findings on the feasibility of the EIR's project alternatives. Noting that mitigation measures and project alternatives are mentioned in Public Resources Code Sections 21002-21002.1 in the alternative, the court concluded that CEQA does not mandate the choice of the environmentally most desirable project if, through mitigation measures alone, the agency has reduced the project's environmental effects to an acceptable level. (*Laurel Hills, supra*, 83 Cal.App.3d at 521; see also *Stevens v. City of Glendale* (1981) 125 Cal.3d 986, 996; *No Slo Transit, Inc. v. City of Long Beach* (1987) 197 Cal.App.3d 241.)

In *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 402, the California Supreme Court noted with approval the holding in *Laurel Hills* that CEQA does not require an agency to consider an environmentally superior alternative when approving a project if mitigation measures will substantially reduce environmental impacts. (See also *Rio Vista Farm Bureau Ctr. v. County of Solano* (1992) 5 Cal.App.4th 351, 379 [agency is not required to make findings on feasibility of EIR's alternatives if mitigation measures will reduce environmental impacts to acceptable levels].)

Thus, when an agency finds that significant adverse effects will be avoided or substantially lessened by mitigation measures, it need not make findings that environmentally superior alternatives are infeasible. (See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477; *Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 373; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.)

7.3 ALTERNATIVES CONSIDERED BUT REJECTED

In accordance with *CEQA Guidelines* Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to *CEQA Guidelines*, among the factors that may be used to eliminate alternatives from detailed consideration are the alternative's failures to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. The following possible alternatives were considered but not carried forward for additional analysis, since they would not accomplish most of the basic objectives of the Project or were considered infeasible.

"ALTERNATIVE SITE" ALTERNATIVE

The Alternative Site Alternative would involve relocating the Project to another site within the City. This alternative would generally retain the same characteristics (proposed land uses, square footage, site plan, amenities, etc.) of the Project. The Alternative Site Alternative would require adequate land, access, infrastructure, and must be compatible with existing *City of Stanton General Plan* (General Plan) and *Stanton Municipal Code* (Municipal Code) designations/zoning for the Site. Although other suitable sites may be available that could accommodate the proposed multi-family affordable housing



development, the primary objective of the Project is to redevelop the existing blighted neighborhood. As detailed in [Section 3.2, *Background and History*](#), the neighborhood began to deteriorate to a point where it accounted for over 15 percent of police calls for service for the entire City. Due to the deteriorated and blighted state of the neighborhood, and the significant calls for service, the Stanton City Council authorized the initiation of property acquisitions within the neighborhood in preparation for a future redevelopment project. From 2009 to 2012, the City has acquired 25 of the original 40 parcels that encompass the Site and, as part of the Project, is proposing to acquire the 15 remaining parcels. Several of the four-plex apartment buildings on City-owned parcels have already been demolished in preparation for future development. Therefore, developing the Project elsewhere in Stanton would abandon the City's progress in acquiring the on-site parcels and leave the Site incomplete in regard to revitalizing the existing community.

Further, it is not anticipated that the Alternative Site Alternative would substantially lessen any of the potentially significant impacts associated with the Project. Short-term construction and long-term operational air quality, greenhouse gas (GHG), and noise impacts would be similar due to the same land use type and trip generation. Additionally, the Project as currently proposed does not result in any significant and unavoidable environmental impacts. Thus, the Alternative Site Alternative was rejected from further analysis since: 1) the existing blighted neighborhood on-site was identified as a redevelopment area in the General Plan; 2) the City has already begun acquiring parcels on-site and demolishing existing structures; and 3) relocation to another site would likely result in similar less than significant or less than significant impacts with mitigation incorporated. Consequently, the Alternative Site Alternative was rejected from further consideration within this EIR.

7.4 “NO PROJECT” ALTERNATIVE

In accordance with the *CEQA Guidelines*, “the no project analysis shall discuss the existing conditions ..., as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.”⁵ The *CEQA Guidelines* continue to state that “in certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained.”⁶ The No Project Alternative includes a discussion and analysis of the existing baseline conditions at the time the Notice of Preparation was published on March 22, 2019. The No Project Alternative is described and analyzed in order to enable the decision-makers to compare the impacts of approving the Project with the impacts of not approving the Project.

DESCRIPTION OF ALTERNATIVE

The 10.27-acre Site is currently developed with 28 four-plex apartment buildings comprised of 112 residential units, the Illuminations Foundation Children's Resource Center (operated by the Second Harvest Food Bank of Orange County, Inc.), a community garden, and several vacant lots. Of the 112 residential units, 110 are currently occupied. Most of the vacant lots on-site are utilized as informal parking areas for neighborhood residents and one vacant lot has a portable building owned by the Illuminations Foundation for the intended extended operation of the Children's Resource Center; refer to [Exhibit 3-2, *Site Vicinity*](#). The No Project Alternative would retain the Site in its current condition. The existing tenants and residences would remain on-site, no structures would be

⁵ *CEQA Guidelines* Section 15126.6(e)(2).

⁶ *CEQA Guidelines* Section 15126.6(e)(3)(B).



demolished, and no streets or alleyways would be vacated. The proposed multi-family affordable housing development and associated amenities and improvements would not be constructed.

The following discussion evaluates the potential environmental impacts associated with the No Project Alternative, as compared to impacts from the Project.

IMPACT COMPARISON TO THE PROPOSED PROJECT

TRIBAL AND CULTURAL RESOURCES

Under the No Project Alternative, the existing residential development would remain and no ground-disturbing activities would occur. Thus, the Project's less than significant impacts (with mitigation incorporated) to tribal and cultural resources would be avoided. As such, the No Project Alternative would be environmentally superior to the Project regarding tribal and cultural resources, given it would avoid the potential for any impact to occur.

HYDROLOGY AND WATER QUALITY

While the Project would result in less than significant (with mitigation incorporated) short-term water quality impacts, the No Project Alternative would have no water quality impacts associated with grading, excavation, or construction activities, as no construction would occur. In addition, the No Project Alternative would avoid the Project's long-term operational impacts to water quality and runoff volumes, as the multi-family housing development and associated landscape and hardscape improvements would not be developed. Since new development would not occur, impacts related to hydrology and water quality under the Project would not occur, and the No Project Alternative would be environmentally superior to the Project regarding hydrology and water quality impacts.

HAZARDS AND HAZARDOUS MATERIALS

The existing residential community would remain on-site under the No Project Alternative and therefore, would not create any new significant hazards through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions. Additionally, no demolition activities would be required; therefore, the less than significant impacts (with mitigation incorporated) to hazards and hazardous materials during Project demolition and construction would not occur. As such, the No Project Alternative would be environmentally superior to the Project pertaining to hazards and hazardous materials impacts.

TRANSPORTATION

Both the Project and No Project Alternative would have no impact on existing pedestrian, bicycle, and transit facilities. However, construction-related traffic impacts associated with the Project would not occur under the No Project Alternative as no construction activities would occur. Therefore, the Project's less than significant impacts with mitigation incorporated to construction traffic would be avoided entirely.

Existing a.m. and p.m. peak hour intersection operating conditions were evaluated in [Section 5.4, Transportation](#). All study intersections are currently operating at an acceptable LOS during peak hours based on the City of Stanton and City of Garden Grove standards. Although "Opening Year (2022) With Project" conditions would generate additional vehicle trips, the Project would add less than 0.02



to the volume-to-capacity (V/C) ratio and therefore, the Project's incremental V/C ratio increase is less than significant, and no mitigation is required; refer to [Table 5.4-9, *Opening Year \(2022\) Significant Impact Evaluation*](#). Thus, operational traffic impacts associated with the Project and No Project Alternative would be similar.

It should also be noted that this alternative would not require street vacation of Tina Way, Pacific Avenue, and two alleyways; therefore, circulation within the Site vicinity would remain as is. Given that this alternative would not result in any construction-related traffic impacts or alter existing circulation in the Site vicinity, the No Project Alternative would be environmentally superior to the Project.

AIR QUALITY

Since no construction or development would occur under the No Project Alternative, no short-term construction or long-term operational air quality emissions would be generated. Additionally, no construction localized significance emissions would be emitted under this alternative. The existing residential neighborhood would remain, and no new land uses and associated vehicle trips would emit operational air pollutants beyond existing conditions. It should be noted that both this alternative and the Project would be consistent with the South Coast Air Quality Management District (SCAQMD) *2016 Air Quality Management Plan* (2016 AQMP). Overall, the No Project Alternative would be environmentally superior to the Project regarding air quality, given it would avoid the Project's short-term and long-term operational air quality emissions.

GREENHOUSE GAS EMISSIONS

No construction or development would occur under this alternative, and the existing residential community would remain. While the Project would result in less than significant impacts related to GHG emissions and consistency with applicable GHG plan, policies, and regulations, this alternative would not generate any additional GHG emissions and thus, no impacts would occur. The No Project Alternative would be environmentally superior to the Project regarding GHG emissions.

NOISE

No noise or vibration would be generated by the No Project Alternative since no construction or development would occur on-site. The existing residential community would remain as is and no additional vehicle trips would be generated that could increase operational mobile noise impacts. As such, the Project's less than significant impacts with mitigation incorporated related to construction noise and less than significant impacts related to vibration and operational noise (mobile and stationary sources) would not occur under this alternative. As such, the No Project Alternative would be environmentally superior to the Project regarding noise given it would result in no short- or long-term noise impacts compared to the Project.

POPULATION, HOUSING, AND EMPLOYMENT

The Project proposes to acquire the 15 remaining non-City-owned properties on-site, demolish all existing residences, and relocate existing tenants. Under the No Project Alternative, existing residents and residences would remain on-site and no displacement would occur. Additionally, no additional residents would be introduced into the City as the proposed multi-family housing development would not be constructed. As such, this alternative would be environmentally superior to the Project.



PUBLIC SERVICES AND UTILITIES

Implementation of the Project would place increased demands upon public services (i.e., fire and police protection and library services) and utilities and service systems (i.e., wastewater, water, and storm drains) with the introduction of up to 576 new residents in the City. Since no development would occur and the existing neighborhood would remain under the No Project Alternative, increased demand for public services and utilities would not occur, and the less than significant impacts related to public services and utilities under the Project would be avoided. The No Project Alternative would be environmentally superior in comparison to the Project, given that no demands for public services or utilities would occur.

ENERGY

Since no construction would occur under this alternative, construction-related energy consumption (i.e., fuel energy consumed by construction vehicles/equipment and bound energy in construction materials) would not occur. Additionally, existing energy usage by the 110 occupied residential units and Illuminations Foundation Children's Resource Center, including transportation energy and electricity demand, would be less than the Project's 161 multi-family residences and potential preschool facility. Therefore, the No Project Alternative would be environmentally superior to the Project in this regard.

ABILITY TO MEET PROJECT OBJECTIVES

The No Project Alternative would not attain any of the Project objectives. As no development would occur, this alternative would not provide affordable housing within Stanton that would help the City meet its RHNA requirements, redevelop the existing blighted neighborhood, or develop a well-designed residential community (Objective Nos. 1, 2, and 3). Additionally, the City would not acquire the remaining properties on-site or relocate existing tenants under this alternative (Objective No. 4).

7.5 "SINGLE-FAMILY RESIDENTIAL" ALTERNATIVE

DESCRIPTION OF ALTERNATIVE

The Single-Family Residential Alternative would develop the Site with 61 detached single-family residential units at a density of 5.9 dwelling units per acre based on the Low Density Residential designation and Single-Family Residential (RL) zoning. The dwelling units would be sold at market rate (i.e., not affordable rental housing). Given that this alternative would consist solely of single-family residential units, no community center, tot lots, or preschool facility would be developed. Site access would be similar to existing conditions with access via Tina Way and Pacific Avenue; however, the two alleyways would still be vacated to provide additional space for backyards. This alternative would comply with require parking standards for single-family dwelling units per Municipal Code Section 20.320.030, *Number of Off-Street Parking Spaces Required*. Similar to the proposed Project, this alternative would require the acquisition of 15 remaining non-City-owned parcels on-site and relocation of all existing tenants prior to construction.

This alternative was selected to analyze a scenario in which a residential development would be developed similar to the Site's neighboring single-family residential uses to the north and west. However, given that the site is currently designated and zoned High Density Residential, the Single-



Family Residential Alternative would require a General Plan Amendment and Zone Change. Additional discretionary approvals would include, but not be limited to, a Precise Plan of Development; Street Vacation; Tentative Tract Map; and Design Review.

IMPACT COMPARISON TO THE PROPOSED PROJECT

TRIBAL AND CULTURAL RESOURCES

The Tina-Pacific Apartment was identified as a historic property but was found not eligible for listing in the National Register of Historic Places or California Register of Historic Resources; therefore, it is not a historical resource under CEQA. Additionally, no archaeological or tribal cultural resources were identified on-site. Although the Site has low sensitivity for archaeological and tribal cultural resources, mitigation measures have been incorporated in the event unknown buried resources are encountered during ground-disturbing activities. This alternative would require similar grading and site preparation to develop the 61 single-family units compared to the proposed Project. Thus, the potential to uncover previously undiscovered cultural and tribal cultural resources would be similar to the Project and this alternative would neither be environmentally superior nor inferior. Impacts would similarly be less than significant with mitigation incorporated.

HYDROLOGY AND WATER QUALITY

Similar to the Project, this alternative would require grading and excavation within the Site that would expose soils to wind and water erosion. This alternative would also be required to comply with National Pollutant Discharge Elimination System program requirements to reduce construction-related water quality impacts to a less than significant level. The overall development footprint would be the same as the Project. As such, short-term construction impacts would be similar under both scenarios.

The Project would implement stormwater drainage infrastructure and associated water quality best management practices to minimize impacts during long-term operations. It is expected that a similar range of improvements would be required under this alternative through a Project-specific Water Quality Management Plan. Thus, the less than significant with mitigation incorporated hydrology and water quality impacts identified under the Project would be similar under this alternative.

As such, this alternative would be neither environmentally superior nor inferior to the Project regarding hydrology and water quality.

HAZARDS AND HAZARDOUS MATERIALS

Similar to the Project, construction activities associated with the Single-Family Residential Alternative could release hazardous materials into the environment through reasonably foreseeable upset and accident conditions. Demolition of existing apartment buildings on-site could result in the release of hazardous materials, including asbestos and lead-based paints. Additionally, excavation and grading could uncover previously unknown hazardous materials or contaminated soils. Therefore, similar to the Project, this alternative would be required to comply with mitigation related to such matters (Mitigation Measures HAZ-1 through HAZ-3). As such, less than significant impacts with mitigation incorporated during construction would be similar to the Project.



Long-term operational impacts regarding the transport, use, and/or storage of hazardous materials would be similar under the Project and this alternative, as hazardous materials are not typically associated with residential uses. Thus, the less than significant operational impacts related to hazardous materials would be similar.

Overall, this alternative would neither be environmentally superior nor inferior to the Project given that less hazardous materials would be utilized during construction and operations.

TRANSPORTATION

Construction traffic associated with this alternative would likely be reduced compared to the Project since 100 fewer residential units would be constructed. This alternative would also likely require a shorter construction period and fewer vehicular and truck trips during the construction period given the reduced development. However, development of this alternative would still require preparing and implementation of a Construction Management Plan (Mitigation Measure TRA-1). Therefore, the Project's less than significant with mitigation incorporated short-term construction traffic impacts would be further reduced under this alternative.

While single-family residential uses have a slightly higher trip generation rate than multi-family uses, this alternative would reduce development by 100 units. As such, this alternative would reduce overall average daily trips and impacts to study area intersections compared to the proposed Project. The Project's less than significant long-term operational impacts would be further reduced.

Additionally, similar to the proposed Project, this alternative would require street vacation of the two alleyways on-site but would not require the vacation of Tina Way or Pacific Avenue. Thus, existing circulation in the Site vicinity would be less impacted. Overall, alternative would be environmentally superior to the Project regarding traffic and circulation impacts.

AIR QUALITY

Construction-related air emissions would be reduced under this alternative compared to the proposed Project as 100 fewer residential units would be constructed. Therefore, the Project's less than significant regional and localized construction air emissions impacts would be further reduced.

Additionally, while this alternative would develop single-family residential units, which have a slightly higher trip generation than multi-family units, this alternative would reduce development by 100 units. As such, average daily trips would be reduced compared to the Project and thus, would proportionally reduce operational mobile air quality emissions. As such, the Project's long-term operational air emissions would be reduced under this alternative.

It should be noted that both this alternative and the Project would be consistent with the 2016 AQMP. However, overall, the Single-Family Residential Alternative would still be environmentally superior to the Project.

GREENHOUSE GAS EMISSIONS

As stated above, the construction duration of this alternative would likely be reduced compared to the Project as 100 fewer residential units would be developed. Thus, GHG emissions from construction activities would be reduced. Additionally, this alternative would reduce average daily trips and



associated GHG emissions given the reduction in buildout intensity. Thus, the Single-Family Residential Alternative would be environmentally superior to the Project.

NOISE

Short-term noise impacts from demolition, grading, and construction activities associated with this alternative would be reduced given that this alternative would develop 100 fewer residential units. Therefore, less than significant with mitigation incorporated short-term construction noise impacts associated with the Project would be reduced under this alternative. Additionally, the single-family development would reduce average daily trips and associated long-term operational noise impacts in comparison to the Project given the 100-unit reduction in buildout intensity. As such, the Single-Family Residential Alternative would be environmentally superior to the Project.

POPULATION, HOUSING, AND EMPLOYMENT

Similar to the Project, this alternative would require acquiring the 15 remaining non-City-owned properties on-site, demolishing all existing residences, and relocating existing tenants. Therefore, this alternative would similarly displace existing residents and housing and be required to provide tenant relocation assistance in accordance with State law. However, given the reduction in buildout intensity, the 100 single-family residential units would result in a population increase of up to 218 residents⁷ compared to the 576 residents under the Project. No jobs would be generated under the proposed Project or this alternative. Thus, the Single-Family Residential Alternative would be environmentally superior to the Project due to the reduced population growth.

PUBLIC SERVICES AND UTILITIES

As stated above, this alternative would result in 358 fewer residents on-site than the Project. Since fewer residents would reside on-site, this alternative would reduce demand for fire, police, school, and library services compared to the Project. Water and wastewater generation on-site would be proportional to the proposed land use type and buildout intensity. Given that this alternative would result in 100 fewer units and 358 fewer residents, water demand and wastewater generation would also reduce compared to the Project. Overall, development of the Single-Family Residential Alternative would reduce demand for public services and utility service systems. This alternative would be environmentally superior to the proposed Project.

ENERGY

Given that this alternative would result in less development and fewer residents on-site than the Project, construction- and operation-related energy consumption would also proportionally decrease. Less fuel energy would be consumed by construction vehicle and equipment and less bound energy in construction materials would be utilized. Additionally, fewer vehicle trips are anticipated under this alternative, therefore, less transportation energy would be utilized. Electricity demand from 62 single-family residential units would also be less than demand generated by 161 multi-family residences. Thus, this alternative would be environmentally superior to the proposed Project.

⁷ Based on the City's 2018 average household size of 3.58; California Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2018, with 2010 Benchmark*, May 1, 2018.



ABILITY TO MEET PROJECT OBJECTIVES

The Single-Family Residential Alternative would develop 61 market rate detached single-family residential units and thus, would not provide affordable housing within the City that would help the City meet its RHNA requirements (Objective No. 1). This alternative also would not develop a residential community that includes attractive and unifying outdoor spaces, recreational facilities, and landscaping given that the single-family residences would be privately owned, and no communal recreational facilities or outdoor spaces are proposed (Objective No. 3). However, it would redevelop the existing blighted neighborhood and provide existing residents on-site with tenant relocation assistance (Objective Nos. 2 and 4).

7.6 “ENVIRONMENTALLY SUPERIOR” ALTERNATIVE

Table 7-1, *Comparison of Alternatives*, summarizes the comparative analysis presented above (i.e., the alternatives compared to the Project). Review of Table 7-1 indicates the No Project Alternative is the environmentally superior alternative, as it would avoid or lessen the majority of impacts associated with development of the Project. However, it should be noted that no significant and unavoidable impacts have been identified for the Project. Per *CEQA Guidelines* Section 15126.6(e), “if the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” Accordingly, the Single-Family Residential Alternative is identified as the environmentally superior alternative.

The Single-Family Residential Alternative would develop 61 market rate detached single-family residential units and thus, would not provide affordable housing within the City that would help the City meet its RHNA requirements (Objective No. 1). However, it would achieve the remaining Project objectives. This alternative would redevelop the existing blighted neighborhood, develop a well-designed residential community, and provide existing residents on-site with tenant relocation assistance (Objective Nos. 2, 3, and 4).

Table 7-1
Comparison of Alternatives

Sections	Proposed Project	No Project Alternative	Single-Family Residential Alternative
Tribal and Cultural Resources	LTS/M	✓	=
Hydrology and Water Quality	LTS/M	✓	=
Hazards and Hazardous Materials	LTS/M	✓	=
Transportation	LTS/M	✓	✓
Air Quality	LTS	✓	✓
Greenhouse Gas Emissions	LTS	✓	✓
Noise	LTS/M	✓	✓
Population and Housing	LTS	✓	✓
Public Services and Utilities	LTS/M	✓	✓
Energy	LTS	✓	✓
LTS = Less Than Significant Impact; LTS/M = Less Than Significant Impact With Mitigation ▲ Indicates an impact that is greater than the Project (environmentally inferior). ✓ Indicates an impact that is less than the Project (environmentally superior). = Indicates an impact that is equal to the Project (neither environmentally superior nor inferior).			



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8.0 Effects Found Not To Be Significant

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8.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

CEQA provides that an EIR shall focus on the significant effects on the environment and discuss potential environmental effects with emphasis in proportion to their severity and probability of occurrence. The City prepared the *Tina-Pacific Neighborhood Development Plan Project Initial Study/Notice of Preparation* (IS/NOP) in March 2019 to determine significant effects of the proposed Project; refer to Appendix 11.1, *Initial Study/Notice of Preparation and Comment Letters*. In the course of this evaluation, certain Project impacts were identified as “less than significant” or “no impact” due to the inability of a Project of this scope and nature to yield such impacts or the absence of Project characteristics producing effects of this type. These effects are not required to be included in the EIR.

In accordance with *CEQA Guidelines* Section 15128, the following section further provides a brief description of potential impacts found to be less than significant, in addition to those impacts determined not to be significant in the IS/NOP. The lettered analyses under each topical area directly correspond to their order in *CEQA Guidelines* Appendix G.

GEOLOGY AND SOILS. *Would the project:*

f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less Than Significant Impact. Duke Cultural Resources Management, LLC (Duke CRM) prepared the *Cultural and Paleontological Resources Assessment, Tina/Pacific Neighborhood Project, City of Stanton, Orange County, California* (Cultural/Paleontological Resources Assessment), dated March 2019; refer to Appendix 11.2, *Cultural/Paleontological Resources Assessment and AB 52 Documentation*. According to the Cultural/Paleontological Resources Assessment, the Project area is located on young alluvial fan deposits. Young alluvial fan deposits in this area are composed of unconsolidated to moderately consolidated silt, sand, pebbly cobbly sand, and boulders from the late Pleistocene (2.5 million to 11,700 years ago) and Holocene (11,700 years ago to today) Epochs. These deposits result from debris flows in alluvial fans, sourced from the nearby Santa Ana Mountains and Coyote Hills. Borehole logs from a nearby project (approximately 0.5 miles to the west) have also documented alluvial fan deposits to a depth of 51.5 feet.

As part of the Cultural/Paleontological Resources Assessment, a search of the online collections of the University of California, Museum of Paleontology and San Diego Natural History Museum, the online Paleobiology Database and Quaternary Faunal Mapping Project, and other published and literature was conducted for fossil localities from similar deposits within three miles of the Site. Additionally, the Department of Vertebrate Paleontology at the Natural History Museum of Los Angeles County performed a records search for paleontological resources within the Site vicinity. This records search did not produce any fossil localities near the Project (i.e., within three miles), with the nearest fossil localities located over ten miles to the east at a depth of 10 feet. Based on the results of these searches, the young alluvial fan deposits underlying the Site are assigned a low paleontological sensitivity above 10 feet.

Based on the lack of documented paleontological resources in the Site vicinity, and the nearest fossil locality documented over ten miles away and 10 feet below ground surface, the potential for Project-related construction to impact paleontological resources is low. Additionally, Project construction would require a maximum excavation depth of five feet. As such, Project impacts are less than significant, and no mitigation is required.



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9.0 Organizations and Persons Consulted

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9.0 ORGANIZATIONS AND PERSONS CONSULTED

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<https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>, accessed March 2019.



65. United States Environmental Protection Agency, *Inventory of United States Greenhouse Gas Emissions and Sinks 1990 to 2016*, April 2018, https://www.epa.gov/sites/production/files/2018-01/documents/2018_complete_report.pdf, accessed April 8, 2019.
66. United States Environmental Protection Agency, *Overview of Greenhouse Gas Emissions*, <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>, accessed April 8, 2019.
67. United States Environmental Protection Agency, *U.S. Environmental Protection Agency Website, Clean Watersheds Needs Survey 2000 Report to Congress, Glossary*, https://www.epa.gov/sites/production/files/2015-06/documents/2003_8_28_mtb_cwns_2000rtc_cwns2000-glossary.pdf, accessed December 27, 2018.
68. Written Communication: Nicole Atilano, Office Manager, Maintenance, Operations, Transportation, and Facilities, Magnolia School District, April 24, 2019.
69. Written Correspondence: Richard Vuong, Manager – Planning Division, OC Public Works Service Area/OC Development Services, April 22, 2019.
70. Written Correspondence: Tamera Rivers, Management Analyst – Strategic Services Division, Orange County Fire Authority, April 9, 2019.
71. Written Communication: Tom Rizzuti, Project Manager, Facilities and Planning, Anaheim Union High School District, December 21, 2018.

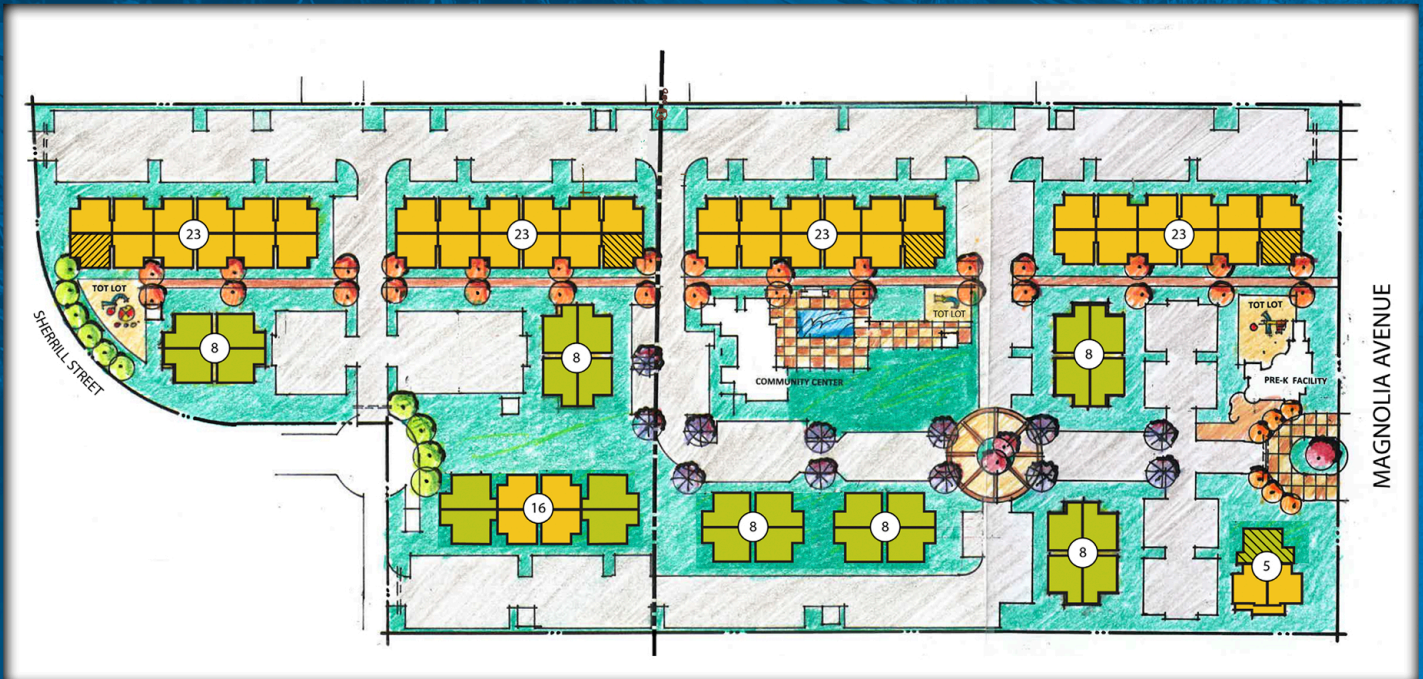


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Final | October 2019



Tina-Pacific Neighborhood Development Plan Project Environmental Impact Report



Prepared for:
City of Stanton

Prepared by:

Michael Baker
INTERNATIONAL

**FINAL
ENVIRONMENTAL IMPACT REPORT**

**Tina-Pacific Neighborhood Development
Plan Project**

SCH NO. 2019039134

Lead Agency:



CITY OF STANTON
7800 Katella Avenue
Stanton, California 90680
Contact: Ms. Amy Stonich, AICP
astonich@ci.stanton.ca.us
714.379.9222

Prepared by:
MICHAEL BAKER INTERNATIONAL
5 Hutton Centre Drive, Suite 500
Santa Ana, California 92707
Contact: Ms. Frances Yau, AICP
949.330.4105

October 2019

JN 170136

ATTACHMENT C

This document is designed for double-sided printing to conserve natural resources.



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1.0 Introduction



1.0 INTRODUCTION

In accordance with the *California Environmental Quality Act Guidelines* (CEQA Guidelines) Section 15088, the City of Stanton, as the lead agency, has evaluated the comments received on the *Tina-Pacific Neighborhood Development Plan Project Public Review Draft EIR* (Draft EIR) (State Clearinghouse No. 2019039134).

The Draft EIR for the proposed Tina-Pacific Neighborhood Development Plan Project (herein referenced as the Project) was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft EIR was made available for public review and comment for a period of 45 days. The public review period for the Draft EIR established by the CEQA Guidelines commenced on July 10, 2019 and ended August 23, 2019.

The Final EIR consists of the following components:

- Section 1.0 – Introduction;
- Section 2.0 – Responses to Comments;
- Section 3.0 – Errata; and
- Section 4.0 – Mitigation Monitoring and Reporting Program.

Due to its length, the text of the Draft EIR is not included with this document; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the Draft EIR identified in this document constitutes “significant new information” pursuant to CEQA Guidelines Section 15088.5. As a result, recirculation of the Draft EIR is not required.



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2.0 Responses to Comments



2.0 RESPONSES TO COMMENTS

In accordance with CEQA Guidelines Section 15088, the City of Stanton, as the lead agency, evaluated the written comments received on the Draft EIR (State Clearinghouse No. 2019039134) for the Tina-Pacific Neighborhood Development Plan Project (herein referenced as the Project) and has prepared the following responses to the comments received. This Responses to Comments document is part of the Final EIR for the Project in accordance with CEQA Guidelines Section 15132.

A list of commenters on the Draft EIR is presented in [Table 2-1, *List of Commenters on the Draft EIR*](#). Each comment has been assigned a letter number. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Table 2-1
List of Commenters on the Draft EIR

Comment Letter No.	Commenter	Letter Dated
1	Scott Morgan, Director State Clearinghouse and Planning Unit State of California Governor's Office of Planning and Research	August 26, 2019
2	Tamera Rivers, Management Analyst Orange County Fire Authority	July 29, 2019
3	Scott Shelley, Branch Chief, Regional-IGR-Transit Planning California Department of Transportation District 12	August 15, 2019
4	Dan Phu, Environmental Programs Manager Orange County Transportation Authority	August 21, 2019



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

August 26, 2019

Jarad Hildenbrand
Stanton, City of
7800 Katella Avenue
Stanton, CA 90680

Subject: Tina-Pacific Neighborhood Development Plan Project
SCH#: 2019039134

Dear Jarad Hildenbrand:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 8/23/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: <https://ceqanet.opr.ca.gov/2019039134/3> for full details about your project.

1-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Morgan".

Scott Morgan
Director, State Clearinghouse



RESPONSE TO COMMENT LETTER NO. 1

Scott Morgan, Director, State Clearinghouse

State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

August 26, 2019

- 1-1 This comment indicates that the State Clearinghouse submitted the Draft EIR to selected State agencies for review and that the comment period for the Draft EIR concluded on August 23, 2019. No State agencies submitted comments to the State Clearinghouse. The comment indicates that the lead agency complied with the public review requirements for draft environmental documents pursuant to CEQA. As such, the comment does not provide specific comments regarding information presented in the Draft EIR and no further response is necessary.

From: Rivers, Tamy [mailto:TamyRivers@ocfa.org]
Sent: Monday, July 29, 2019 3:03 PM
To: Hildenbrand, Jarad
Cc: Distaso, Robert; Kerbrat, Timothy
Subject: Notice of Availability (NOA) of a Draft Environmental Impact Report (Draft EIR) Tina-Pacific
(Click Here to View Public Notice).

Thank you for the opportunity to review and comment on the subject document. OCFA has no further comments.

2-1



Tamera Rivers

Management Analyst
Orange County Fire Authority
Office: 714-573-6199
tamyrivers@ocfa.org

We visualize problems and solutions through the eyes of those we serve.



RESPONSE TO COMMENT LETTER NO. 2

Tamera Rivers, Management Analyst
Orange County Fire Authority
July 29, 2019

- 2-1 The commenter appreciates the opportunity to review the Draft EIR and concludes no further comments. As such, no response is required.

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

1750 EAST FOURTH STREET, SUITE 100

SANTA ANA, CA 92705

PHONE (657) 328-6267

FAX (657) 328-6510

TTY 711

www.dot.ca.gov**COMMENT LETTER NO. 3***Making Conservation
a California Way of Life.*

August 15, 2019

Jarad Hildenbrand
City of Stanton
7800 Katella Ave.
Stanton, CA 90680

File: IGR/CEQA
SCH: # 2019039134
12-ORA-2019-01171
SR 39; PM 10.924
SR 22; PM 4.833

Dear Mr. Hildenbrand,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Environmental Impact Report (EIR) for the proposed Tina-Pacific Neighborhood Development Plan. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

The proposed project involves constructing a 161-unit multi-family affordable housing development. To do so, the City is proposing to acquire the 15 remaining properties on-site; relocate all existing tenants; demolish all structures and existing street improvements; and vacate the two public roadways (Tina Way and Pacific Avenue) and two alleyways on-site.

The proposed Tina-Pacific Neighborhood Development Plan Project site is generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue. More specifically, the 10.27-acre project site is bounded by Tina Way to the north, Magnolia Avenue to the east, an alleyway south of Pacific Avenue to the south, and Sherrill Street to the west. The site encompasses 40 parcels as well as portions of two public streets (Tina Way and Pacific Avenue) and two alleyways. Regional access to the project site is provided via State Route 22 (SR-22) via the Beach Boulevard and Magnolia Avenue off-ramps. Local access to the project site is provided by Tina Way, Pacific Avenue, and two alleyways off Magnolia Avenue. The project site is 0.78 miles East of SR 39, and 2.6 miles North of SR 22, the Garden Grove freeway. Both SR 39 and SR 22 are owned and operated by Caltrans. Caltrans is a responsible agency and has the following comments:

3-1

System Planning

- | | |
|---|-----------------------|
| <p>1. Consider adding appropriate safety measures for bicyclists and pedestrians in the project area. These measures may include improved Complete Streets facilities and improved connections to these facilities. These improvements will also improve regional connectivity and promote Active Transportation in the area:</p> <p>a. As noted in the City of Stanton's Bicycle Route Map, there are Class II bicycle lanes proposed along Magnolia Avenue and Cerritos Avenue. Therefore, please consider planning for these proposed bicycle facilities on the roadway and offering amenities at the project site, such as bicycle storage.</p> <p>b. Since Esther L. Walter Elementary School, Salk Elementary School, Magnolia High School, and Robert M. Pyles Elementary STEM Academy are located in the vicinity of the project site, please ensure that these schools are considered in any Complete Streets improvements on or near the project site, as students may use these Complete Streets facilities to access the school campuses. Improvements that will benefit students include audible pedestrian push buttons with countdown clocks, high visibility continental crosswalk striping, signage, and pedestrian-oriented LED lighting. Complete Streets improvements will also benefit visitors of Hollenbeck Park, located north of the project site.</p> | <p>3-2</p> <p>3-3</p> |
| <p>2. During construction, please ensure that appropriate safety measures are taken to inform and redirect bicycles and pedestrians around the construction site.</p> | <p>3-4</p> |
| <p>3. There are several proposed bicycle facilities that are adjacent to or near the project area. Please refer to OCTA's West/Central Orange County (Districts 1 & 2) Bikeways Strategy report for more information on the proposed Magnolia-Hoover Corridor and proposed Class I on the Union Pacific ROW. http://www.octa.net/Bike/Bikeways-Planning/</p> | <p>3-5</p> |
| <p>4. OCTA is also currently working on a countywide bicycle and pedestrian plan (OC Active) that includes a proposed Cross County Connector that would run through the City of Stanton. Please coordinate with OCTA regarding these proposed bikeways and consider opportunities to connect to them. http://www.octa.net/Bike/OC-Active/</p> | <p>3-6</p> |

Permits:

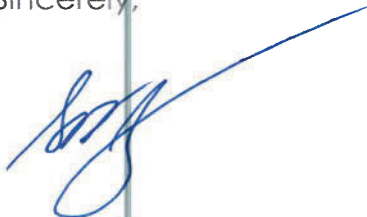
1. Any project work proposed in the vicinity of the State right of way would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans's requirements, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near State Right-of-Way. All entities other than Caltrans working within State right of way must obtain an Encroachment Permit prior to commencement of work. A fee may apply. If the cost of work within the State right of way is below one Million Dollars, the Encroachment Permit process will be handled by our Permits Branch; otherwise the permit should be authorized through the Caltrans's Project Development. When applying for Encroachment Permit, please incorporate Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, R/W certification and all relevant design details including design exception approvals. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual. The latest edition of the Manual is available on the web site:
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

3-7

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Julie Lugaro at 657-328-6368 or Julie.lugaro@dot.ca.gov.

3-8

Sincerely,



SCOTT SHELLEY
Branch Chief, Regional-IGR-Transit Planning
District 12



RESPONSE TO COMMENT LETTER NO. 3

Scott Shelley, Branch Chief, Regional-IGR-Transit Planning
California Department of Transportation District 12
August 15, 2019

- 3-1 This introductory comment provides a description of the California Department of Transportation's (Caltrans) responsibilities and a brief Project description. No further response is required.
- 3-2 The comment recommends incorporating safety measures for bicyclists and pedestrians in the Site vicinity, including Complete Streets facilities and improved connections to such facilities. Specifically, the comment notes that the City's *Bicycle Route Map* identifies proposed Class II bicycle lanes along Magnolia Avenue and Cerritos Avenue and that the Project should consider planning for these proposed bicycle facilities by offering amenities at the Site, such as bicycle storage. No bicycle storage is proposed on-site and there are no existing bicycle facilities in the Site vicinity. Project development would occur within Site boundaries and thus, would not impact the City's plans to develop future bicycle facilities in the Site vicinity. The comment is acknowledged and will be considered by City decisionmakers. Given that the comment does not identify a specific concern with the adequacy of the Draft EIR nor raise an issue or comment specifically related to the Draft EIR's environmental analysis, no further response is required.
- 3-3 Since there are a number of schools and a park in the Site vicinity, the comment recommends considering Complete Streets improvements that may benefit students and park patrons, such as audible pedestrian push buttons with countdown clocks, high visibility continental crosswalk striping, signage, and pedestrian-oriented light-emitting diode (LED) lighting. Project development would occur within Site boundaries and no transportation-related improvements are proposed along adjacent roadways and sidewalks. This comment is acknowledged and will be considered by City decisionmakers. The comment does not identify a specific concern with the adequacy of the Draft EIR, nor raise an issue or comment specifically related to the Draft EIR's environmental analysis.
- 3-4 The comment recommends that appropriate safety measures should be taken to inform and redirect bicycles and pedestrians around Project-related construction activities. As detailed in Draft EIR Section 5.4, *Transportation*, the Project would be required to implement Mitigation Measure TRA-1, which requires preparation of a Construction Management Plan (CMP). The CMP is required to include traffic controls for any street closure, detour, or other disruption to traffic circulation. Additionally, should Project construction activities require temporary vehicle lane, bicycle lane, and/or sidewalk closures, the Applicant/Developer is required to coordinate with the City Engineer regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access. Should Project construction activities occur during general drop-off and pick-up hours for nearby schools (i.e., Walter Elementary School), traffic signs, traffic cone arrangements, and flaggers would assist with ensuring safe pedestrian access along the Project frontage for students. Therefore, implementation of the CMP would ensure bicyclists and pedestrians in the Site vicinity are not adversely impacted during construction activities.



- 3-5 The comment states that there are several proposed bicycle facilities adjacent to or near the Site vicinity and refers to the Orange County Transportation Authority's (OCTA) *West/Central Orange County (Districts 1 & 2) Bikeways Strategy Report* for more information. The comment is acknowledged. As the comment does not identify a specific concern with the adequacy of the Draft EIR nor raise an issue or comment specifically related to the Draft EIR's environmental analysis, no further response is required.
- 3-6 OCTA is currently working on a Countywide bicycle and pedestrian plan (OC Active) that includes a proposed cross county connector that would run through the City of Stanton. The comment requests coordination with OCTA regarding these proposed bikeways and to consider opportunities to connect to them. This comment is acknowledged and will be considered by City decisionmakers. As the comment does not identify a specific concern with the adequacy of the Draft EIR nor raise an issue or comment specifically related to the Draft EIR's environmental analysis, no further response is required.
- 3-7 This comment states that any work proposed within Caltrans right-of-way requires an Encroachment Permit and that all environmental documentation for the Project is required to meet Caltrans requirement before approval of the Encroachment Permit. The comment also provides a link to Caltrans' Encroachment Permits Manual for more details. The City and Applicant/Developer would adhere to the Caltrans Encroachment Permit approval requirements. This comment does not address the Draft EIR's adequacy or involve an environmental issue. No further response is necessary.
- 3-8 This concluding statement requests continued coordination with Caltrans for future developments that could impact State transportation facilities and provides contact information for questions. The City will continue to coordinate with Caltrans on future developments.



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Chief Executive Officer

August 21, 2019

Mr. Jarad Hildenbrand
City Manager
City of Stanton Planning Division
7800 Katella Ave.
Stanton, CA 90680

**Subject: Tina-Pacific Neighborhood Development Plan Project Draft
Environmental Impact Report (SCH No. 2019039134)**

Dear Mr. Hildenbrand:

Thank you for providing the Orange County Transportation Authority (OCTA) with the Draft Environmental Impact Report for the Tina-Pacific Neighborhood Development Plan Project (Project). The following active transportation comments are provided for your consideration:

- New residential land use construction provides an opportunity to encourage a variety of travel choices. We encourage the project applicant consider inclusion of short/long-term bicycle parking and bicycle facilities for residents and guests. Short-term parking in the ratio of one bicycle parking space for each four units might be considered, and inclusion of a secure ground floor indoor bicycle storage area may serve long-term bicycle parking. 4-1
- Page 5.4-9: Please clarify if the proposed Project provides adequate right-of-way for future implementation of a Class II bike lane on Magnolia Avenue as identified in the City of Stanton General Plan Exhibit 5-2. 4-2
- Page 5.4-9: Please clarify if the proposed Project provides adequate right-of-way for future implementation of a Class II bike lane on Magnolia Avenue as identified in the City of Stanton General Plan Exhibit 5-2. 4-3

Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net. 4-4

Sincerely,

Dan Phu
Manager, Environmental Programs



RESPONSE TO COMMENT LETTER NO. 4

Dan Phu, Environmental Program Manager
Orange County Transportation Authority
August 21, 2019

- 4-1 This introductory comment presents the Orange County Transportation Authority's (OCTA) comments on the Draft EIR. Specific responses to comments are provided below in Responses 4-2 through 4-4.
- 4-2 The comment encourages the Applicant to consider including short/long-term bicycle parking and facilities for residents and guests. No bicycle storage is proposed on-site and there are no existing bicycle facilities in the Site vicinity. However, the comment is acknowledged and will be considered by City decisionmakers. Given that the comment does not identify a specific concern with the adequacy of the Draft EIR nor raise an issue or comment specifically related to the Draft EIR's environmental analysis, no further response is required.
- 4-3 The comment requests clarifying whether the project would provide adequate right-of-way for future implementation of a Class II bike lane on Magnolia Avenue as identified in the Stanton General Plan Exhibit 5-2, *Bicycle Facilities*. Project development would occur within the Project boundaries and would not permanently encroach into existing sidewalk and roadway right-of-way along Magnolia Avenue. As such, the Project would not impair future implementation of a Class II bike lane along Magnolia Avenue.
- 4-4 This concluding statement requests continued communication with OCTA regarding the Project and provides contact information for questions or comments. As requested, the City will continue to send information regarding the Project to OCTA, including any public notices or environmental documentation.



3.0 Errata



3.0 ERRATA

Changes to the Draft Environmental Impact Report (EIR) are noted below. A double-underline indicates additions to the text; ~~strikethrough~~ indicates deletions to the text. The comment letters received on the Draft EIR do not substantiate any changes to the Draft EIR text. However, the following modifications are made to the Draft EIR text for consistency and clarifications. The changes to the Draft EIR do not affect the overall conclusions of the environmental document and would not result in any new or substantially greater significant impacts as compared to those identified in the Draft EIR. Changes are listed by section and page.

Any changes referenced to mitigation measures contained in the Draft EIR text also apply to the Table of Contents, Section 1.0, *Executive Summary*, and Section 5.0, *Environmental Analysis*, of the Draft EIR. All mitigation measure modifications have been reflected in Section 4.0, *Mitigation Monitoring and Reporting Program*, of this Final EIR.

SECTION 1.2, PROJECT SUMMARY, Page 1-2

The proposed Project involves constructing a 161-unit multi-family affordable housing development at a density of 15.7 dwelling units per acre. To do so, the City is proposing to acquire the 15 remaining properties on-site; relocate all existing tenants; demolish all structures and existing street improvements; and vacate the two public roadways (Tina Way and Pacific Avenue) and two alleyways on-site. In addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a preschool facility and additional recreational facilities. These two development scenarios are described below.

SECTION 1.6, "SINGLE-FAMILY RESIDENTIAL" ALTERNATIVE, Page 1-24

This alternative was selected to analyze a scenario in which a residential development would be developed similar to the Site's neighboring single-family residential uses to the north and west. However, given that the site is currently designated and zoned High Density Residential, the Single-Family Residential Alternative would require a General Plan Amendment ~~and Zone Change~~. Additional discretionary approvals would include, but not be limited to, a Precise Plan of Development; Street Vacation; Tentative Tract Map; and Design Review.

SECTION 2.2, COMPLIANCE WITH CEQA, Page 2-2

Comment letters should be sent to:

City of Stanton

7800 Katella Avenue

Stanton, California 90680

Attn: Amy Stonich, AICP, City Planner ~~Ms. Kelly Hart, Community and Economic Development Director~~

astonich~~khart~~@ci.stanton.ca.us



SECTION 3.3.1, PROJECT DESCRIPTION, Page 3-5

The proposed Project involves constructing a 161-unit multi-family affordable housing development at a density of 15.7 dwelling units per acre. To do so, the City is proposing to acquire the 15 remaining properties on-site; relocate all existing tenants; demolish all structures and existing street improvements; and vacate the two public roadways (Tina Way and Pacific Avenue) and two alleyways on-site. In addition to the proposed multi-family affordable units, and based on the availability of funding, the Project may also include a preschool facility and additional recreational facilities. These two development scenarios are described below and illustrated on Exhibits 3-3a, *Development Scenario One (Proposed Project Without Preschool)*, and 3-3b, *Development Scenario Two (Proposed Project With Preschool)*.

SECTION 5.7.4, IMPACTS AND MITIGATION MEASURES, Page 5.7-17

NOI-1 To reduce construction noise impacts, the Project Applicant (Developer) shall demonstrate, to the satisfaction of the City Manager or his/her designee of Stanton Community and Economic Development Director that the Project complies with the following:

- Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall only occur between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays. The Project construction supervisor shall ensure compliance with the note and the City of Stanton shall conduct periodic inspection at its discretion.
- During all Project construction activities, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest to the Site.
- The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receivers nearest to the Site during all Project construction.
- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.

SECTION 5.8.4, IMPACTS AND MITIGATION MEASURES, Page 5.8-9

As such, while the Project would displace the 112 housing units (110 of which are occupied) and existing residents currently on-site, compliance with State relocation laws and local policies and procedures would minimize impacts to existing residents and no replacement housing that could result



in environmental impacts would need to be constructed. Impacts in this regard would be less than significant.

SECTION 7.5, “SINGLE-FAMILY RESIDENTIAL” ALTERNATIVE, Page 7-7

This alternative was selected to analyze a scenario in which a residential development would be developed similar to the Site’s neighboring single-family residential uses to the north and west. However, given that the site is currently designated and zoned High Density Residential, the Single-Family Residential Alternative would require a General Plan Amendment ~~and Zone Change~~. Additional discretionary approvals would include, but not be limited to, a Precise Plan of Development; Street Vacation; Tentative Tract Map; and Design Review.



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4.0 Mitigation Monitoring and Reporting Program



4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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

In compliance with Public Resources Code Section 21081.6, Table 1, *Mitigation Monitoring and Reporting Checklist*, has been prepared for the Tina-Pacific Neighborhood Development Plan Project (herein referenced as the Project). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the Tina-Pacific Neighborhood Development Plan Project file.

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

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the EIR, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.



- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

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

The following subsections of the Draft EIR contain a detailed environmental analysis of the existing conditions, Project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), recommended mitigation measures, and significant unavoidable impacts, if any.

No significant impacts would occur in regard to the following environmental issue areas, which are addressed in Draft EIR Appendix 11.1, *Initial Study/Notice of Preparation and Comment Letters*:

- Aesthetics;
- Agriculture and Forestry Resources;
- Biological Resources;
- Geology and Soils;
- Land Use and Relevant Planning;
- Mineral Resources;
- Recreation; and
- Wildfire.

In accordance with Appendix G of the CEQA Guidelines, the following environmental issue areas were determined in the Draft EIR to have a potentially significant impact, and have been included within the Draft EIR for further analysis:

- Tribal and Cultural Resources;
- Hydrology and Water Quality;
- Hazards and Hazardous Materials;
- Transportation;
- Air Quality;
- Greenhouse Gas Emissions;
- Noise;
- Population and Housing;
- Public Services and Utilities; and
- Energy.

For the purposes of the environmental analysis in the Draft EIR, impacts were analyzed in each environmental issue area for the proposed Project. If necessary, mitigation measures were incorporated to reduce any potentially significant impacts.



Table 1
Mitigation Monitoring and Reporting Checklist

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
TRIBAL AND CULTURAL RESOURCES								
CUL-1	The Project Applicant (Developer) shall retain and compensate for services a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, and a qualified Native American monitor, approved by the Gabrieleño Band of Mission Indians – Kizh Nation Tribal Government and listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the region, to perform all mitigation measures related to prehistoric and historic cultural resources for the Project. An archaeologist and Native American monitor shall be present to monitor all initial ground disturbing activities associated with the Project, including but not limited to: demolition, removal of building foundations and asphalt, pot-holing or auguring, grubbing, tree removals/weed abatement, boring/grading of soils, drilling/trenching for utilities, excavations associated with development, etc. The monitors shall complete daily monitoring logs. The logs will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. In addition, the monitors are required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the	Project Applicant; Qualified Archaeologist; Qualified Native American Monitor	Prior to and During Demolition and Grading Activities	City of Stanton Planning Division	Prior to and During Demolition and Grading Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k).</p> <p>If, during initial ground disturbance, the monitors determine that the ground disturbing activities have little or no potential to impact cultural resources, and/or the monitors determine that ground disturbances would occur within previously disturbed and non-native soils, the qualified archaeologist may recommend that monitoring may be reduced or eliminated. This decision will be made in consultation with the Native American monitor and the City of Stanton. The final decision to reduce or eliminate monitoring shall be at the discretion of the City of Stanton. If cultural resources are encountered during ground disturbing activities, work within the immediate area must halt and the find must be evaluated for local and/or State significance.</p>							
CUL-2	<p>If cultural resources are encountered during demolition and ground-disturbing activities, work in the immediate area shall halt and a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, shall be retained to assess the nature and significance of the discovery. If the discovery proves to be significant under CEQA, additional work such as data recovery excavation and Native American consultation</p>	<p>Construction Contractor; Qualified Archaeologist</p>	<p>During Demolition and Grading Activities</p>	<p>City of Stanton Planning Division</p>	<p>During Demolition and Grading Activities</p>			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	may be warranted to mitigate any significant impacts.							
CUL-3	If any archaeological resources are unearthed during Project demolition and construction activities, the resource shall be evaluated by the qualified archaeologist and Native American monitor approved by the Gabrieleño Band of Mission Indians – Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians – Kizh Nation shall coordinate with the property owner regarding treatment and curation of the resource(s). Typically, the Native American tribe will request reburial or preservation for educational purposes. If a resource is determined by the qualified archaeologist to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or as a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist and Native American monitor shall coordinate with the Project Applicant (Developer) and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resource(s) shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with	Construction Contractor; Qualified Archaeologist; Native American Monitor	During Demolition and Grading Activities	City of Stanton Planning Division	During Demolition and Grading Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.							
CUL-4	<p>If human remains or associated funerary objects are discovered on-site, work shall be diverted a minimum of 150 feet from the find and an exclusion zone shall be placed around the burial. The qualified archaeologist and/or Native American monitor shall notify the construction manager who shall call the County Coroner. If the County Coroner determines the remains to be Native American, the County Coroner shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) as mandated by State law who shall then appoint a Most Likely Descendent (MLD).</p> <p>The discovery is to be kept confidential and secure to prevent any further disturbance. Prior to the continuation of ground disturbing activities, the property owner shall arrange a designated location with the Project footprint for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day,</p>	Construction Contractor; Qualified Archaeologist; Native American Monitor	During Construction	City of Stanton Planning Division	During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<p>the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside of working hours. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, it may be determined that burials should be removed. The applicable Native American tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project Applicant (Developer) shall consult with the tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC. No scientific study or utilization of any invasive diagnostics on human remains is allowed.</p> <p>Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure</p>							



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	container on-site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project site but at a location mitigated between the tribe and the property owner at the Site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.							
HYDROLOGY AND WATER QUALITY								
HWQ-1	Prior to Project construction, the Project Applicant (Developer) shall prepare a Project-specific water quality management plan (WQMP) for review and approval by the City Engineer. The WQMP shall include Project-specific design measures to control pollutants in stormwater and urban runoff in order to prevent any deterioration in water quality that would impair subsequent or competing uses of the receiving waters.	Project Applicant	Prior to Construction	City Engineer	During Plan Review			
HAZARDS AND HAZARDOUS MATERIALS								
HAZ-1	Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). The sampling method to be used shall be based on the statistical probability that construction materials similar in color and texture contain similar amounts of asbestos. In areas where the material appears to be homogeneous in color and texture over a wide area, bulk samples shall be collected at discrete locations from within	Project Applicant; Qualified Building Inspector; Qualified Asbestos Containment Contractor (if needed)	Prior to Issuance of Demolition Permits	City of Stanton Planning Division	During Plan Review; Prior to Issuance of Demolition Permits			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	these areas. In unique or nonhomogeneous areas, discrete samples of potential ACMs shall be collected. The survey shall identify the likelihood that asbestos is present in concentrations greater than 1 percent in construction materials. If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403. Common asbestos abatement techniques involve removal, encapsulation, or enclosure. The removal of asbestos is preferred when the material is in poor physical condition and there is sufficient space for the removal technique. The encapsulation of asbestos is preferred when the material has sufficient resistance to ripping, has a hard or sealed surface, or is difficult to reach. The enclosure of asbestos is to be applied when the material is in perfect physical condition, or if the material cannot be removed from the Site for reasons of protection against fire, heat, or noise.							
HAZ-2	If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. A portable, field X-ray fluorescence (XRF) analyzer shall be used to identify the locations of potential lead paint, and	Construction Contractor; Qualified Environmental Professional; Qualified Lead Specialist (if needed)	During Demolition	City Engineer	During Demolition			



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	test accessible painted surfaces. The qualified Environmental Professional shall identify the likelihood that lead is present in concentrations greater than 1.0 milligrams per square centimeter (mg/cm ²) in/on readily accessible painted surfaces of the buildings. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Potential methods to reduce lead dust and waste during removal include wet scraping, wet planning, use of electric heat guns, chemical stripping, and use of local High Efficiency Particulate Air (HEPA) exhaust systems. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal, if present, shall provide evidence of abatement activities to the City Engineer.							
HAZ-3	<p>If unknown wastes or suspect materials (such as stained soils, odors, and/or unknown debris) are discovered during construction by the contractor that he/she believes may involve hazardous waste/materials, the contractor shall:</p> <ul style="list-style-type: none"> • Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area; • Notify the City of Stanton Director of Public Works; 	Construction Contractor	During Construction	City of Stanton Public Works Department	During Construction			



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	<ul style="list-style-type: none"> Secure the areas as directed by the City; Notify the Orange County Health Care Agency's (OCHCA) Hazardous Waste/Materials Coordinator; and Perform remedial activities (as required per OCHCA, or their designee, and dependent upon the nature of the hazardous materials release) as required under existing regulatory agency standards. 							
TRANSPORTATION								
TRA-1	<p>Prior to issuance of any grading and/or demolition permits, whichever occurs first, the Applicant (Developer) shall prepare a Construction Management Plan to be submitted for review and approval by the City of Stanton Public Works Department. The requirement for a Construction Management Plan shall be incorporated into the Project specifications and subject to verification by the City Engineer prior to final plan approval. The Construction Management Plan shall, at a minimum, address the following:</p> <ul style="list-style-type: none"> Traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to enter and exit the Site from Magnolia Avenue. Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, 	Project Applicant; Construction Contractor	Prior to Issuance of Grading/ Demolition Permits; During Construction	City of Stanton Public Works Department; City Engineer	During Plan Review; During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	<p>tiles, piping, windows, etc.), to access the Site, traffic controls and detours, and proposed construction phasing plan for the Project.</p> <ul style="list-style-type: none">• Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.• Require the Applicant (Developer) to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The Applicant (Developer) shall clean adjacent streets, as directed by the City of Stanton Public Works Department, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.• Hauling or transport of oversize loads shall be subject to the requirements of the City of Stanton Public Works Department and/or the adjacent jurisdictions of the cities of Garden Grove and Anaheim.• Haul trucks entering or exiting public streets shall at all times yield to public traffic.• If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the Applicant (Developer) will be fully responsible for repairs. The							



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	<p>repairs shall be completed to the satisfaction of the City Engineer.</p> <ul style="list-style-type: none">• All construction-related parking and staging of vehicles shall be kept out of the adjacent public roadways and shall occur on-site.• This Plan shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) as well as City of Stanton requirements. The traffic control plans (TCP) shall be prepared by the contractor and submitted to the City Engineer for approval pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary curb lane closures. The plan shall be developed according to the MUTCD (latest edition) guidelines, including plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic.• Should the Project utilize State facilities for hauling of construction materials, the Construction Management Plan shall be submitted to the California Department of Transportation (Caltrans) for review and comment.• Should Project construction activities require temporary vehicle lane, bicycle lane, and/or sidewalk closures, the							



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	<p>Applicant (Developer) shall coordinate with the City Engineer regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.</p> <ul style="list-style-type: none"> Should Project construction activities occur during general drop-off and pick-up hours for nearby schools (i.e., Walter Elementary School), traffic signs, traffic cone arrangements, and flaggers shall assist with ensuring safe pedestrian access along the Project frontage for students. 							
NOISE								
NOI-1	<p>To reduce construction noise impacts, the Project Applicant (Developer) shall demonstrate, to the satisfaction of the City Manager or his/her designee that the Project complies with the following:</p> <ul style="list-style-type: none"> Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall only occur between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays. The Project construction supervisor shall ensure compliance with the note and the City of Stanton shall conduct periodic inspection at its discretion. 	Project Applicant; Construction Contractor	Prior to Approval of Grading Plans or Issuance of Building Permits; During Construction	City Manager or his/her Designee	During Plan Review; During Construction			



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	<ul style="list-style-type: none">• During all Project construction activities, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest to the Site.• The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receivers nearest to the Site during all Project construction.• The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays with no activity allowed on Sundays or Federal holidays). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.							



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CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and City Council

DATE: November 12, 2019

SUBJECT: RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF STANTON FOR THE ACQUISITION BY EMINENT DOMAIN, TO ACQUIRE A FEE INTEREST IN CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE NORTHEAST QUADRANT OF THE CITY, TO THE WEST OF THE INTERSECTION OF MAGNOLIA AVENUE AND PACIFIC AVENUE, AND MORE SPECIFICALLY, IS A 10.27 ACRE AREA BOUNDED BY TINA WAY TO THE NORTH, MAGNOLIA AVENUE TO THE EAST, AN ALLEYWAY SOUTH OF PACIFIC TO THE SOUTH, AND SHERRILL STREET TO THE WEST, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; AND 126-482-14, FOR THE CONSTRUCTION OF A 161-UNIT MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT, AND MAY INCLUDE A PRESCHOOL AND ADDITIONAL RECREATIONAL FACILITIES, IN THE CITY OF STANTON, ORANGE COUNTY, CALIFORNIA

REPORT IN BRIEF:

The City of Stanton is considering a proposed resolution of necessity to initiate condemnation proceedings to acquire a fee interest in certain real property generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue, and more specifically, is a 10.27 acre area bounded by Tina Way to the north, Magnolia Avenue to the east, an alleyway south of Pacific to the south, and Sherrill Street to the west, more particularly described as Assessor Parcel Nos. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; and 126-482-14, for the construction of a 161-unit multi-family affordable housing development, and may include a preschool and additional recreational facilities, in Stanton, as further identified in **Exhibit A** attached to the Resolution of Necessity submitted herewith.

RECOMMENDED ACTION:

1. City Council conduct a public hearing; and
2. Declare that the action is a project exempt from the California Environmental Quality Act ("CEQA") under sections 15060(c)(3) and 15378(b); and
3. Approve Resolution No. 2019-50, making certain findings pursuant section 37350.5 of the California Government Code, adopting the resolution of necessity to initiate condemnation proceedings to acquire a fee interest in certain real property generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue, and more specifically, is a 10.27 acre site bounded by Tina way to the north, Magnolia Avenue to the east, an alleyway south of Pacific to the south, and Sherrill Street to the west, more particularly described as Assessor Parcel Nos. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; and 126-482-14, for the construction of a 161-unit multi-family affordable housing development, and may also include a preschool and additional recreational facilities, in the City of Stanton, California, entitled:

"RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF STANTON FOR THE ACQUISITION BY EMINENT DOMAIN OF A FEE INTEREST IN CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE NORTHEAST QUADRANT OF THE CITY, TO THE WEST OF THE INTERSECTION OF MAGNOLIA AVENUE AND PACIFIC AVENUE, AND MORE SPECIFICALLY, THE 10.27 ACRE AREA BOUNDED BY TINA WAY TO THE NORTH, MAGNOLIA AVENUE TO THE EAST, AN ALLEYWAY SOUTH OF PACIFIC TO THE SOUTH, AND SHERRILL STREET TO THE WEST, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; 126-482-14, FOR THE CONSTRUCTION OF A 161-UNIT MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT, AND MAY INCLUDE A PRESCHOOL AND ADDITIONAL RECREATIONAL FACILITIES, IN THE CITY OF STANTON, ORANGE COUNTY, CALIFORNIA"; and

4. Authorize legal counsel to initiate eminent domain proceedings to acquire the property described herein, as necessary for the Project, as detailed in the resolution.

BACKGROUND/ANALYSIS: The proposed project involves the acquisition of a 10.27 acre area of property that encompasses 40 parcels as well as portions of two public streets (Tina Way and Pacific Avenue) and two alleyways, for the construction of a 161-unit multi-family affordable housing development.

The City obtained appraisals of the real estate from Kevin J. Donahue, MAI, of Cushman & Wakefield Western, Inc., and made offers of just compensation to the property owners for the acquisition pursuant to California Government Code section 7267.2. The City retained a consulting firm to assist with acquisitions and relocations, because residences will be relocated or otherwise affected. Following standard public records and due diligence searches for ownership information, a notice of this public hearing was mailed to the name and address that appears on the last equalized county assessment roll pursuant to California Civil Code of Procedure section 1245.235. The affected properties are owned by:

Property Owner(s)	Address	Assessor Parcel No.
1. Phillip R. Trachy and Maria Victoria Trachy, Trustees of the Trachy Family Trust Established February 28, 2001	8830 Tina Way	126-481-01
2. Steven W. Reiss, and Successors, Trustee of the Steven W. Reiss Trust, Dated May 8, 1998	8840 Tina Way	126-481-02
3. Dat Nguyen, Trustee of the Jennie Trust, dated May 21, 2000	8850 Tina Way	126-481-03
4. Loan Phuong Trang, Trustee of the Loan Phuong Trang Trust Dated April 18, 1996, and Vuong Han Trang, Trustees of the Loan Phuong, Trustee of the Vuong Han Trang Trust dated April 18, 1996	8860 Tina Way	126-481-04
5. Binh Ngoc Nguyen and Phuong Thi Pham	8870 Tina Way	126-481-05
6. Hiep Le; Tammy Doan; Triple Star Company, LLC	8880 Tina Way	126-481-06
7. 8900 Tina Way, a California general partnership	8900 Tina Way	126-481-08
8. Zichuan Li and Ying Zheng	8910 Tina Way	126-481-09
9. Binh Ngoc Nguyen and Phuong Thi Pham	8920 Tina Way	126-481-10
10. Sky Nguyen, Trustee of the SN Living Trust, U/A August 14, 2013	8921 Pacific Avenue	126-481-21
11. Binh Ngoc Nguyen and Phuong Thi Pham	8961 Pacific Avenue	126-481-17

Property Owner(s)	Address	Assessor Parcel No.
12. Steven W. Reiss, and Successors, Trustee of the Steven W. Reiss Trust, Dated May 8, 1998	8971 Pacific Avenue	126-481-16
13. Ngoc Trieu Andy Pham	8890 Pacific Avenue	126-482-07
14. James C. Wu and Vilma S. Wu	8900 Pacific Avenue	126-482-08
15. David M. Cook and Daphnie Chakran, a/k/a Daphnie Chaircran	8960 Pacific Avenue	126-482-14

DESCRIPTION OF PROPERTY TO BE ACQUIRED: The properties affected by the proposed acquisitions are occupied residential units. The City intends to acquire full fee acquisitions of the properties needed for the project. The affected parcels are within the city limits.

HEARINGS AND REQUIRED FINDINGS: The recommended actions of the City Council pertain to the acquisition of the aforementioned properties.

California eminent domain law provides that a public entity may not commence an eminent domain proceeding until its governing body has adopted a Resolution of Necessity, which resolution may only be adopted after the governing body has given each party with an interest in the affected property or their representatives a reasonable opportunity to appear and be heard on the following matters:

1. The public interest and necessity require the a proposed project.
2. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The real property to be acquired is necessary for the project.
4. The offer of just compensation has been made to the property owner.

All notices of hearing were mailed on October 25, 2019, by first class mail to the name and address that appears on the last equalized county assessment roll in accordance with section 1245.235 of the California Code of Civil Procedure.

The above four required findings are addressed as follows:

1. The Public Interest and Necessity Require the Proposed Project

The Project will: 1. provide affordable housing within Stanton that would help the City meet Regional Housing Needs Allocation (RHNA) requirements detailed in the City of Stanton 2014-2021 Housing Element; 2. Redevelop the blighted neighborhood as proposed by the Stanton Redevelopment Agency prior to its dissolution; 3. Develop a well-designed residential community with attractive and unifying architecture,

recreational facilities, outdoor spaces, and landscaping; and 4. Provide existing residents on-site with tenant relocation assistance as required by State law.

2. The Project is Planned or Located in a Manner That Will be Most Compatible With the Greatest Public Good and the Least Private Injury

The EIR considered two alternatives, "No Project" and "61 detached single family residential". The No Project Alternative is the environmentally superior alternative, as it would avoid or lessen the majority of impacts associated with development of the Project. However, it should be noted that no significant and unavoidable impacts have been identified for the Project. Per CEQA Guidelines Section 15126.6(e), "if the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Accordingly, the Single-Family Residential Alternative is identified as the environmentally superior alternative. However, this alternative did not meet the affordable housing and would not add to the City's RHNA requirement.

3. The Real Property to be Acquired is Necessary for the Proposed Project

The real property described in the exhibits attached to the Resolution of Necessity, is generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue, and more specifically, is a 10.27 acre area bounded by Tina way to the north, Magnolia Avenue to the east, an alleyway south of Pacific to the south, and Sherrill Street to the west, more particularly described as Assessor Parcel Nos. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; and 126-482-14, for the construction of a 161-unit multi-family affordable housing development, and may also include a preschool and additional recreational facilities, in the City of Stanton, California and is necessary for the project.

4. The Offer of Just Compensation Has Been Made

An appraisal was prepared Kevin J. Donahue, MAI, of Cushman & Wakefield Western, Inc. to establish the fair market value of the fee interests the City is seeking to acquire. Offers of just compensation were made to the record owners to purchase the fee interests as established by the approved appraisals and as required by section 7267.2 of the California Government Code. Although negotiated settlements may still be possible for the fee interests cited above, it would be appropriate to commence the procedures to acquire the fee interests through eminent domain, to ensure that the City has possession of the properties, which are necessary in order for the City to begin construction of the project.

ENVIRONMENTAL ANALYSIS: Staff has determined that the project is exempt from environmental review pursuant to the CEQA, as amended, and the guidelines promulgated thereunder. Moreover, the future use or development of the property is expressly conditioned on CEQA compliance. The City shall conduct environmental

review in accordance with CEQA prior to taking any discretionary action with regard to the proposed properties. (Pub. Resources Code, § 21002.)

FINANCIAL IMPACT: The City anticipates expending approximately \$34,440,381 in the Authority loan to the developer. The Loan amount is also inclusive of previously expended funds to acquire the Authority Properties, relocate a portion of the tenants and demolition costs.

Prepared By:



Amy Stonich, AICP
City Planner

Approved by:



Jarad Hildenbrand
City Manager

RESOLUTION NO. 2019-50

RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF STANTON FOR THE ACQUISITION BY EMINENT DOMAIN OF A FEE INTEREST IN CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE NORTHEAST QUADRANT OF THE CITY, TO THE WEST OF THE INTERSECTION OF MAGNOLIA AVENUE AND PACIFIC AVENUE, AND MORE SPECIFICALLY, THE 10.27 ACRE AREA BOUNDED BY TINA WAY TO THE NORTH, MAGNOLIA AVENUE TO THE EAST, AN ALLEYWAY SOUTH OF PACIFIC TO THE SOUTH, AND SHERRILL STREET TO THE WEST, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; 126-482-14, FOR THE CONSTRUCTION OF A 161-UNIT MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT, AND MAY INCLUDE A PRESCHOOL AND ADDITIONAL RECREATIONAL FACILITIES, IN THE CITY OF STANTON, ORANGE COUNTY, CALIFORNIA

WHEREAS, the City of Stanton (the "City") proposes to acquire a fee interest in certain real property generally located in the northeast quadrant of the City, to the west of the intersection of Magnolia Avenue and Pacific Avenue, and more specifically, the 10.27 acre area bounded by Tina Way to the north, Magnolia Avenue to the east, an alleyway south of Pacific to the south, and Sherrill Street to the west, more particularly described as Assessor Parcel Nos. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; 126-482-14, for the construction of a 161-unit multi-family affordable housing development, and may include a preschool and additional recreational facilities, in the City of Stanton, California, pursuant to the authority granted to it by section 37350.5 of the California Government Code; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the City scheduled a public hearing for Tuesday, November 12, 2019, at 6:30 p.m. at the Stanton City Hall, Council Chambers, 7800 Katella Avenue, Stanton, California, and gave to each person whose property is to be acquired and whose name and address appeared on the last equalized county assessment roll, notice and a reasonable opportunity to appear at said hearing and be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the City and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on said matters; and

WHEREAS, the City may now adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, THE CITY DOES HEREBY RESOLVE AND DECLARE AS FOLLOWS:

SECTION 1. Compliance with California Code of Civil Procedure and California Environmental Quality Act. There has been compliance by the City with the requirements of section 1245.235 of the California Code of Civil Procedure and the California Environmental Quality Act.

SECTION 2. Public Use. The public use for which the real property interest is to be acquired is for public right-of-way purposes and the proposed affordable housing development that may also include a preschool facility and additional recreational facilities, in Stanton, California. Section 37350.5 of the California Government Code authorizes the City to acquire by eminent domain real property necessary for such purposes.

SECTION 3. Description of Property. Attached and marked as Exhibit "A" are the legal descriptions and depictions of the real property to be acquired by the City, which describes the general location and extent of the property to be acquired with sufficient detail for reasonable identification.

SECTION 4. Findings. The City hereby finds and determines each of the following:

- (a) The public interest and necessity require the proposed project;
- (b) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The fee interest described in Exhibit "A" is necessary for the proposed project;
- (d) The offers required by section 7267.2 of the California Government Code were made.

SECTION 5. Use Not Unreasonably Interfering with Existing Public Use: Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. The legal descriptions of these easements and rights-of-way are on file with the City and describe the general location and extent of the easements and rights-of-way with sufficient detail for reasonable identification. In the event the herein described use or uses will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, counsel for the City is authorized to acquire the fee interest subject to such existing public uses pursuant to section 1240.510 of the California Code of Civil Procedure.

SECTION 6. More Necessary Public Use. Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. To the extent that the herein described use or uses will unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected

to exist in the future, the City finds and determines that the herein described use or uses are more necessary than said existing public use. Counsel for the City is authorized to acquire the real property appropriated to such existing public uses pursuant to section 1240.610 of the California Code of Civil Procedure. Staff is further authorized to make such improvements to the real property being acquired that it determines is reasonably necessary to mitigate any adverse impact upon the existing public use.

SECTION 7. Further Activities. Counsel for the City is hereby authorized to file legal proceedings necessary to acquire the hereinabove described real property in the name of and on behalf of the City by eminent domain, and counsel is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Legal counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court, to permit the City to take possession of and use said real property at the earliest possible time. Counsel is further authorized to correct any errors or to make or agree to non-material changes in the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transaction required to acquire the subject real property. Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation for the project for which the real property is being acquired.

SECTION 8. Effective Date. This Resolution shall take effect upon adoption.

The City Clerk of the City of Stanton shall certify as to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 12th day of November, 2019.

DAVID J. SHAWVER, MAYOR

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

ATTEST:

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2019-50 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 12, 2019, and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK

EXHIBIT A
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-01

FEE INTEREST

PARCEL 1:

LOT 15 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

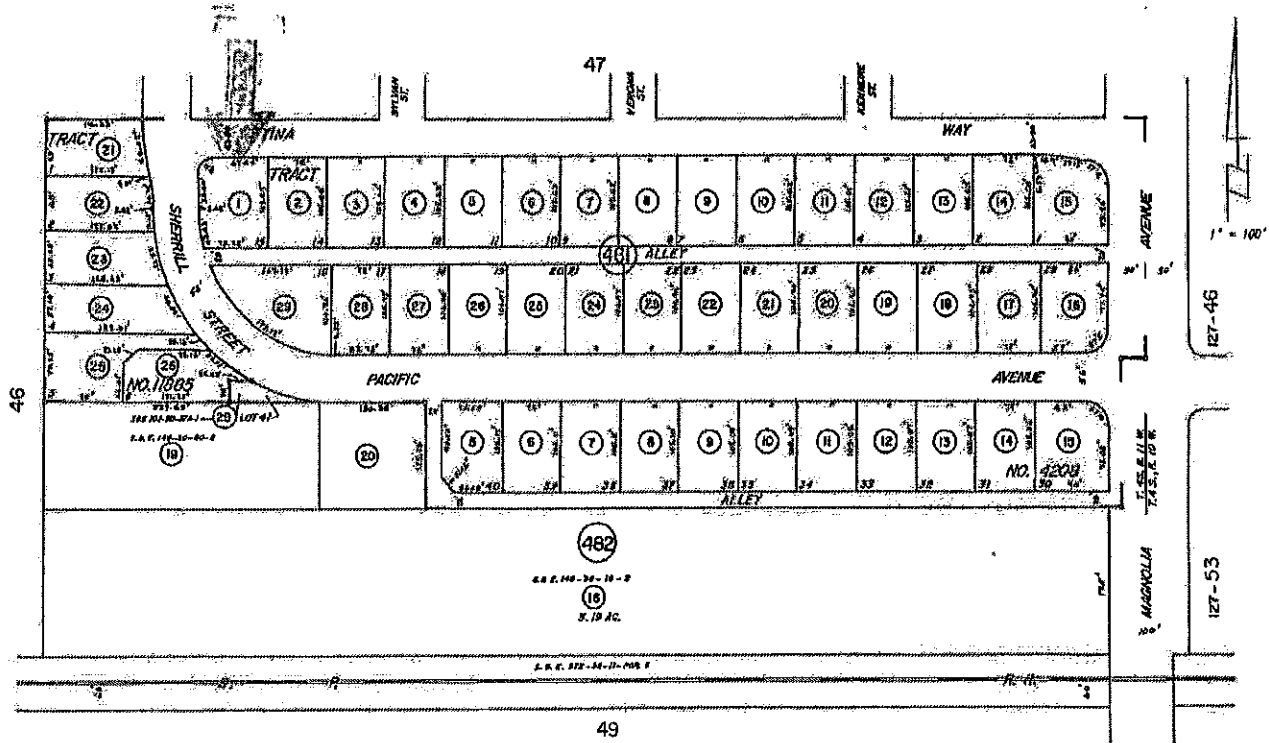
AN UNDIVIDED 1/40TH INTEREST IN AND TO LOT 41 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING IN THE SOUTH LINE OF SAID LOT DISTANT THEREON NORTH 89°13'56" EAST 226.73 FEET FROM THE WEST LINE OF SAID LOT; THENCE NORTH 0°46'04" WEST 25.00 FEET; THENCE NORTH 89°13'56" EAST 24.20 FEET TO A POINT IN A CURVE IN THE NORTHEASTERLY LINE OF SAID LOT, THE RADIUS OF WHICH BEARS NORTH 26°18'53" EAST 228.000 FEET FROM SAID POINT; THENCE SOUTHEASTERLY 49.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°20'42" THENCE SOUTH 0°46'04" EAST 7.50 FEET TO THE SOUTHERLY LINE OF SAID LOT; THENCE SOUTH 89°13'56" WEST ALONG SAID SOUTHERLY LINE 70.00 FEET TO THE POINT OF BEGINNING.

PDR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S, R 11 W.

126-48



MARCH 1959

TRACT NO. 4200 M.M. 172-36-37
TRACT NO. 11885 M.M. 519-42-43

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES
ASSESSOR'S MAP BOOK 126 PAGE 48 COUNTY OF ORANGE

EXHIBIT A
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-02

FEE INTEREST

PARCEL 1:

LOT 14 OF TRACT NO. 4208, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

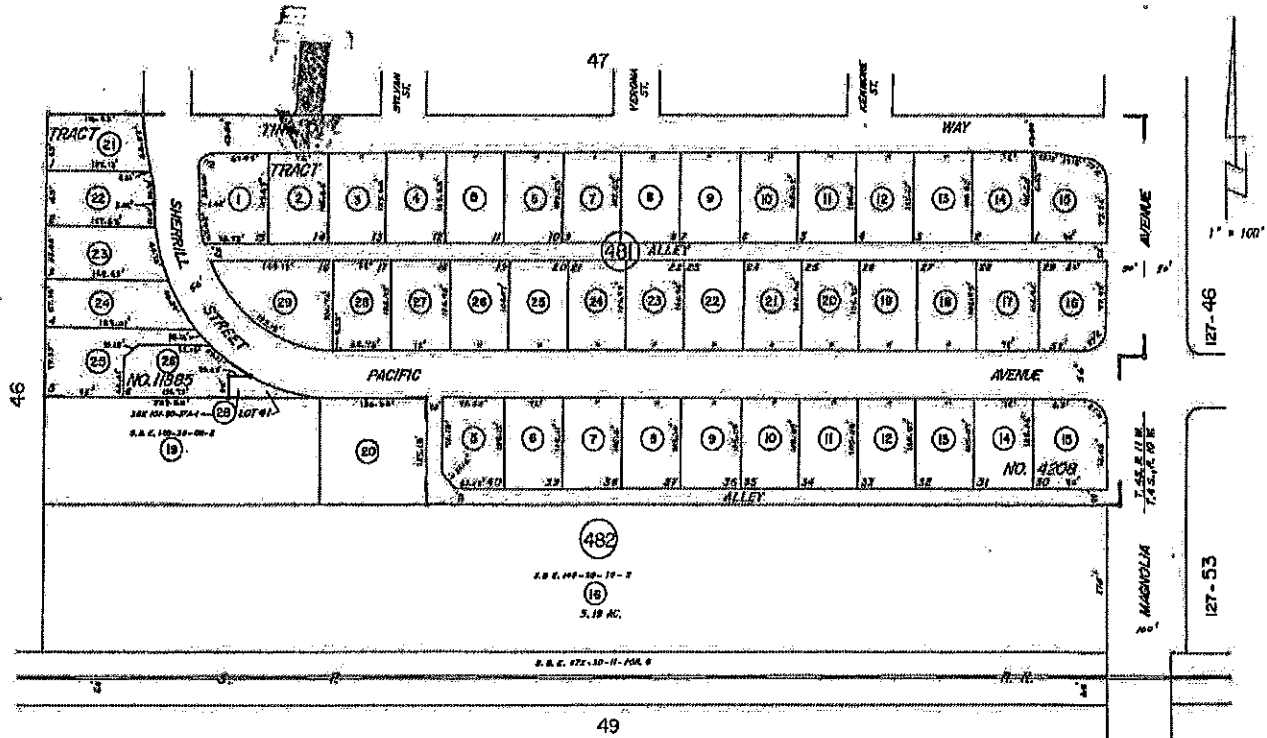
AN UNDIVIDED 1/40TH INTEREST IN AND TO LOT 41 OF TRACT NO. 4208, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE FOLLOWING:

BEGINNING IN THE SOUTH LINE OF SAID LOT DISTANT THEREON NORTH 89°13'56" EAST 226.73 FEET FROM THE WEST LINE OF SAID LOT; THENCE NORTH 0°46'04" EAST 24.20 FEET TO A POINT IN A CURVE IN THE NORTHEASTERLY LINE OF SAID LOT, THE RADIUS OF WHICH BEARS NORTH 26°18'53" EAST 228.00 FEET FROM SAID POINT; THENCE SOUTHEASTERLY 49.12 FEET ALONG SAID CURVE THROUGH CENTRAL ANGLE OF 12°20'42" THENCE SOUTH 0°46'04" EAST 7.50 FEET TO THE SOUTHERLY LINE OF SAID LOT; THENCE SOUTH 89°13'56" WEST ALONG SAID SOUTHERLY LINE 70.00 FEET TO THE POINT OF BEGINNING.

POR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S, R 11 W.

126-48



MARCH 1959

TRACT NO. 4208 M.M. 172-36,37
TRACT NO. 11885 M.M. 519-42,43

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 126 PAGE 48
COUNTY OF ORANGE

EXHIBIT A
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-16

FEE INTEREST

PARCEL 1:

LOT 29 OF TRACT NO. 4208, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

AN UNDIVIDED 1/40TH INTEREST IN AND TO LOT 41 OF TRACT NO. 4208, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE FOLLOWING:

BEGINNING IN THE SOUTH LINE OF SAID LOT DISTANT THEREON NORTH 89°13'56" EAST 226.73 FEET FROM THE WEST LINE OF SAID LOT; THENCE NORTH 0°46'04" WEST 25.00 FEET; THENCE NORTH 89°13'56" EAST 24.20 FEET TO A POINT IN A CURVE IN THE NORTHEASTERLY LINE OF SAID LOT, THE RADIUS OF WHICH BEARS NORTH 26°18'53" EAST 228.000 FEET FROM SAID POINT; THENCE SOUTHEASTERLY 49.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°20'42" THENCE SOUTH 0°46'04" EAST 7.50 FEET TO THE SOUTHERLY LINE OF SAID LOT; THENCE SOUTH 89°13'56" WEST ALONG SAID SOUTHERLY LINE 70.00 FEET TO THE POINT OF BEGINNING.

POR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S, R 11 W.

126-48

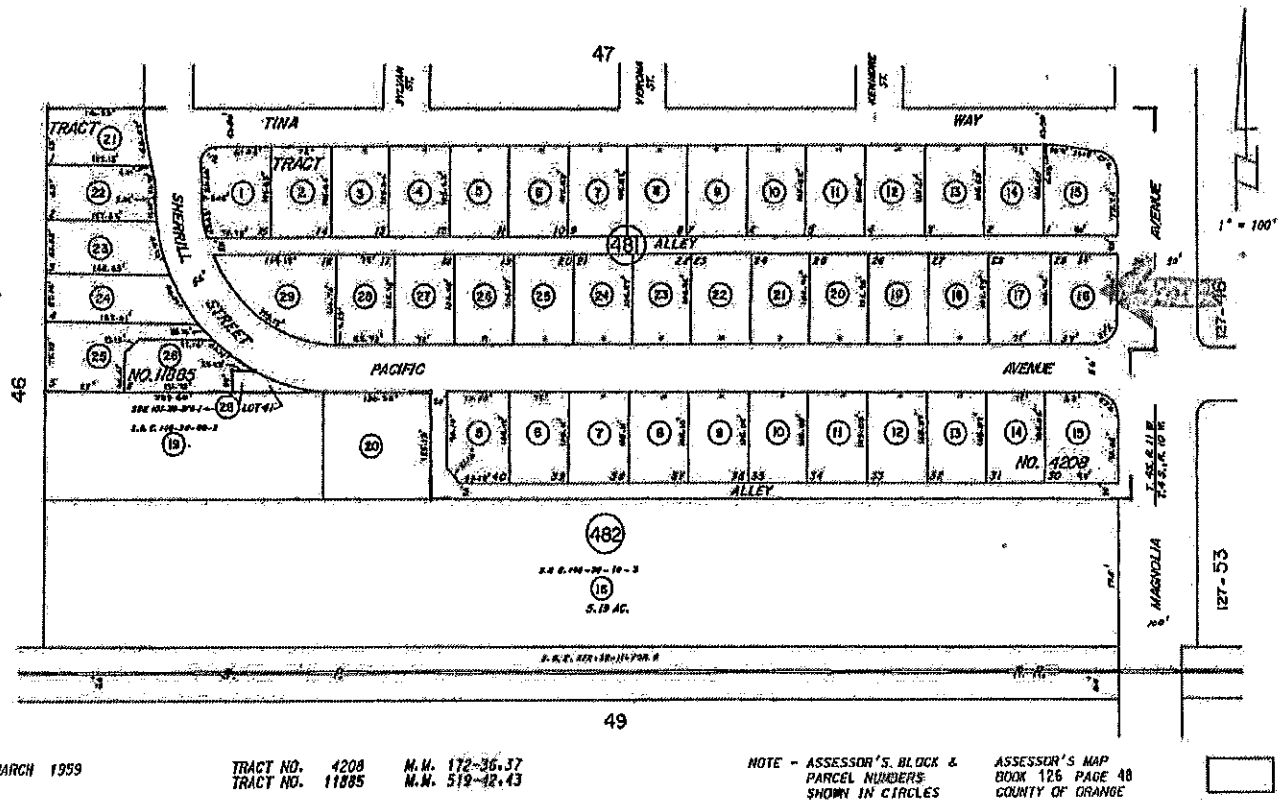


EXHIBIT A
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-03

FEE INTEREST

PARCEL 1:

LOT 13 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

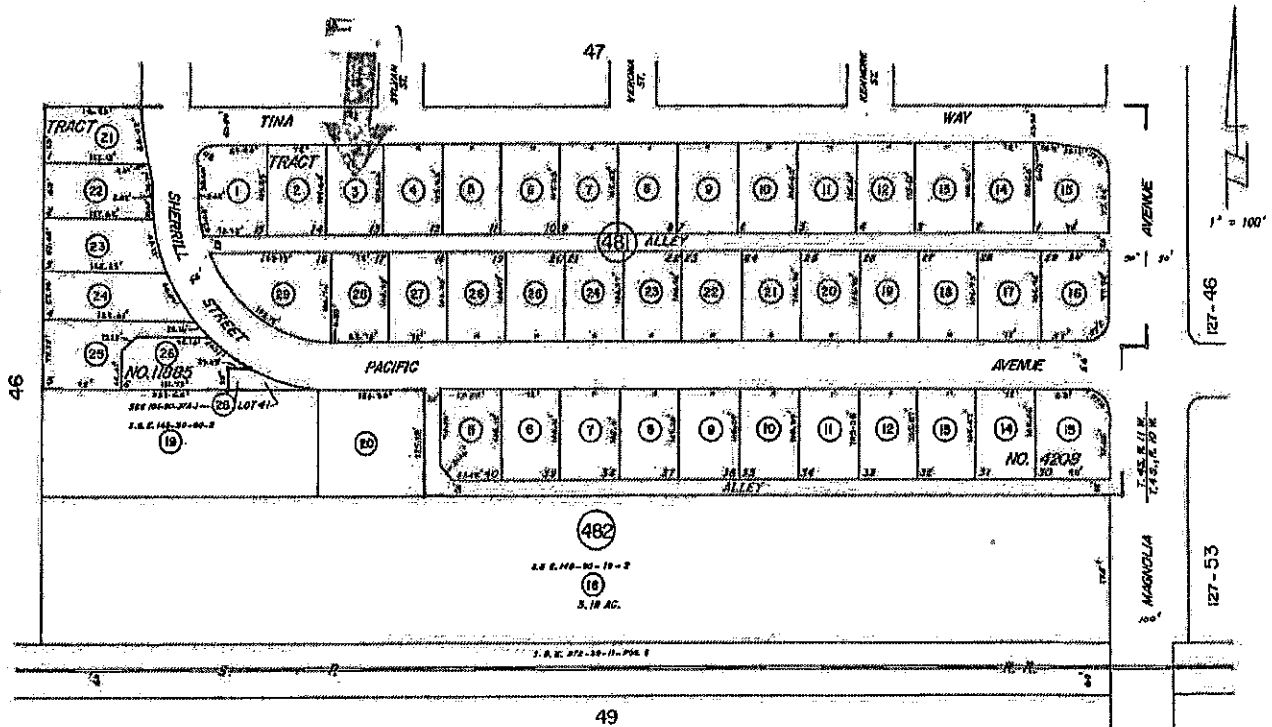
AN UNDIVIDED 1/40TH INTEREST IN AND TO LOT 41 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE FOLLOWING:

BEGINNING IN THE SOUTH LINE OF SAID LOT DISTANT THEREON NORTH 89°13'56" EAST 226.73 FEET FROM THE WEST LINE OF SAID LOT; THENCE NORTH 0°46'04" WEST 25.00 FEET; THENCE NORTH 80°13'56" EAST TO A POINT IN A CURVE IN THE NORTHEASTERLY LINE OF SAID LOT, THE RADIUS OF WHICH BEARS NORTH 26°18'53" EAST 228.00 FEET FROM SAID POINT; THENCE SOUTHEASTERLY 49.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°20'42" THENCE SOUTH 0°46'04" EAST 7.50 FEET TO THE SOUTHERLY LINE OF SAID LOT; THENCE SOUTH 89°13'56" WEST ALONG SAID SOUTHERLY LINE 70.00 FEET TO THE POINT OF BEGINNING.

PDR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S, R 11 W.

126-48



MARCH 1959

TRACT NO. 4208 M.M. 172-36.37
TRACT NO. 11885 M.M. 519-42.43

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 126 PAGE 48
COUNTY OF ORANGE

EXHIBIT A
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-05

FEE INTEREST

PARCEL 1:

LOT 11 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

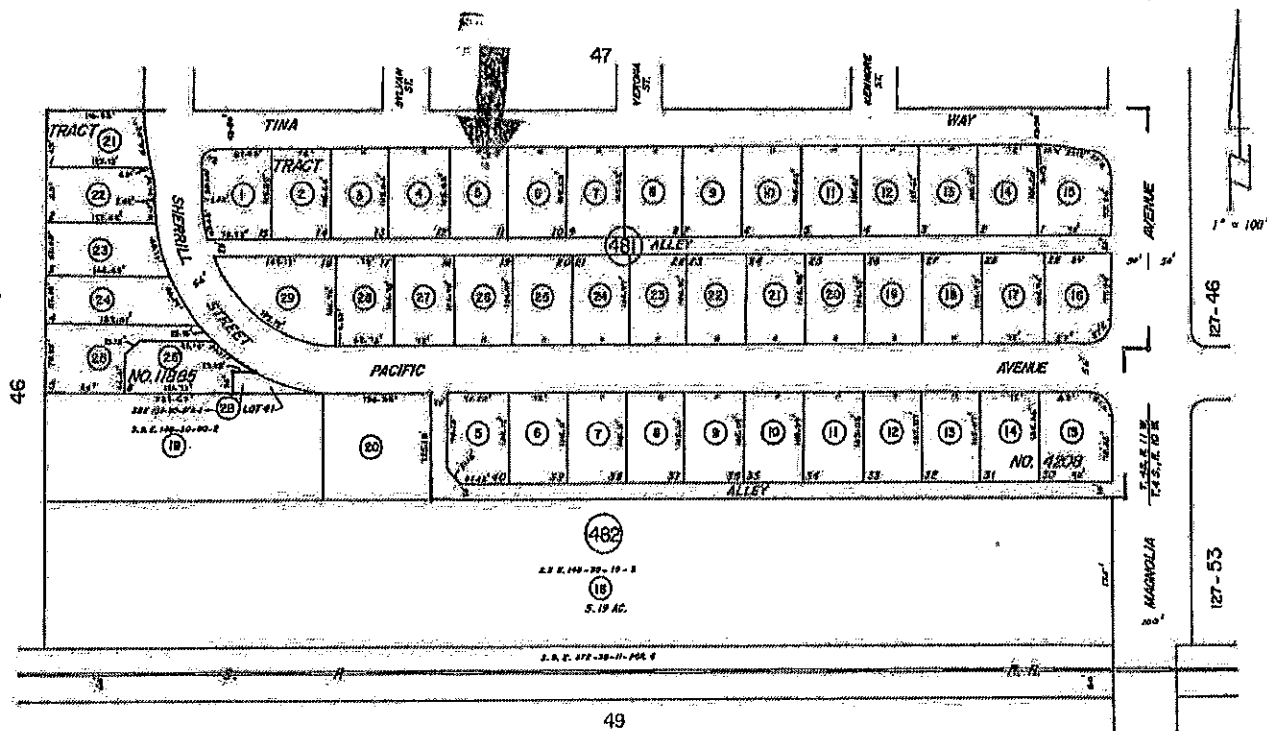
AN UNDIVIDED 1/40TH INTEREST IN AND TO LOT 41 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE FOLLOWING:

BEGINNING IN THE SOUTH LINE OF SAID LOT DISTANT THEREON NORTH 89°13'56" EAST 226.73 FEET FROM THE WEST LINE OF SAID LOT; THENCE NORTH 0°46'04" WEST 25.00 FEET; THENCE NORTH 89°13'56" EAST 24.20 FEET TO A POINT IN A CURVE IN THE NORTHEASTERLY LINE OF SAID LOT, THE RADIUS OF WHICH BEARS NORTH 26°18'53" EAST 228.00 FEET FROM SAID POINT; THENCE SOUTHEASTERLY 49.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°20'42" THENCE SOUTH 0°46'04" EAST 7.50 FEET TO THE SOUTHERLY LINE OF SAID LOT; THENCE SOUTH 89°13'56" WEST ALONG SAID SOUTHERLY LINE 70.00 FEET TO THE POINT OF BEGINNING.

POR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S. R 11 W.

126-48



MARCH 1959

TRACT NO. 4208 M.M. 112-36.37
TRACT NO. 11885 M.M. 519-42.43

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 126 PAGE 48
COUNTY OF ORANGE

EXHIBIT A

LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-10

FEE INTEREST

LOT 6 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

POR. S. 1/2. NE. 1/4. SE. 1/4 SEC. 24. T 4 S. R 11 W.

126-48

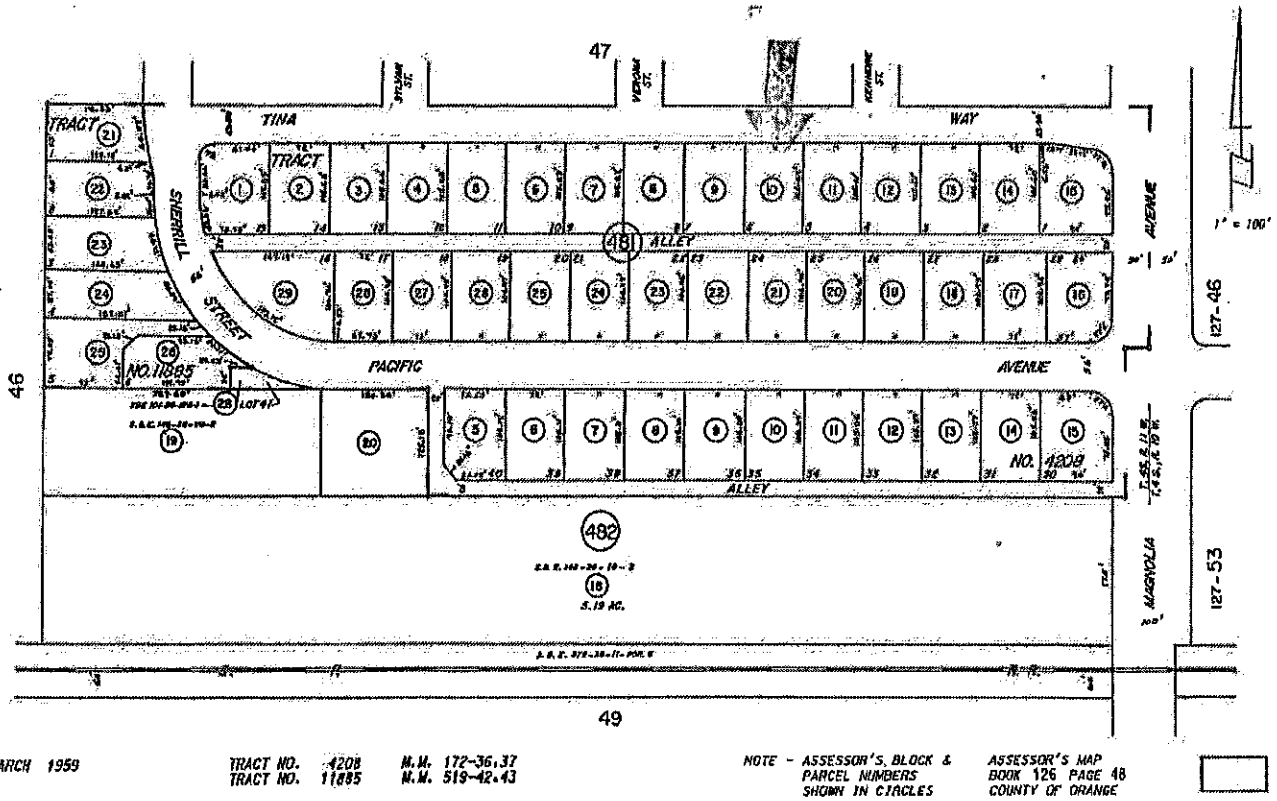


EXHIBIT A
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-17

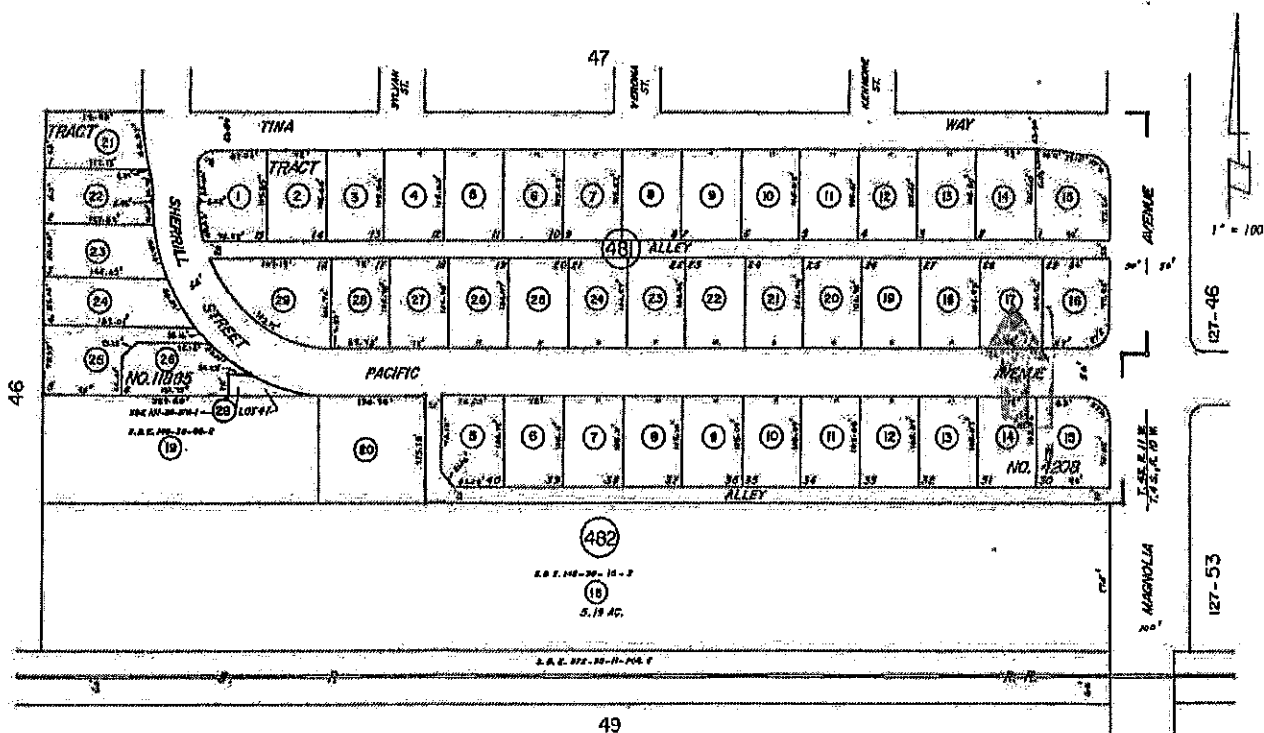
FEE INTEREST

PARCEL 1:

LOT 28 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE,
STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37
OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID
COUNTY.

POR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S. R 11 W.

126-48



MARCH 1959

TRACT NO. 4208 M.W. 172-36.37
TRACT NO. 11885 M.W. 519-42.43

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 126 PAGE 48
COUNTY OF ORANGE

EXHIBIT A

LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-04

FEE INTEREST

REAL PROPERTY IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:

LOT 12 OF TRACT NO. 4208, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

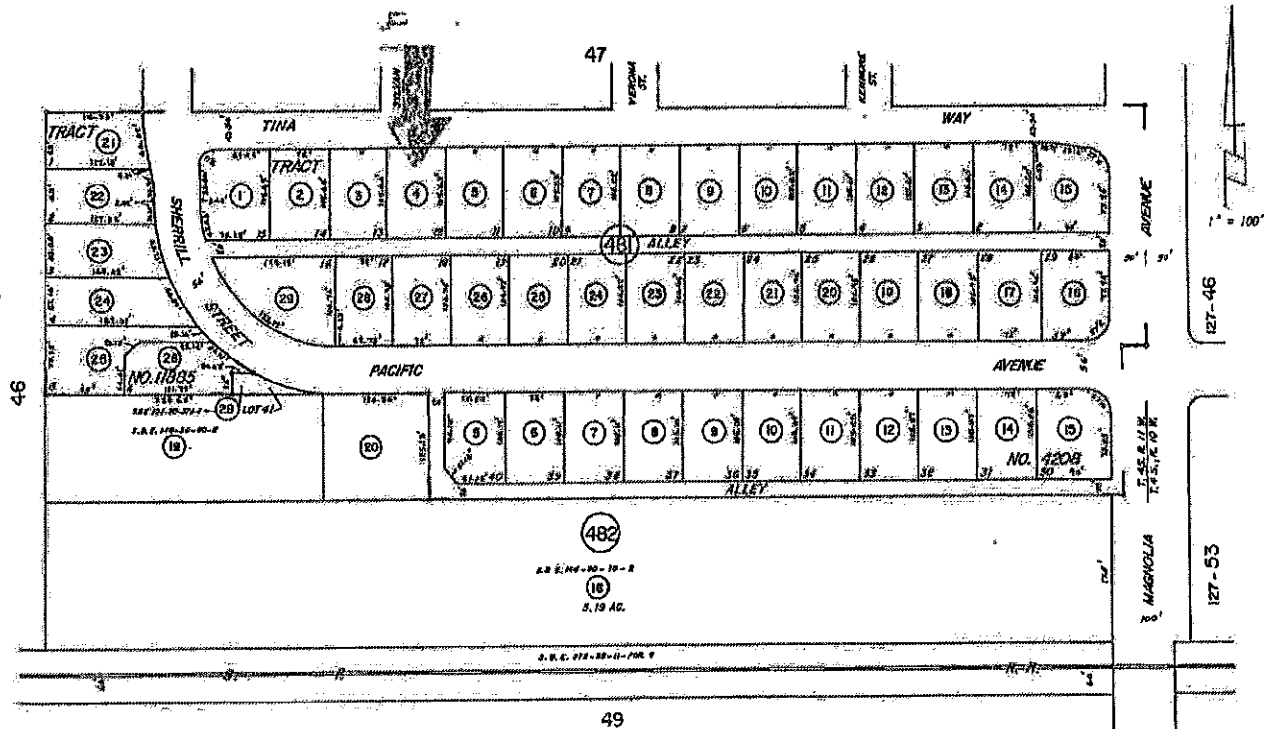
AN UNDIVIDED 1/40TH INTEREST IN AND TO LOT 41 OF TRACT NO. 4208, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING IN THE SOUTH LINE OF SAID LOT DISTANT THEREON NORTH 89°13'56" EAST 226.73 FEET FROM THE WEST LINE OF SAID LOT; THENCE NORTH 0°46'04" WEST 25.00 FEET; THENCE NORTH 89°13'56" EAST 24.20 FEET TO A POINT IN A CURVE IN THE NORTHEASTERLY LINE OF SAID LOT, THE RADIUS OF WHICH BEARS NORTH 26°18'53" EAST 228.00 FEET FROM SAID POINT; THENCE SOUTHEASTERLY 49.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°20'42" THENCE SOUTH 0°46'04" EAST 7.50 FEET TO THE SOUTHERLY LINE OF SAID LOT; THENCE SOUTH 89°13'56" WEST ALONG SAID BOUNDARY LINE 70.00 FEET TO THE POINT OF BEGINNING.

POR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S, R 11 W.

126-48



MARCH 1959

TRACT NO. 4208 M.M. 172-36.37
TRACT NO. 11805 M.M. 519-42.43

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 126 PAGE 40
COUNTY OF ORANGE

EXHIBIT A
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-06

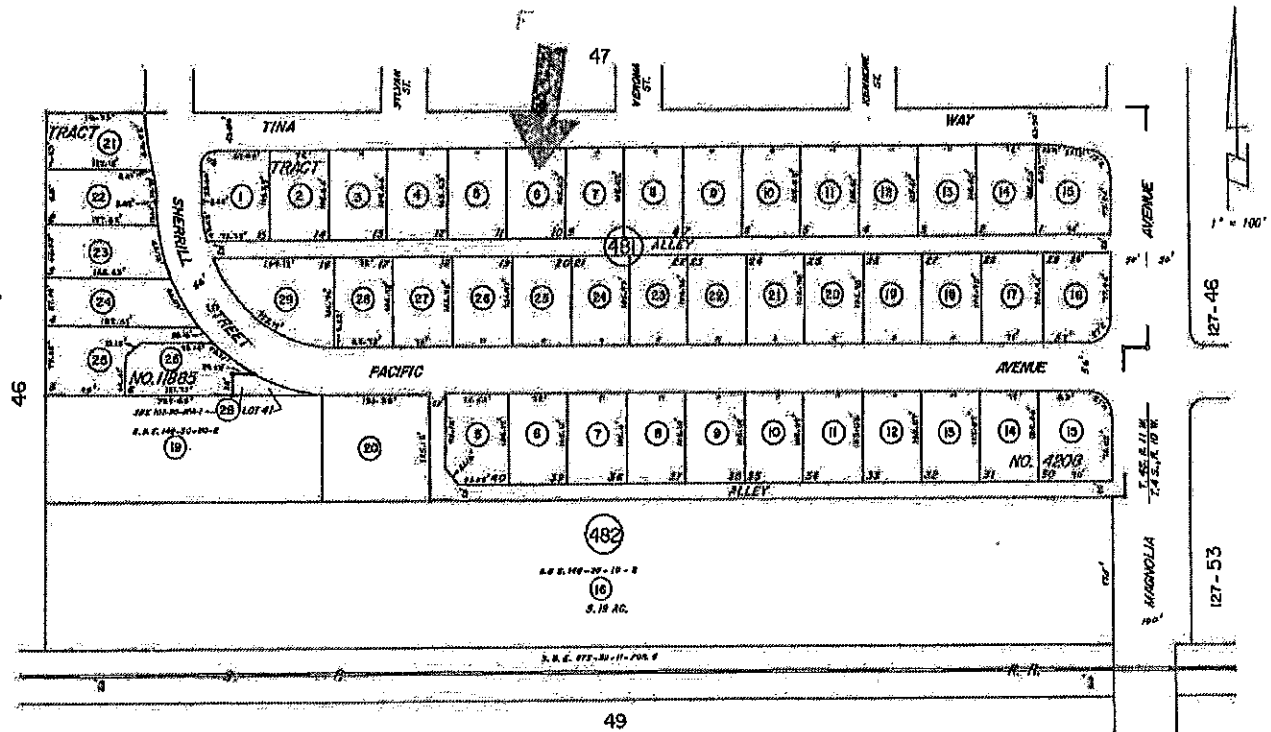
FEE INTEREST

LOT 10 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE,
STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37
OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID
COUNTY.

EXCEPT THEREFROM THE OIL, GAS, MINERALS, AND OTHER HYDROCARBON
SUBSTANCES LYING BELOW THE SURFACE OF SAID LAND, AS PROVIDED IN
DEEDS OF RECORD.

PDR. S. 1/2. NE. 1/4, SE. 1/4 SEC. 24, T 4 S. R 11 W.

126-48



MARCH 1959

TRACT NO. 4208 M.M. 172-36.37
TRACT NO. 11885 M.M. 519-42.43

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 126 PAGE 48
COUNTY OF ORANGE

EXHIBIT A

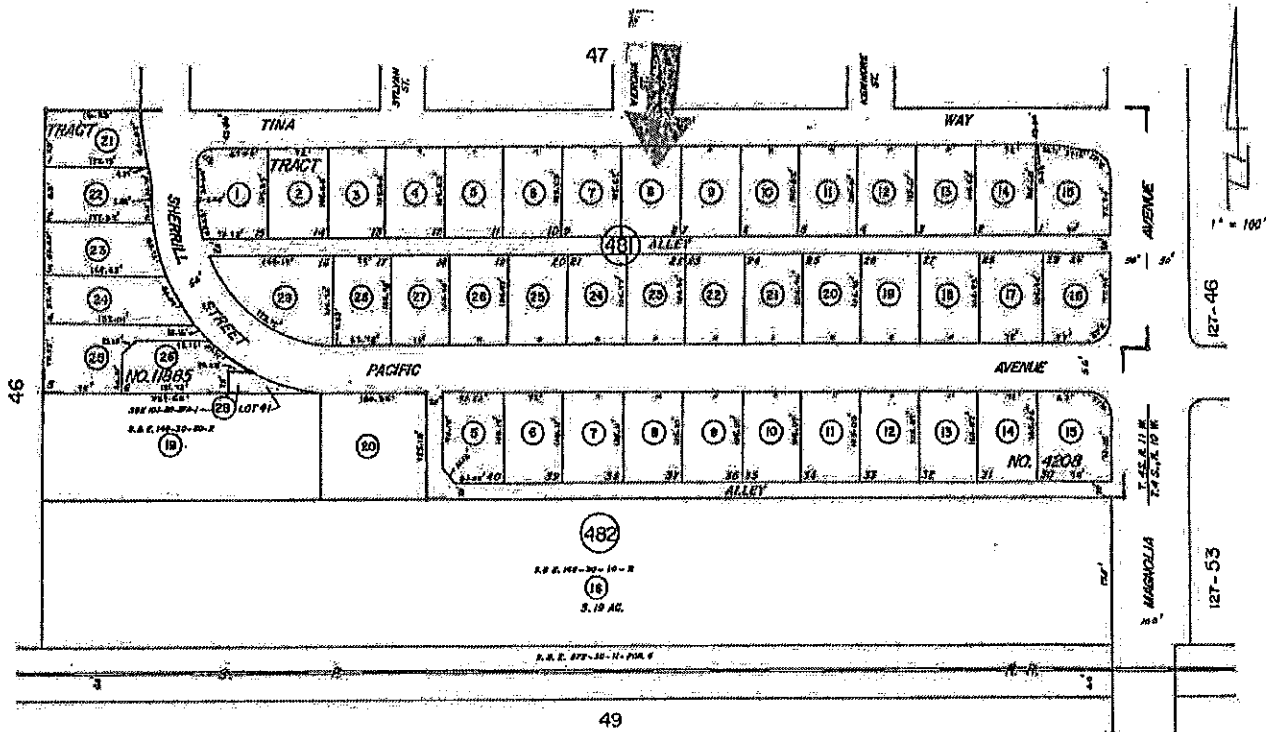
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-08

FEE INTEREST

LOT 8 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

POR. S. 1/2. NE. 1/4, SE. 1/4 SEC. 24, T 4 S. R 11 W.

126-48



MARCH 1959

TRACT NO. 4208 M.M. 172-36.37
TRACT NO. 11885 M.M. 519-42.43

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 126 PAGE 48
COUNTY OF ORANGE

EXHIBIT A

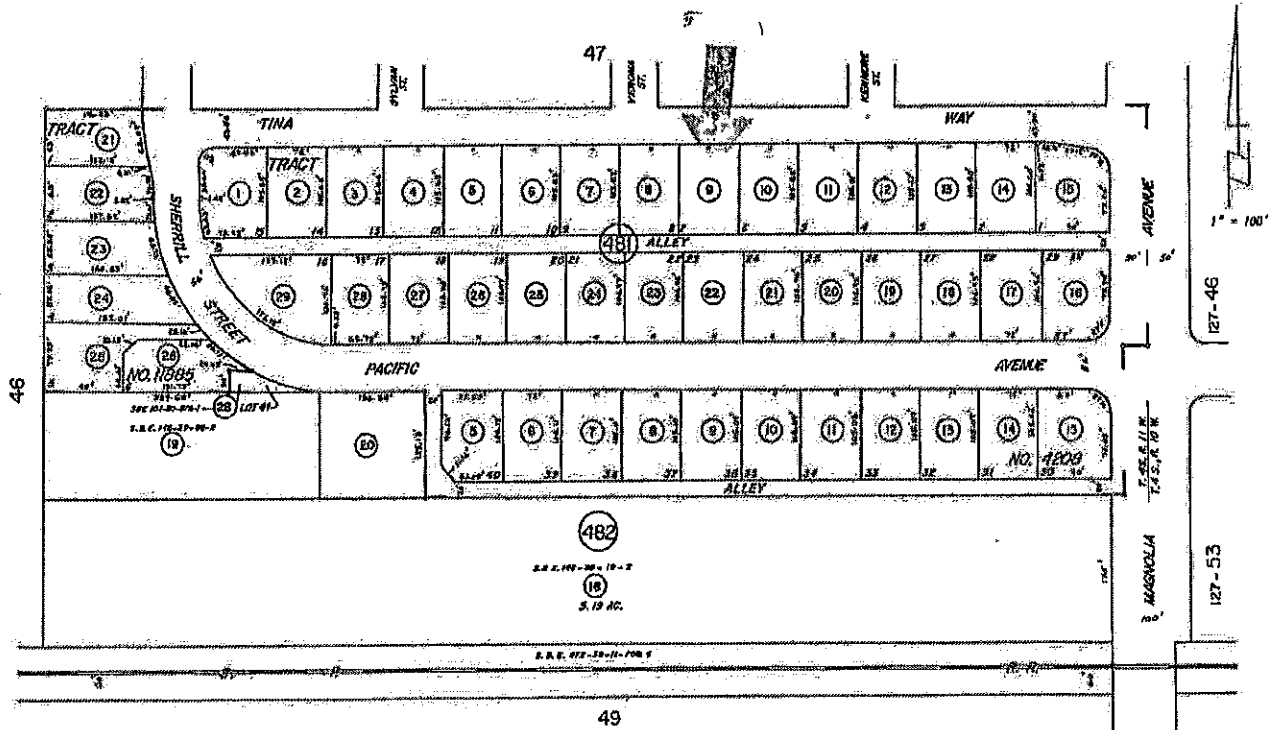
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-09

FEE INTEREST

LOT 7 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PDR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S, R 11 W.

125-48



MARCH 1959

TRACT NO. 4200 M.M. 172-36.37
TRACT NO. 11895 M.M. 519-42.43

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 125 PAGE 48
COUNTY OF ORANGE

EXHIBIT A

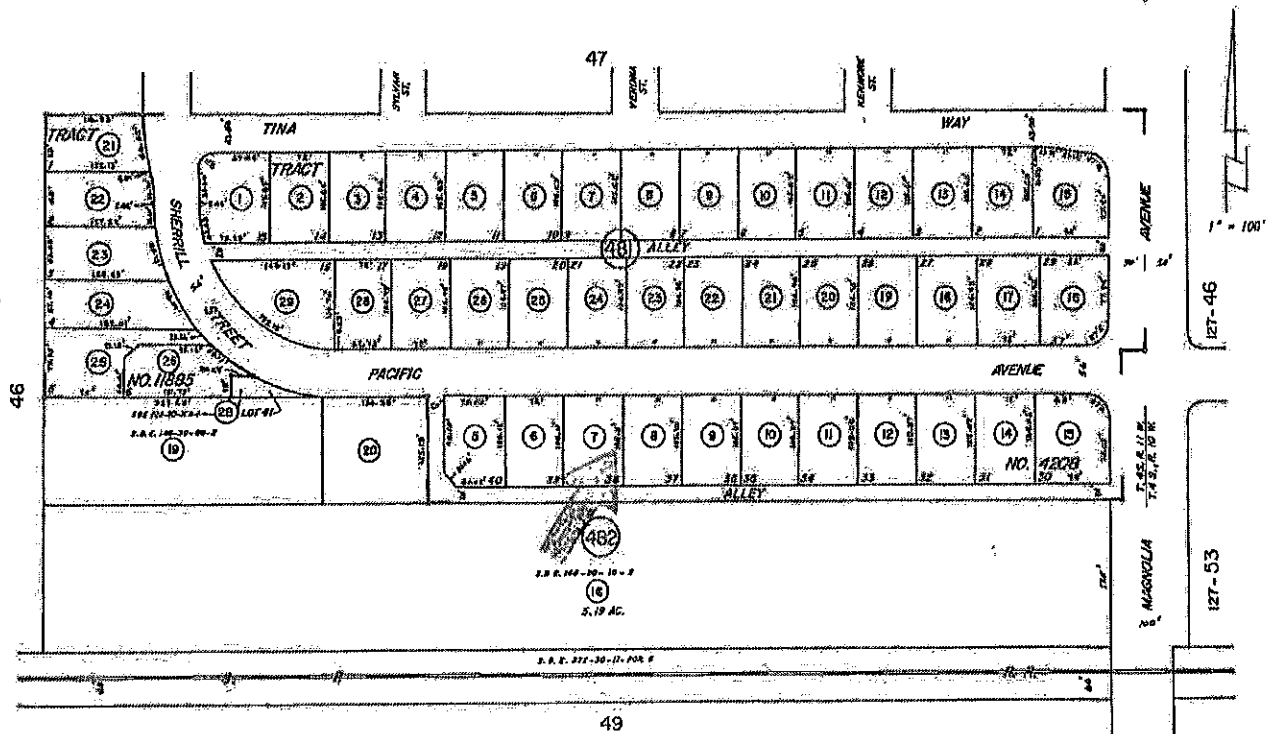
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-482-07

FEE INTEREST

LOT 38 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE,
STATE OF CALIFORNIA, AS PR MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF
MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID
COUNTY.

PDR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S. R 11 W.

126-48



MARCH 1959

TRACT NO. 4208 M.M. 172-36.37
TRACT NO. 11885 M.M. 519-42.43

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES
ASSESSOR'S MAP BOOK 126 PAGE 48
COUNTY OF ORANGE

EXHIBIT A
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-481-21

FEE INTEREST

PARCEL 1:

LOT 24 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

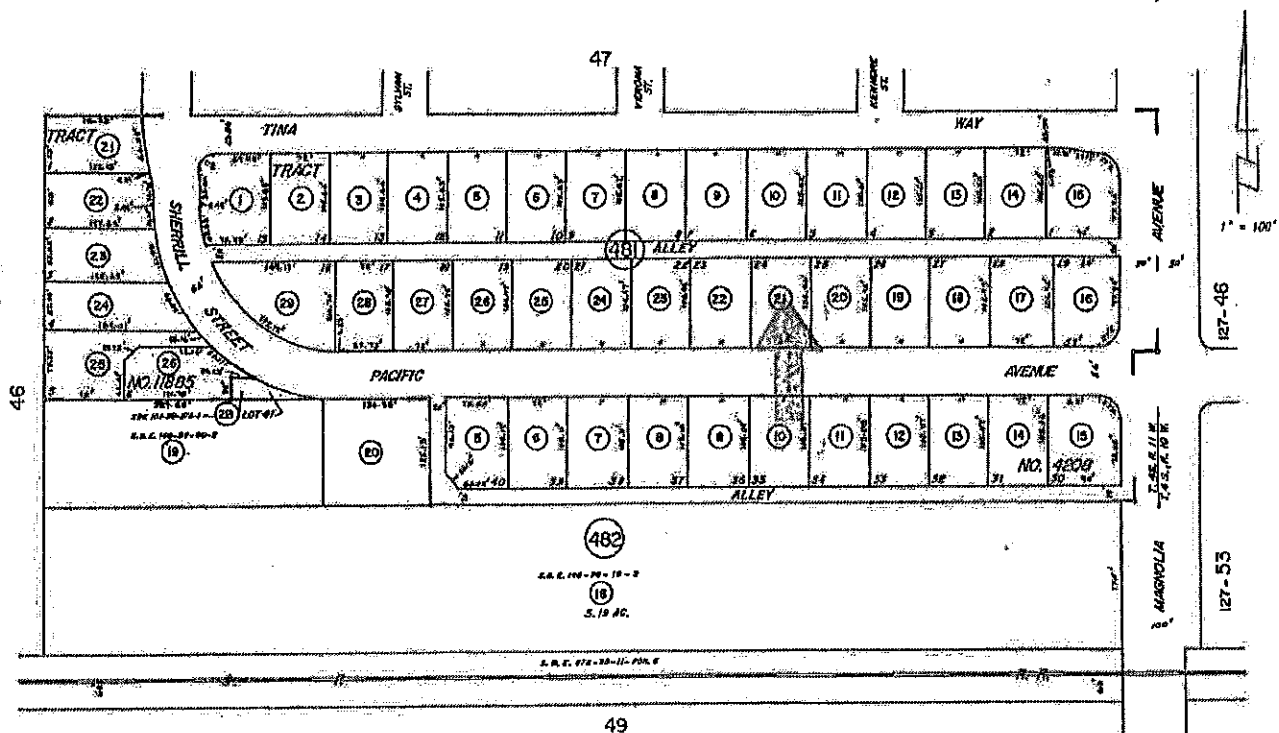
AN UNDIVIDED 1/40TH INTEREST IN AND TO LOT 41 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE FOLLOWING:

BEGINNING AT THE SOUTH LINE OF SAID LOT DISTANT THEREON NORTH 89°13'56" EAST 226.73 FEET FROM THE WEST LINE OF SAID LOT; THENCE NORTH 0°48'04" WEST 25.00 FEET; THENCE NORTH 89°13'56" EAST 24.20 FEET TO A POINT IN A CURVE IN THE NORTHEASTERLY LINE OF SAID LOT, THE RADIUS OF WHICH BEARS NORTH 26°18'53" EAST 228.00 FEET FROM SAID POINT; THENCE SOUTHEASTERLY 49.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°20'42" THENCE SOUTH 0°46'04" EAST 7.50 FEET TO THE SOUTHERLY LINE OF SAID LOT; THENCE SOUTH 89°13'56" WEST ALONG SAID SOUTHERLY LINE 70.00 FEET TO THE POINT OF BEGINNING.

POR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S. R 11 W.

126-48



MARCH 1959

TRACT NO. 4208 M.M. 172-36.37
TRACT NO. 11885 M.M. 519-42.43

NOTE - ASSESSOR'S, BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 126 PAGE 48
COUNTY OF ORANGE

EXHIBIT A
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-482-14

FEE INTEREST

PARCEL 1:

LOT 31 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

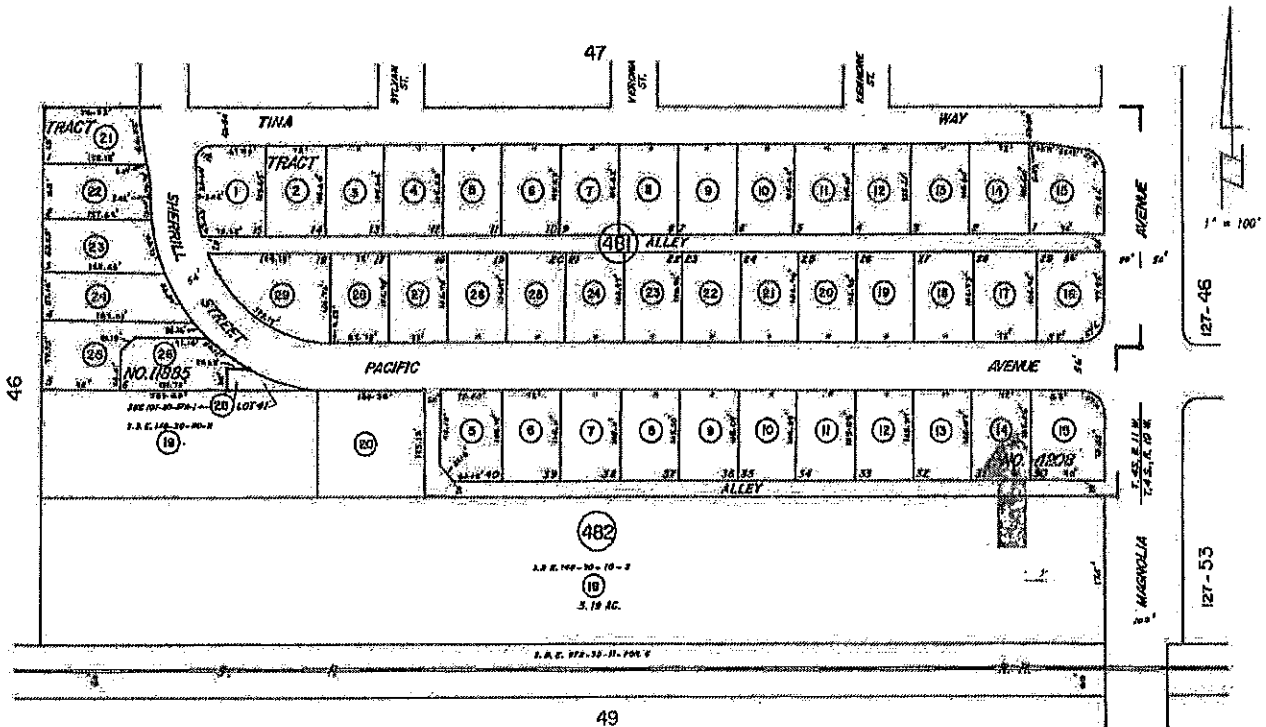
AN UNDIVIDED 1/40TH INTEREST IN AND TO LOT 41 OF TRACT NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE FOLLOWING:

BEGINNING IN THE SOUTH LINE OF SAID LOT DISTANT THEREON NORTH 89°13'56" EAST 226.73 FEET FROM THE WEST LINE OF SAID LOT; THENCE NORTH 0°46'04" WEST 25.00 FEET; THENCE NORTH 89°13'56" TO A POINT IN A CURVE IN THE NORTHEASTERLY LINE OF SAID LOT, THE RADIUS OF WHICH BEARS NORTH 26°18'53" EAST 228.00 FEET FROM SAID POINT; THENCE SOUTHEASTERLY 49.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°20'42" THENCE SOUTH 0°46'04" EAST 7.50 FEET TO THE SOUTHERLY LINE OF SAID LOT; THENCE SOUTH 89°13'56" WEST ALONG SAID SOUTHERLY LINE 70.00 FEET TO THE POINT OF BEGINNING.

POR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S. R 11 W.

126-48



MARCH 1959

TRACT NO. 4208 H.W. 172-36,37
TRACT NO. 11885 H.W. 519-42,43

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 126 PAGE 48
COUNTY OF ORANGE

EXHIBIT A
LEGAL DESCRIPTION AND ASSESSOR PARCEL MAP
AS TO
ASSESSOR PARCEL NO. 126-482-08

FEE INTEREST

PARCEL 1:

LOT 37 OF TRACK NO. 4208, IN THE CITY OF STANTON, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES, LYING BELOW A DEPTH OF 500 FEET, WITHOUT THE RIGHT OF SURFACE ENTRY.

PARCEL 2:

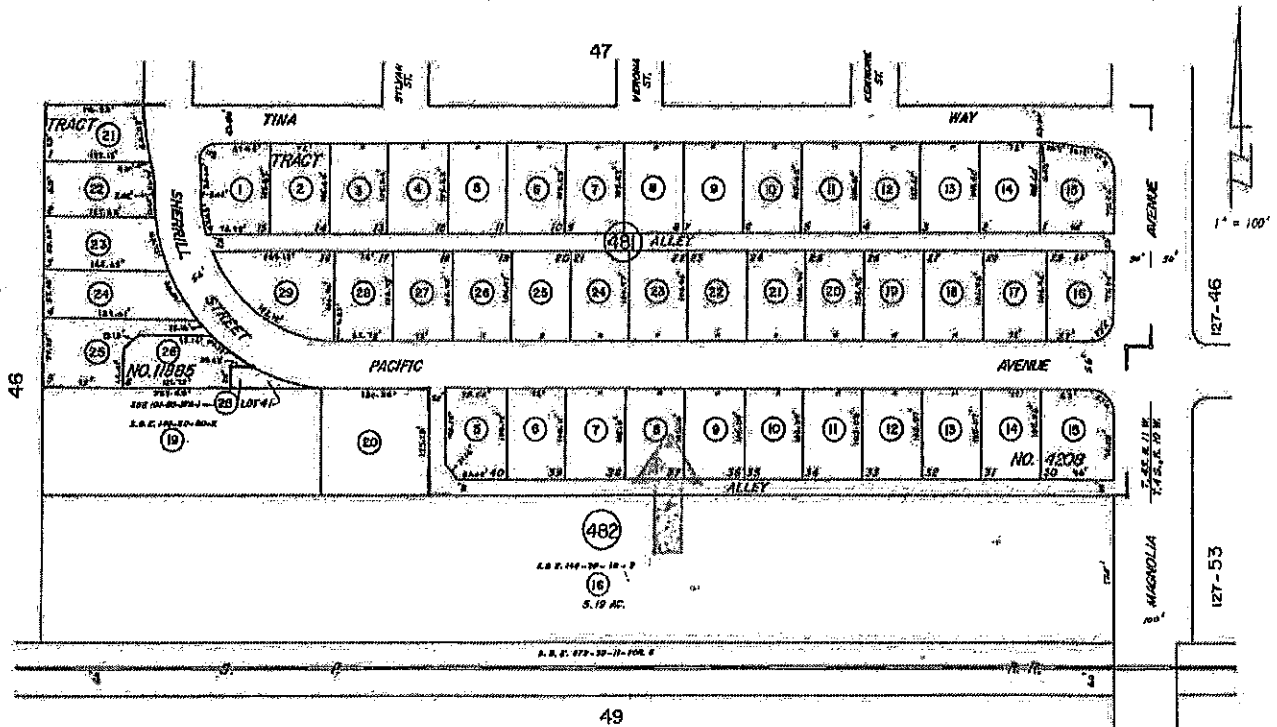
AN UNDIVIDED 1/40TH INTEREST IN AND TO LOT 41 OF TRACT 41 OF TRACT NO. 4208, IN THE CITY OF STANTON, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 172, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE FOLLOWING;

BEGINNING IN THE SOUTH LINE OF SAID LOT DISTANT THEREON NORTH 89°13'56" EAST 226.73 FEET FROM THE WEST LINE OF SAID LOT; THENCE NORTH 0°46'04" WEST 25.00 FEET; THENCE NORTH 89°13'56" EAST TO A POINT IN A CURVE IN THE NORTHEASTERLY LINE OF SAID LOT, THE RADIUS OF WHICH BEARS NORTH 26°18'53" EAST 228.00 FEET FROM SAID POINT; THENCE SOUTHEASTERLY 49.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°20'42" THENCE SOUTH 0°46'04" EAST 7.50 FEET TO THE SOUTHERLY LINE OF SAID LOT; THENCE SOUTH 29°13'56" WEST ALONG SAID SOUTHERLY LINE 70.00 FEET TO THE POINT OF BEGINNING.

PDR. S. 1/2, NE. 1/4, SE. 1/4 SEC. 24, T 4 S. R 11 W.

126-48



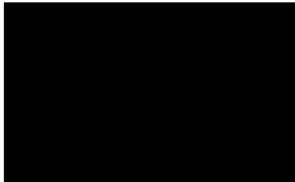
MARCH 1959

TRACT NO. 4208 M.W. 172-36,37
TRACT NO. 11885 M.W. 519-42,43

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 126 PAGE 48
COUNTY OF ORANGE

Dat B. Nguyen



10-30-2019

CITY CLERKS OFFICE

NOV - 4 2019

CITY OF STANTON

The Stanton city council members

C/O Patricia A. Vasquez

City Clerk

City Of Stanton

7800 Katella Avenue

Stanton, ca 90680

Subject: Opposition to an eminent domain.

Dear The Stanton city Council members,

I, Dat ba Nguyen, am an owner of a property located at [REDACTED] and want to oppose the eminent domain proceedings initiated by the City because it is not good for the small investors and for the tenants who have been residing in the neighborhood more than 10 years..

I and most of my tenants have been being in the neighbor since 1999 and we love the neighborhood.

About 15 years ago, the eminent domain was also proceeded in the neighborhood with intend to convert the neighborhood into the city park and failed because of lack of support from the State. Now, the city bring the outside big investor in to chase the poor local citizens and small investors out of the city. I do not think that is an ethical work.

Please vote against the project.

I am sorry for not attending the meeting because I will be out of the country and my daughter, Julie Nguyen, who is a California attorney, will represent me on the meeting on 11-12-2019

Sincerely,

Dat ba Nguyen

Trustee of The Jennie Nguyen Trust, dated May 21, 2000

CITY OF STANTON

NOV - 4 2019

CITY CLERK'S OFFICE

Ying Zheng & Zichuan Li



11/1/2019

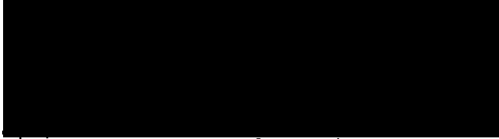
Patricia A. Vasquez
City Clerk
City of Stanton
7800 Katella Avenue
Stanton, California 90680

Dear Patricia A. Vasquez:

We will attend the hearing of our property/[REDACTED] on Tuesday,
November 12, 2019 6:30 P.M. at City Council Chambers, Stanton City Hall, City of Stanton, 7800
Katella Avenue, Stanton, California 90680 .

If there is any change, please kindly call or email us. My cell phone number is [REDACTED] and
email address is: [REDACTED]

Sincerely,



Ying Zheng & Zichuan Li

Item: 11A

ORDINANCE NO. 1094

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING DIVISION I OF TITLE 16 OF THE STANTON MUNICIPAL CODE PERTAINING TO THE ADOPTION OF THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, CONSISTING OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA FIRE CODE, THE CALIFORNIA ADMINISTRATIVE CODE, THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE CALIFORNIA EXISTING BUILDING CODE, THE CALIFORNIA ENERGY CODE, THE CALIFORNIA HISTORICAL BUILDING CODE, AND THE CALIFORNIA REFERENCED STANDARDS CODE; THE INTERNATIONAL SWIMMING POOL AND SPA CODE; AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH AMENDMENTS THERETO, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, California Health and Safety Code Section 17958 provides that the City of Stanton ("City") may adopt ordinances and regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to California Health and Safety Code Section 17922; and

WHEREAS, pursuant to California Government Code Section 50022.1 *et seq.*, the City may adopt by reference the California Building Standards Code, 2019 Edition as provided in Title 24 and 25 of the California Code of Regulations, consisting of the California Building Code, the California Residential Code, the California Plumbing Code, the California Mechanical Code, the California Electrical Code, the California Fire Code, the California Administrative Code, the California Green Building Standards Code, the California Existing Building Code, the California Energy Code, the California Historical Building Code, the California Referenced Standards Code, and other codes, including, without limitation, the International Swimming Pool and Spa Code, and the International Property Maintenance Code (hereinafter referred to collectively as "Codes"); and

WHEREAS, Health and Safety Code Sections 17958.7 and 18941.5 permit the City to make modifications or changes to the Codes, which are reasonably necessary because of local climatic, geologic, or topographic conditions; and

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making any modifications or changes to the Codes, make an express finding that such changes or modifications are reasonably necessary because of local climatic, geologic, or topographic conditions; and

WHEREAS, The Stanton Fire Chief and Building Official have recommended that changes and modifications be made to the 2019 Codes, and have advised that certain of said changes and modifications to the Codes are reasonably necessary due to local conditions within the City of Stanton, and have further advised that the remainder of the said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Codes, or are reasonably necessary to safeguard life and property within the City of Stanton; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES ORDAIN AS FOLLOWS:

SECTION 1: The City Council finds that the above facts, findings and conclusions are true and correct and are made a material part of this Ordinance.

SECTION 2: Chapter 16.02, 16.04, 16.06, 16.08, 16.10, 16.12, 16.14, 16.16, 16.18, 16.20, 16.24, 16.26, and 16.36 are hereby repealed in its entirety.

SECTION 3: Chapter 16.01 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.01 ADMINISTRATIVE PROVISIONS

16.01.010 Administrative provisions adopted.

General provisions applicable to all the Codes adopted in this Division I of Title 16 of the Stanton Municipal Code are as follows:

1. Violations – penalty.

For all sections of the Codes, any and all amendments included within this Division I of Title 16 of the Stanton Municipal Code, the following shall apply pertaining to violations and shall replace any sections of those Codes that pertain to violation.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause same to be done, contrary to or in violation of any of the provisions of this Division I of Title 16 of the Stanton Municipal Code.

Any person, firm, or corporation violating any of the provisions of this Division I of Title 16 of the Stanton Municipal Code, shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Division 1 is committed, continued, or permitted, and upon conviction of any such violation such persons shall punishable according to the provisions of Section 1.10.010 of the Stanton Municipal Code.

2. Board of Appeals

For all sections of the Codes, including any and all amendments included within this Division I of Title 16 of the Stanton Municipal Code, the following shall apply

pertaining to board of appeals and shall replace any sections of those codes that pertain to board of appeals.

In order to determine the suitability of alternate materials and methods of construction and provisions of these codes, there shall be and there is hereby created a board of appeals, consisting of five members, composed of the mayor and the other members of the city council. Said members shall hold their respective membership on said board of appeals by reason of, and concurrently with their terms of service as council members and shall cease to be such members upon their ceasing to be such council members. The Building Official shall be the secretary of the board. The board may adopt reasonable rules and regulations for conducting its investigations and shall render all its decisions and findings on contested matters, in writing to the Building Official, with a duplicate copy thereof to any appellant or contestant affected by any such decision or finding, and may recommend to the city council such new legislation, if any, as is consistent therewith.

Three members of the board shall constitute a quorum. The mayor shall be the presiding officer of the board and in the mayor's absence the mayor pro-tem shall preside. Meetings shall be conducted in accordance with the Brown Act.

The board shall have the right, subject to such limits as the city council may prescribe by resolution, to employ at the cost and expense of the city, such qualified individuals as the board, in its discretion, may deem reasonably necessary in order to assist it in its investigations and making its findings and decisions.

3. Fees.

For all sections of the Codes, including any and all amendments included within this Division I of Title 16 of the Stanton Municipal Code, pertaining to fees are hereby amended to read as follows:

All fees shall be as set forth by resolution of the City Council.

4. California and International Codes Available.

Copies of all of the Codes adopted in this Division I of Title 16 of the Stanton Municipal Codeshall be maintained in the office of the Clerk of the City of Stanton.

SECTION 4: Section 16.02.010 of the Stanton Municipal Code is hereby added to read as follows:

"16.02.010 California administrative code adopted.

The California Administrative Code, 2019 Edition, as published by the International Code Council, is hereby adopted and shall be and become the Administrative Code of the City of Stanton.

SECTION 5: Section 16.04.010 of the Stanton Municipal Code is hereby added to read as follows:

16.04.010 California building code adopted.

There is hereby adopted by reference the California Building Code Volume 1 and 2, together with Chapter 1 and Appendix J, 2019 Edition, based on the 2018 International Building Code as published by the International Code Council. Such Code, and amendments thereto as set forth in this chapter, are incorporated, pursuant to California Government Code Section 50022.2 et seq. as though fully set forth at length herein, for the purpose of prescribing regulations for the erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of buildings and structures within the corporate limits of the City. From the date on which this section takes effect, the provisions of said code, together with amendments thereto, shall be controlling within the corporate limits of the City.

SECTION 6: Section 16.04.020 of the Stanton Municipal Code is hereby added to read as follows:

16.04.020 California building code amended.

Based upon the findings of the city council and upon the recommendations of the Fire Chief and Building Official, the city council hereby amends the California Building Code, 2019 Edition, applicable within the corporate limits of the city, as follows:

A. **Section 104.8** of the California Building Code is hereby amended by adding a sentence to the end of the paragraph as follows:

Section 104.8 Liability. The provisions of this section shall apply if the building official or his/her authorized representatives are employees of this jurisdiction and shall also apply if the building official or his/her authorized representatives are acting under contract as agents of this jurisdiction.

Section 105.2 Work exempt from a permit is amended by amending the following categories of work that are exempt from a building permit:

A. Section 105.2 "Building" Item 1 is amended to read as follows:

1. One story detached accessory structures used as storage sheds, playhouses or similar uses, provided the floor area is not greater than 120 square feet and the ceiling height is not over 7 feet.

B. Section 105.2 "Building" Item 2 is amended to read as follows:

2. Fences not over six feet high and block walls not over three feet high.

C. Section 105.2 "Building" Item 4 is amended to read as follows:

4. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

D. Section 105.2 "Building" Item 9 is amended to read as follows:

9. Prefabricated swimming pools accessory to a Group R occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

Section 105.5 Expiration is amended to read as follows:

105.5. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months and, after its issuance, or if the work authorized on the site by such permit is suspended, abandoned or uncompleted for a period of 180 days after the work has commenced or 180 days past the last required inspection. The building official is authorized to grant one or more extensions of time for not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated. No permit shall be extended more than once.

If work has been suspended or abandoned past 180 days, the permit shall be expired, and new permit(s) issued. The fee for such renewal of permit(s) shall be one half of the original permit fee or one half of the fee of the current adopted fee schedule at the time of renewal. Permits which have been abandoned and require only final inspection may be reissued at minimum fee or as determined by the building official.

Section 105.8 Reconstruction is added to read as follows:

105.8. Reconstruction. If the value of the reconstruction (or renovation) of a building is equal to or exceeds 75 percent of the existing habitable square footage of the building, the entire building shall comply with the code provisions for new construction. The value of the reconstruction (or renovation) for a property shall include the value of all construction stemming from construction-related permits issued within the last two years.

Section 113.1 General is amended to read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall consist of five members and composed of the Mayor and the other members of the City Council. Said members shall hold their respective membership on said Board of Appeals by reason of, and concurrently with their terms of service as Council members and shall cease to be such members upon their ceasing to be Council members. The Building Official shall be the Secretary of the Board. The Board may adopt reasonable rules and regulations for conducting its investigations and shall render all its decisions and findings on contested matters in writing to the Building Official, with duplicative copy thereof to any appellant or contestant affected by any such decision of finding.

Three members of the Board shall constitute a quorum. The Mayor shall be the presiding Officer of the Board. Meetings shall be conducted in accordance with the Brown Act.

The Board shall have the right, subject to such limits as the City Council may prescribe by resolution, to employ at the cost and expense of the City, such qualified individuals as the Board, in its discretion, may deem reasonably necessary in order to assist it in its investigations and making its findings and decisions.

Section 113.3 Qualifications is deleted in its entirety without replacement.

B. Section 202 of the California Building Code is hereby revised by adding "Barrier," "Swimming Pool," "Spark Arrester," and "OCFA" as follows:

BARRIER. Barrier is a fence, wall, building wall, or any combination of these that completely surrounds the swimming pool and obstructs access to the swimming pool.

SWIMMING POOL. Any body of water created by artificial means which is designed, intended for use, or used for swimming or immersion purposes, which has a water depth exceeding 18 inches. The term, "pool," includes swimming pools, spas, hot tubs, above-and below-ground, and vinyl-lined pools; pool does not include plumbing fixtures such as bathtubs nor does it apply to man-made lakes, reservoirs, farm ponds, or ponds used primarily for public park purposes, water conservation purposes, irrigation purposes or for the watering of livestock.

OCFA: Orange County Fire Authority, fire authority having jurisdiction.

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

C. Section 903.2 Where required is hereby amended as follows:

[F] 903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided in the following locations:

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.20, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area, as defined in Section 202 of the California Building Code, exceeds 5,000 square feet (465 m²), or more than two stories in height, regardless of fire areas or allowable area.

Exception: Group R-3 occupancies. Group R-3 occupancies shall comply with California Residential Code Section R313.2.

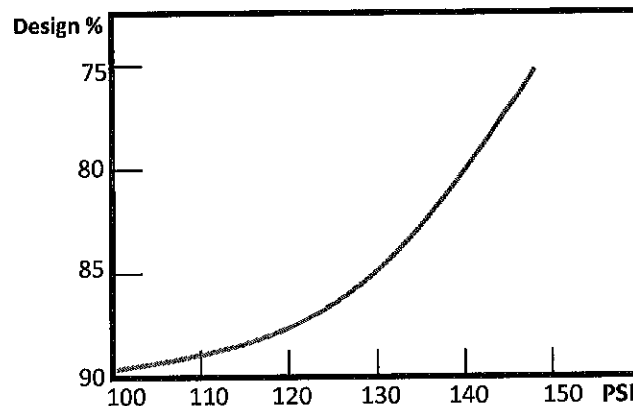
2. **Existing buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and when one of the following conditions exists:
 - a. When the addition is 33% or more of the existing building area and the resulting building area, as defined in Section 202, exceeds 5000 square feet (465 m²); or
 - b. When the addition exceeds 2,000 square feet (185.81 m²) and the resulting building area, as defined in Section 202, exceeds 5,000 square feet (465 m²); or
 - c. An additional story is added above the second floor regardless of fire areas or allowable area.

Section 903.3.5.3 Hydraulically calculated systems is added as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

TABLE 903.3.5.3
Hydraulically Calculated Systems



D. **Section 1505.1 General** is amended, by the deletion of Table 1505.1 and the addition of a new Table 1505.1 thereto, to read as follows:

TABLE 1505.1^a
MINIMUM ROOF COVERING CLASSIFICATIONS
TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m².

a. Unless otherwise required in accordance with Chapter 7A.

Section 1505.1.3 Roof coverings within all other areas is amended, by the deletion of the entire section and the addition of a new section thereto, to read as follows:

1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the

alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

E. **Section 1803.1.1.1** is amended to add the following::

1803.1.1.1 Geologic or geotechnical reports. The Building Official may require a geologic or geotechnical report or both, in accordance with the 2019 California Building Code; a geologic report shall be prepared by a Certified Engineering Geologist licensed by the State of California. A geotechnical report shall be prepared by a registered Civil Engineer versed in soils engineering and qualified to perform this work. When both a geotechnical and geologic report are required, the two reports shall be coordinated before submission to the Building Official. The Building Official, at his/her discretion shall obtain any technical support necessary to approve the report. Submitted reports shall contain a finding regarding the safety of the site from any variety of geologic hazard and a finding regarding the effect the proposed improvements, grading and/or construction and use of the site will have on the stability of the site and/or property outside the site. Any recommendation or action presented in the approved reports along with any conditions of approval shall be incorporated into the construction of site improvements. A fee shall be collected for the cost of review of the reports and any required addendums.

Section 1807.1.6 Prescriptive design of concrete and masonry foundation walls is amended to read as follows:

1807.1.6 Prescriptive design of concrete and masonry foundation walls. Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

F. **Section 3109.1.1 Construction permit; safety features required** is added to read as follows:

3109.1.1 Construction permit; safety features required. New or remodeled pools or spas, at a private single-family home, shall have an enclosure complying with the amended California Residential Code Appendix V.

SECTION 7: Chapter 16.05 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.05 RESIDENTIAL CODE

16.05.010 California residential code adopted.

There is hereby adopted the California Residential Code, 2019 Edition, together with Chapter 1 and Appendix V, based on the 2018 International Residential Code as published by the International Code Council.

16.05.20 California residential code amended.

A. **Section R105.5 Expiration** is amended to read as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 12 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section R105.10 Reconstruction is added to read as follows:

R105.10 Reconstruction. If the value of the reconstruction (or renovation) of a building is equal to or exceeds 75 percent of the habitable square footage of the building, the entire building shall comply with the code provisions for new construction. The value of the reconstruction (or renovation) for a property shall include the value of all construction stemming from construction-related permits issued within the last two years.

B. **Table R301.2(1) Climatic and Geographic Design Criteria** is amended to read as follows:

TABLE R301.2(1)

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^g	ICE BARRIER UNDERLAYMENT ^h REQUIRED ^h	FLOOD HAZARDS ^k	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k	Special wind region ^l	Windborne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c					
Zero	110	No	No	No	D	Negligible	12-24"	Very High	40	No	No	0	66

MANUAL J DESIGN CRITERIA ⁿ

ELEVATION	LATITUDE	WINTER HEATING	SUMMER COOLING	ALTITUDE CORRECTION FACTOR	INDOOR DESIGN TEMPERATURE	DESIGN TEMPERATURE COOLING
30	34	39	87		70	75
COOLING TEMPERATURE DIFFERENCE	WIND VELOCITY HEATING	WIND VELOCITY COOLING	COINCIDENT WET BULB	DAILY RANGE	WINTER HUMIDITY	SUMMER HUMIDITY

7			70	23		18 (50% R)
---	--	--	----	----	--	------------

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2-percent values for winter from Appendix D of the *California Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the Building Official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The City of Stanton does have a Flood Hazards Zone.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with

"YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

- l. In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2.1, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2 (6).

Section R309.6 Fire sprinkler attached garages, and carports with habitable space above is amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing carports and/or garages that do not have an automatic fire sprinkler system installed unless a sprinkler system is required in accordance with California Fire Code, Section 903.2.8.

Section R313.1 Townhouse automatic fire sprinkler systems is amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic fire sprinkler system installed unless a sprinkler system is required in accordance with California Fire Code, 903.2.8.

Section R313.2 One- and two-family dwellings automatic fire sprinkler systems is amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic sprinkler system unless a sprinkler system is required in accordance with California Fire Code, Section 903.2.8.

Section R313.3.6.2.2 Calculation procedure is amended to read as follows:

Section R313.3.6.2.2 Calculation procedure. Determination of the required size for water distribution piping shall be in accordance with the following procedure and California Fire Code, Section 903.3.5.

(The remainder of the section is unchanged)

C. **Section R902.1 Roofing covering materials** is amended by revising it to allow only class A or B roofs as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roofing shall be installed in areas designated by this section. Classes A or B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.

Section R902.1.3 Roof coverings in all other areas is amended by revising it to require a minimum Class B roof as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

Section R902.2 Fire-retardant-treated shingles and shakes, first paragraph, is amended by revising it to allow only Class A or B treated wood roofs as follows:

R902.2 Fire-retardant-treated shingles and shakes. Fire-retardant-treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use on Class A or B roofs.

D. **Section R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices** is added to read as follows:

R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices. Outdoor fireplaces, fire pits, fire rings, or similar exterior devices shall comply with this section.

Exception: Barbeques, grills, and other portable devices intended solely for cooking

Section R1001.13.1 Gas-fueled devices is added to read as follows:

R1001.13.1 Gas-fueled devices. Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester in accordance with Section R1003.9.2.

Section R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas is added to read as follows:

R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas. Fireplaces burning wood or other solid fuel shall be constructed in accordance with Section R1001. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks. The burning of wood or other solid fuel in a device is not allowed within 15 feet of combustible structures, unless within a permanent or portable fireplace.

SECTION 8: Chapter 16.06 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.06 ELECTRICAL CODE

16.06.010 California electrical code adopted.

Except as provided in this chapter, the California Electrical Code, 2019 Edition, based on the 2017 National Electrical Code as published by the National Fire Protection Association, is hereby adopted and shall be and become the Electrical Code of the City of Stanton, regulating all installation, arrangement, alteration,

repair, use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the city.

16.06.020 California electrical code amended.

A. **Article 310.16 Continuous Inspection of Aluminum Wiring** is added to read as follows:

Article 310.16 Continuous Inspection of Aluminum Wiring. Aluminum conductors of No. 6 or smaller used for branch circuits shall require continuous inspection by an independent testing agency approved by the Building Official for proper torquing of connections at their termination point.

SECTION 9: Chapter 16.07 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.07 MECHANICAL CODE

16.07.010 California mechanical code adopted.

The California Mechanical Code, 2019 Edition based on the 2018 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and shall be and become the Mechanical Code of the City, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances.

SECTION 10: Chapter 16.08 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.08 PLUMBING CODE

16.08.010 California plumbing code adopted.

The California Plumbing Code, 2019 Edition, based on the 2018 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and shall be and become the Plumbing Code of the City of Stanton, regulating erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems within the City.

SECTION 11: Chapter 16.10 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.10 ENERGY CODE

16.10.010 California energy code adopted.

The California Energy Code, 2019 Edition, as published by the International Code Council, is hereby adopted and shall be and become the Energy Code of the City of Stanton.

SECTION 12: Chapter 16.11 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.11 EXISTING BUILDING CODE

16.11.010 California existing building code adopted.

There is hereby adopted the California Existing Building Code, 2019 Edition, based on the 2018 International Existing Building Code as published by the International Code Council.

SECTION 13: Chapter 16.12 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.12 HISTORICAL BUILDING CODE

16.12.010 California historical building code adopted.

The California Historical Building Code, 2019 Edition, as published by the California Building Standards Commission, is hereby adopted and shall be and become the Historical Building Code of the City of Stanton.

SECTION 14: Chapter 16.13 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.13 REFERENCED STANDARDS CODE

16.13.010 California referenced standards code adopted.

The California Referenced Standards Code, 2019 Edition, as published by the California Building Standards Commission, is hereby adopted and shall be and become the Referenced Standards Code of the City of Stanton.

SECTION 15: Chapter 16.14 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.14 GREEN BUILDING STANDARDS CODE

16.14.010 California green building standards code adopted.

The California Green Building Code, 2019 Edition, as published by the California Building Standards Commission, is hereby adopted and shall be and become the Green Building Code of the City of Stanton.

SECTION 16: Chapter 16.15 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.15 INTERNATIONAL PROPERTY MAINTENANCE CODE

16.15.010 International property maintenance code adopted.

The International Property Maintenance Code, 2018 Edition as published by the International Code Council is hereby adopted as the Property Maintenance Code of the City of Stanton, regulating construction, enlargement, alteration repair, maintenance, moving, improving, removal, conversion, demolition and occupancy of all buildings or portions thereof used, or designed or intended to be used for human habitation.

16.15.020 International property maintenance code amended.

Section [A] 102.3 Application of other codes is amended to read as follows:

[A] 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, must be done in accordance with the provisions of the California Building Code, California Existing Building Code, California Energy Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Residential Code, and the California Green Building Standards. Nothing in this code will be construed to cancel, modify, or set aside any provision of the Stanton Municipal Code.

Section 103.5 Fees is amended to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out the department's responsibilities under this code are set by City Council resolution.

Section 108.1 General is amended to read as follows:

108.1 General. When a structure or equipment is found by the code official to contain any of the conditions listed in Section 17920.3 of the California Health and Safety Code, to the extent that the structure or equipment is unsafe or unfit for human occupancy, such structure may be condemned pursuant to this code.

Section 112.4 Failure to comply is amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine(s) or fines in an amount(s) as may be established by the City Council.

Section 303.2 Enclosures is amended to read as follows:

303.2 Enclosures. Private swimming pools, hot tubs and spas containing water more than 18 inches in depth must be completely surrounded by a fence or barrier at least 60 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers must be self-closing and self-latching. Where release mechanisms of the self-latching device are located less than 60 inches above grade measured on the side of the barrier that faces away from the pool, the release mechanism must be located on the pool side of the gate at least three inches below the top of the gate and the barrier must have no opening greater than one-half inch within 18 inches of the release mechanism. Self-closing, self-latching gates must be maintained such that the gate will positively close and latch when released from an open position of six inches from the gate post. No existing pool enclosure may be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

The exception to section 303.2 is deleted in its entirety.

Section 304.1.1 Unsafe conditions is amended in part to read as follows:

304.1.1 Unsafe conditions. The following conditions are determined to be unsafe and must be repaired or replaced to comply with the California Building Codes or California Existing Building Code as required for existing buildings:

(No further changes to remainder of section 304.1.1)

Section 305.1.1 Unsafe conditions is amended in part to read as follows:

305.1.1 Unsafe conditions. The following conditions are determined to be unsafe and must be repaired, or replaced, to comply with the California Building Codes or California Existing Building Code as required for existing buildings:

(No further changes to remainder of section 305.1.1)

Section 306.1.1 Unsafe conditions is amended in part to read as follows:

306.1.1 Unsafe conditions. The following conditions are determined to be unsafe and must be repaired, or replaced, to comply with the California Building Codes or the California Existing Building Code as required for existing buildings:

(No further changes to remainder of section 306.1.1)

Section 401.3 Alternative devices is amended to read as follows:

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the California Building Code shall be permitted.

Section [P] 502.5 Public toilet facilities is amended to read as follows:

[P] 502.5 Public toilet facilities. Public toilet facilities must be maintained in a safe sanitary working condition in accordance with the California Plumbing Code. Except for periodic maintenance or cleaning, public access and use must be provided to the toilet facilities at all times during occupancy of the premises.

Section [P] 505.1 General is amended to read as follows:

[P] 505.1 General. Every sink, lavatory, bathtub, shower, drinking fountain, water closet, or other plumbing fixture must be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, and bathtubs and showers must be supplied with hot or tempered, and cold running water in accordance with the California Plumbing Code.

Section 602.2 Residential occupancies is amended to read as follows:

602.2 Residential occupancies. Dwellings must be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances may not be used, nor may portable unvented fuel-burning space heaters be used, as a means to provide required heating.

The exception to section 602.2 is deleted in its entirety.

Section 602.4 Occupiable work spaces is amended in part to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces must be supplied with heat to maintain a temperature of not less than 65°F during the time the spaces are occupied.

(No further changes to remainder of section 602.4)

Section 604.2 Service is amended to read as follows:

604.2 Service. The size and usage of appliances and equipment serves as a basis for determining the need for additional facilities in accordance with the California Electrical Code. Dwelling units must be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Section 604.3.1.1 Electrical equipment is amended to read as follows:

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground-fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaries, ballasts, motors and electronic control, signaling, and communication equipment and that have been exposed to water must be replaced in accordance with the provisions of the California Building Code and California Electrical Code.

Section 604.3.2.1 Electrical equipment is amended to read as follows:

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water-heater, security system, and power-distribution circuits that have been exposed to fire, must be replaced in accordance with the California Building Code and the California Electrical Code.

Section [F] 702.1 General is amended to read as follows:

[F] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the California Building Code.

Section [F] 702.2 Aisles is amended to read as follows:

[F] 702.2 Aisles. The required width of aisles in accordance with the California Building Code shall be unobstructed.

Section [F] 702.3 Locked doors is amended to read as follows:

[F] 702.3 Locked doors. All means of egress doors must be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where door hardware

conforms to that permitted by the California Building Code.

CHAPTER 9 POST-DISASTER RECOVERY AND RECONSTRUCTION is added to the 2018 International Property Maintenance Code to read as follows:

SECTION 901

POST-DISASTER SAFETY ASSESSMENT PLACARDS AND SECURITY

901.1 SCOPE. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Building and Safety Department, as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

901.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the City following each natural or man-made disaster.

901.3 DEFINITIONS. For the purposes of this section, the following definitions shall apply:

901.3.1 BUILDING OFFICIAL is person or entity designated as such by the city council or that person or entity's designee

901.3.2 SAFETY ASSESSMENT is a visual examination of a building or structure for the purpose of determining whether continued use or occupancy is appropriate following a natural or man-made disaster.

901.4 PLACARDS. The following official placards must be used to designate the condition of buildings or structures following a disaster.

901.4.1 (GREEN) INSPECTED - LAWFUL OCCUPANCY PERMITTED. Posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.

901.4.2 (YELLOW) RESTRICTED OR LIMITED ENTRY. Posted on each damaged building or structure where damage has created a hazardous condition which justifies restricted occupancy. The Building Official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.

901.4.3 (RED) UNSAFE – DO NOT ENTER OR OCCUPY. Posted on each damaged building or structure such that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by the building official. Safety assessment teams are authorized to enter these buildings at any time. This placard may not be used or considered as a demolition order. The official who posts this placard must make a note in general terms of the damage encountered.

901.4.4 SECURING OF UNSAFE BUILDINGS OR STRUCTURES. Buildings or structures that have been determined by the Building Official to pose a threat to life safety or to be unsafe due to damage may be required by the Building Official to be secured from entry by fencing or other approved means until such time that the damage or threat to life is removed by repair, reconstruction or demolition. The fencing or security measures may not be removed without authorization from the building official.

901.4.5 REMOVAL OF PLACARDS. Once the placard has been attached to a building or structure, it may not be removed, altered, or covered until authorized by the Building Official.

901.5 VIOLATION. Any violation of Chapter 9 of this code is a misdemeanor and will be subject to punishment in accordance with the Stanton Municipal Code and the City of Stanton Building Codes in Division 1 of Title 16 of the Stanton Municipal Code.

SECTION 902

POST DISASTER ABATEMENT

902.1 INTENT. This chapter establishes abatement criteria for all buildings and structures damaged as a result of a disaster for which a local emergency has been declared.

902.2 APPLICATION OF PROVISIONS. The provisions of this chapter are applicable to all buildings and structures regulated by the city.

902.3 DEFINITIONS. For the purposes of this section, the following definitions shall apply:

902.3.1 EVENT means any occurrence which results in the declaration of a disaster, including but not limited to, fires, landslides, wind storms, earthquakes, and floods.

902.3.2 HISTORIC BUILDING OR STRUCTURE means any building or structure registered with a federal, state, county, or city government, or the register of points of interest. Historic buildings and structures also include those buildings and structures within a recognized historic district.

902.3.3 STATE HISTORIC PRESERVATION OFFICER (SHPO) is the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

Office of Historic Preservation
Department of Parks and Recreation
P.O. BOX 942896
Sacramento, CA 94296-0001

Phone: (916) 653-6624
FAX: (916) 653-9824

902.4 ABATEMENT CRITERIA

902.4.1 NOTICE OF DETERMINATION. Except as provided in Section 902.4.2 below, the Building Official must serve a written Notice of Determination to each property owner as found on the latest available copy of the last equalized assessment roll. Such Notice of Determination must be delivered by hand-delivery, telephone, telegram, facsimile or other reasonable means, and must clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice must set forth those factors which, in the opinion of the Building Official, make the structure an imminent hazard and dangerous, and must also include a directive from the Building Official of the specific action or actions to be taken by the property owner. The Notice must specify that within 48 hours from the time of issuance of the Notice of Determination, the owner or other party of record with an equitable or legal interest in the property must abate the nuisance in accordance with the directives written in the Notice of Determination by the Building Official.

902.4.2 NOTICE OF DETERMINATION EXCEPTION. No prior notice is required, when the Building Official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the city to give the owner notice prior to abatement, the Building Official may cause the nuisance to be summarily abated.

902.4.3 APPEAL OF NOTICE OF DETERMINATION. A Notice of Determination delivered by the Building Official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in the property. Such appeal must be made to the Building

Official within 48 hours of delivery of such Notice of Determination by the Building Official. Such appeal must be accompanied by a written Hazard Abatement Plan signed by a State of California licensed engineer or architect or by a written report by a State of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report must include a recommendation by the engineer or architect as to what should or should not be done at this time. If the Building Official accepts the proposed Hazard Abatement Plan in lieu of the Notice of Determination, the Hazard Abatement Plan must be implemented within 24 hours of acceptance by the Building Official. If the Building Official accepts an engineer's report and agrees there is no imminent hazard, the Building Official must rescind, in writing, the Notice of Determination.

Should the Building Official disagree with the Hazard Abatement Plan or should the Building Official disagree with the engineer's or architect's report, a hearing must be conducted by the Board of Appeals, as soon as a quorum can be assembled.

902.4.4 BOARD OF APPEALS HEARING. At the hearing, the appellant has the right to call witnesses, to submit evidence, and to cross-examine the witnesses of the city. All witnesses must be sworn.

A record of the proceedings must be made by tape recording. Any relevant evidence may be submitted, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of the hearing, the Board of Appeals must act to uphold, overrule, or modify the determination and order of the Building Official. The determination and order of the Building Official will be upheld, unless the Board of Appeals finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an imminent hazard and dangerous. The decision of the Board of Appeals, with the reasons therefore, may be given orally on the record. If given orally, the decision must be memorialized in writing and served upon the applicant within 24 hours of the time the oral decision is rendered.

If the Board of Appeals upholds the decision of the Building Official, the property owners of record will be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the Building Official's determination and order will be vacated. The decision of the Board of Appeals will be final on the date it is rendered.

902.4.5 HAZARD ABATEMENT PLAN. If a Hazard Abatement Plan is approved by the Building Official, the owner or other interested party of record must

execute such plan within 24 hours of obtaining approval of the plan from the Building Official. Within 24 hours of completion of the abatement work the owner or other interested party of record must provide the Building Official with a written certification that the public nuisance, as described in the Building Official's Notice of Determination, has been abated.

If the work performed pursuant to the Hazard Abatement Plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, must obtain required permits and file a damage assessment report with the Building Official. The damage assessment report must be reviewed and approved by the Building Official prior to proceeding with permanent repairs.

902.4.6 FAILURE TO PERFORM. In those instances where the property owner or other interested party of record either does not respond to the Building Official's Notice of Determination or approved Hazard Abatement Plan, responds untimely, or responds timely but fails to abate the public nuisance within the required time period, the imminent hazard and dangerous structure will be subject to immediate abatement by the Building Official.

902.4.7 PUBLIC NUISANCE. All structures or portions of such structures which, after inspection by the Building Official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and must be abated by the owner in accordance with the procedures specified in Sections 43.2.4.4 and 43.2.4.5.

902.4.8 SUSPENSION OF ABATEMENT OF WORK. Notwithstanding any code provisions to the contrary, the Building Official is authorized to suspend abatement work, and to allow the property owner or other party of legal interest to complete the abatement work.

902.4.9 CHANGE OF STATUS. When the conditions making a structure an imminent hazard and dangerous have been abated, the structure will no longer be considered an imminent hazard and dangerous. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure will remain subject to the provisions of this section.

902.4.10 DEMOLITION PERMIT. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, must obtain a demolition permit.

902.5 HAZARD ABATEMENT OF HISTORIC BUILDINGS OR STRUCTURES.

902.5.1 NOTIFICATION OF IMMINENT HAZARD. Within ten days after the event, the Building Official must notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the Building Official to represent an imminent hazard to

the health or safety of the public, or to pose an imminent threat to the public right of way:

902.5.1.1 BRACING OR SHORING. Whenever possible, as determined by the Building Official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right-of-way.

902.5.1.2 CONDEMNATION. Whenever bracing or shoring is determined to be an unreasonable alternative, the Building Official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a condemnation hearing as required by the 1997 Uniform Code for the Abatement of Dangerous Buildings.

902.5.2 CONDEMNATION PROCEEDINGS. If, ten days after the event and less than 30 days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health or safety of the public or to pose a threat to the public right of way, the Building Official may initiate condemnation proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings. The Building Official may also notify the Federal Emergency Management Agency (FEMA), in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

902.5.3 REQUEST TO DEMOLISH. If the Building Official and the owner of any historic building or structure agree that such a building or structure should be demolished, the Building Official must submit a request to demolish to the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1986, as amended. Such request must include all substantiating data.

SECTION 903

DISASTER REPAIR AND RECONSTRUCTION

903.1 INTENT. This section establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared.

903.2 APPLICATION OF PROVISIONS.

903.2.1 DECLARATION OF EMERGENCY. The provisions of this chapter are applicable to all buildings and structures regulated by the city following each disaster after a local emergency has been declared.

903.2.2 WAIVER FOR ENGINEERING EVALUATION. The requirements of this chapter may be waived by the Building Official subject to an Engineering Evaluation as defined in Section 903.3.3.4.

903.3 DEFINITIONS. For the purpose of this section, the following definitions apply:

903.3.1 ARCHITECT is a person licensed by the State of California to practice architecture, as prescribed by the State of California Business and Professions Code.

903.3.2 CIVIL ENGINEER is a person registered by the State of California to practice Civil Engineering, as prescribed by the State of California Business and Professions Code.

903.3.3 CURRENT CODE means those codes adopted by the city pursuant to California Health and Safety Code § 18941.5.

903.3.4 ENGINEERING EVALUATION is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer, or architect retained by the owner of the building or structure. Engineering evaluations must, at a minimum, contain recommendations for repair and an appropriate opinion of the construction cost for those repairs. All engineering evaluations must include the engineer's or architect's stamp, wet-signature, and license expiration date.

903.3.5 ESSENTIAL SERVICE FACILITY means those buildings or structures designated by the city to house facilities necessary for emergency operations subsequent to a disaster.

903.3.6 REPLACEMENT VALUE is the dollar value, as determined by the building official, for replacing a damaged structure with a new structure of the same size, same type of construction, and same occupancy, and located on the same site.

903.3.7 STRUCTURAL ENGINEER is a person registered by the State of California to practice civil engineering and to use the title, Structural Engineer, as defined in Section 5537.1 of the State of California Business and Professions Code.

903.3.8 VALUE OF REPAIR is the dollar value, as determined by the Building Official, for making necessary repairs to the damaged structure.

903.4 REPAIR CRITERIA

903.4.1 GENERAL. Buildings and structures of all occupancies which have been damaged as the result of a disaster, except as otherwise noted, must be repaired in accordance with the following criteria:

903.4.2 UP TO TEN PERCENT REPAIR VALUE. When the estimated value of repair does not exceed ten percent of the replacement value of the structure, the damaged portion may be restored to the pre-disaster condition; except that when the damaged elements include suspended ceiling systems, the ceiling system must be repaired with all bracing required by current code.

903.4.3 UP TO FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is greater than ten percent but less than fifty percent of the replacement value of the structure, the damaged elements must be repaired and brought into conformance with the structural requirements of the current code.

903.4.4 MORE THAN FIFTY PERCENT REPAIR VALUE. When the estimated value of repair is fifty percent or more of the replacement value of the structure, the entire structure must be brought into conformance with the fire and life safety and structural requirements of the current code.

903.4.5 CHIMNEY VALUE EXCLUSION. In Group R, Division 3, occupancies, the repair value of damaged chimneys may be excluded from the computation of percentage of replacement value. Damaged chimneys must be repaired in accordance with Section 903.5.

903.5 REPAIR CRITERIA FOR FIREPLACES AND CHIMNEYS.

903.5.1 GENERAL. All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 21 of the CBC. Damaged portions of chimneys must be removed in accordance with the following criteria.

903.5.2 DAMAGE ABOVE THE ROOF LINE. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion may be removed to the roof line provided the roof and ceiling anchorage are in sound condition. The reconstruction portion of the chimney must be braced to the roof structure using an approved method.

903.5.3 SINGLE-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a single-story structure in which the damaged portion of the chimney is below the roof line, or the damaged portion extends from above the roof line to below the roof line, the chimney must be removed to the top of the firebox.

903.5.4 MULTI-STORY STRUCTURE DAMAGE BELOW THE ROOF LINE. For a multi-story structure, the damaged portion of the chimney must be removed from the top to a floor line where anchorage is found.

903.5.5 FIREBOX DAMAGE. In any structure where the firebox has been damaged, the entire chimney and firebox must be removed to the foundation. If the foundation is in sound condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been

damaged, the foundation must be removed and replaced. Such reconstruction and replacement must be in accordance with Chapter 21 of the CBC Code.

903.5.6 ENGINEERED ALTERNATE SOLUTIONS. Where existing conditions preclude the installation of all anchorage required by Chapter 21 of the CBC, alternate systems may be used in accordance with the alternate methods and materials provisions of the CBC when approved by the Building Official.

903.5.7 BRACING. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line must be braced to the roof structure using an approved method.

903.6 REPAIR CRITERIA FOR HISTORIC BUILDINGS OR STRUCTURES.

903.6.1 ENGINEERING EVALUATION REQUIRED. Buildings or structures which are included on a national, state, or local register for historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, must have an engineering evaluation performed.

903.6.2 MINIMUM REPAIR CRITERIA. The minimum criteria for repair are included in Section 903.4, Repair Criteria, with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code of Regulations, also apply.

903.7 REPAIR CRITERIA FOR UNREINFORCED MASONRY BUILDINGS AND STRUCTURES.

903.7.1 GENERAL. All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry must be repaired and strengthened to fully comply with the requirements of § 15.04."

SECTION 17: Chapter 16.20 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.20 INTERNATIONAL SWIMMING POOL AND SPA CODE

16.20.010 International swimming pool and spa code adopted.

The International Swimming Pool and Spa Code, 2018 Edition as published by the International Code Council is hereby adopted as the Swimming Pool and Spa Code of the City of Stanton.

16.20.020 International swimming pool and spa code amended.

Section [A] 101.1 Title is amended to read as follows:

[A] 101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the City of Stanton hereinafter to as "this code."

Section [A] 102.7.1 Application of the International Codes is amended to read as follows:

[A] 102.7.1 Application of the International Codes. Where the International Residential Code is referenced in this code, the provisions of the California Residential Code shall apply to related systems in detached one- and two-family dwellings and townhouses not more than three stories in height. Other related systems shall comply with the applicable California Codes or referenced standard.

Section [A] 105.6 Fees is amended to read as follows:

[A] 105.6 Fees. A permit shall not be valid until the fees prescribed by law have been paid. All fees related to and any permit, work, inspection, violation, plan review or refunds shall be in accordance with Section 109 of the California Building Code.

Section [A] 105.6.2 Fee schedule and [A] 105.6.3 Fee refunds are deleted in their entirety without replacement.

Section [A] 108.2 Membership of board is amended to read as follows:

[A] 108.2 Board of appeals. The Board of Appeals shall consist of members as set forth in Chapter 113.1 of the California Building Code and any amendments of the Stanton Municipal Code.

Section [A] 108.2.1 Qualifications is deleted in its entirety without replacement.

Section 305.2.1 Barrier height and clearances is amended to read as follows:

305.2.1 Barrier height and clearances Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 60 inches (1524 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.

(The remaining language in 305.2.1 is to remain and unchanged.)

SECTION 18: Chapter 16.21 of the Stanton Municipal Code is hereby added to read as follows:

Chapter 16.21 FIRE CODE

16.21.010 California fire code adopted.

The California Fire Code, 2019 Edition, with Appendices B, BB, C and CC, as published by the International Code Council, is hereby adopted and shall be and become the Fire Code of the City of Stanton.

16.21.020 California fire code amended.

Section 110.4.2 Infraction and misdemeanor is hereby added as follows:

110.4.2 Infraction and misdemeanor. Persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction. Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the chief or a duly authorized representative are guilty of a misdemeanor.

Chapter 2 Definitions is adopted in its entirety with the following amendments:

Section 202 General Definitions is amended by adding "OCFA," and "Spark Arrester" as follows:

OCFA: Orange County Fire Authority, fire authority having jurisdiction.

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code, Chapter 28.

Chapter 3 General Requirements is adopted in its entirety, with the exception of Sections 308.1.4, 311.5 through 311.5.5, 318, and 319, and with the following amendments:

Section 304.1.2 Vegetation is amended to read as follows:

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirement in urban-wildland interface areas shall be in accordance with Chapter 49. Type, amount, arrangement, and maintenance of vegetation in a fuel modification area, interior slope, or similarly hazardous area shall be in accordance with OCFA Guideline C-05 "Vegetation Management Guideline—Technical Design for New Construction, Fuel Modification Plans, and Maintenance Program."

Section 305.6 Hazardous conditions is added to read as follows:

305.6 Hazardous conditions. Outdoor fires burning wood or other solid fuel are not allowed when any of the following conditions applies:

1. when predicted sustained winds exceed 8 MPH and relative humidity is less than 25%, or a red flag condition has been declared
2. when an official sign was caused to be posted by the fire code official, or a public announcement is made

No outdoor fires using any fuel type are permitted when predicted sustained winds exceed 20 MPH or when such fires present a hazard as determined by the fire code official.

Section 305.7 Disposal of rubbish is added to read as follows:

305.7 Disposal of rubbish. Rubbish, trash or combustible waste material shall be burned only within an approved incinerator and in accordance with Section 307.2.1.

Section 307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies is added to read as follows:

307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies. Outdoor fireplaces, fire pits, fire rings, or similar exterior devices used at Group R occupancies shall comply with this section.

Exception: Barbeques, grills, and other portable devices intended solely for cooking.

307.6.1 Gas-fueled devices. Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies,

combustible construction and vegetation shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. At other R occupancies, the minimum distance shall be ten feet. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester as defined in Section 202.

307.6.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas. Permanent outdoor fireplaces burning wood or other solid fuel shall be constructed in accordance with the California Building Code with clearance from combustible construction and building openings as required therein. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks.

The burning of wood or other solid fuel in a device is not allowed within 25 feet of combustible structures unless within an approved permanent fireplace. Conditions which could cause a fire to spread within 25 feet of a structure or to vegetation shall be eliminated prior to ignition. Fires in devices burning wood or solid fuel shall be in accordance with Sections 305, 307, and 308.

Exceptions:

1. Portable fireplaces and fire rings/pits equipped with a device to arrest sparks shall be located at least 3' from combustible construction at R-3 occupancies,
2. Portable fireplaces, and fire pits/rings equipped with a device to arrest sparks, shall be located at least 15 feet from combustible structures at other R occupancies.

307.6.2.1 Where prohibited. The burning of wood and other solid fuels shall not be conducted within a fuel modification zone, Wildfire Risk Area (WRA), Wildland-Urban Interface Area (WUI), or in locations where conditions could cause the spread of fire to the WRA or WUI.

Exceptions:

1. Permanent fireplaces that are not located in a fuel modification zone
2. Where determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.

Section 308.1.4 Open-flame cooking devices is deleted without replacement.

Section 308.1.6.3 Sky lanterns is amended to read as follows:

308.1.6.3 Sky lanterns. A person shall not ignite, release, or cause to be released a sky lantern.

Section 311.5 Placards (including subsections 311.5.1 through 311.5.5) is deleted without replacement.

Section 318 Laundry Carts is deleted without replacement.

Section 319 Mobile Food Preparation Vehicles is deleted without replacement.

Section 321 Fuel Modification Requirements for New Construction is added to read as follows:

321 Fuel Modification Requirements for New Construction. All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance with the requirements of OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program."

Section 322 Clearance of brush or vegetation growth from roadways is added to read as follows:

322 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic, to be cleared of flammable vegetation and other combustible growth. Measurement shall be from the flow-line or the end of the improved edge of the roadway surfaces.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

Section 323 Unusual Circumstances is added to read as follows:

323 Unusual circumstances. The fire code official may suspend enforcement of the vegetation management requirements and require reasonable alternative measures designed to advance the purpose of this code if determined that in any specific case that any of the following conditions exist:

1. Difficult terrain.

2. Danger of erosion.
3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees.
5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions undesirable or impractical.

Section 324 Use of Equipment is added to read as follows:

324 Use of equipment. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester as defined in Section 202 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

Exceptions:

1. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.
2. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition

324.1 Equipment and devices generating heat, sparks or open flames. During any time of the year within Wildfire Risk Areas, within or immediately adjacent to any forest- or brush-covered land or non-irrigated grass-covered land, no person shall use or operate any welding equipment, cutting torches, tar pots, grinding devices, or other tools or equipment that may produce a spark, fire, or flame that could result in a wildfire without doing the following:

1. First clearing away all flammable material, including snags, from the area around such operation for a distance of 30 feet or other approved method to reduce fire spread into the wildlands. If 30 foot clearing cannot be achieved, then an alternate method shall be approved by the AHJ prior to work starting.
2. Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-

type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

3. Stop work when winds are 8 MPH or greater during periods when relative humidity is less than 25%, or a red flag condition has been declared or public announcement is made, when an official sign was caused to be posted by the fire code official, or when such fires present a hazard as determined by the fire code official.
4. Keep a cell phone nearby and call 911 immediate in case of fire.

324.2 Spark arresters. Spark arresters shall comply with Section 202, and when affixed to the exhaust system of engines or vehicles subject to Section 324 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

Chapter 4: Emergency Planning and Preparedness. Only the sections, subsections, and amendment are adopted as listed below:

401 – 401.9

402

403.2

403.5 – 403.5.4

403.10.2.1.1

403.13 – 403.13.3

404.5 – 404.6.6

407

Section 407.5 is amended to read as follows:

407.5 Hazardous Materials Inventory Statement. Where required by the fire code official, each application for a permit shall OCFA's Chemical Classification Packet in accordance with Section 5001.5.2.

Chapter 5 Fire Service Features is adopted in its entirety with the following amendments:

Section 501.1 Scope is amended to read as follows:

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter and, where required by the fire code official, with OCFA Guideline B-09, "Fire Master Plan for Commercial & Residential Development." Fire service features for buildings, structures and premises located in State Responsibility Areas, and Local Responsibility Areas designated as Very High Hazard Fire Severity Zone shall also comply with OCFA Guideline B-09a, "Fire Safe Development in

State Responsibility Areas, and Local Responsibility Areas designated as Very High Hazard Fire Severity Zone”.

Section 510.1 Emergency responder radio coverage in new buildings is amended to read as follows:

510.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. The Emergency Responder Radio Coverage System shall comply with the Orange County Sheriff's Department, Communications and Technology Division guidelines and specifications and, where the functionality or performance requirements in the California Fire Code are more stringent, this code.

Exceptions:

1. In buildings or structures where it is determined by the fire code official that the radio coverage system is not needed, including but not limited to the following:
 - a. Existing buildings or structures, unless required by the Building Official and OCFA for buildings and structures undergoing extensive remodel and/or expansion.
 - b. Elevators.
 - c. Structures that meet all of the following:
 - i. Three stories or less, and
 - ii. Do not have subterranean storage or parking, and
 - iii. Do not exceed 50,000 square feet on any single story.
 - d. Structures that meet all of the following:
 - i. Residential structures four stories or less, and
 - ii. Constructed of wood, and
 - iii. Do not have subterranean storage or parking, and
 - iv. Are not built integral to an above ground multi-story parking structure.

Should a structure that is three stories or less and 50,000 square feet or smaller on any single story include subterranean storage or parking, then this chapter shall apply only to the subterranean areas.

2. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of the facility, the fire

code official shall have the authority to accept an automatically activated emergency radio coverage system.

Section 510.2 Emergency responder radio coverage in existing buildings is deleted without replacement:

Section 510.3 Permit required is deleted without replacement.

Chapter 9 Fire Protection and Life Safety Systems is adopted in its entirety with the following amendments:

Section 903.2 Where required is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided when one of the following conditions exists:

1. **New Buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.20 an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet (465 m²) as defined in Section 202, regardless of fire areas or allowable area.

Exception: Subject to approval by the Fire Code Official, open parking garages in accordance with Section 406.5 of the California Building Code.

2. **Existing Buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and when one of the following conditions exists:

- a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5,000 square feet (465 m²) as defined in Section 202; or
- b. When an addition exceeds 2,000 square feet and the resulting building area exceeds 5,000 square feet.
- c. An additional story is added above the second floor regardless of fire areas or allowable area.

Exception: Additions to Group R-3 occupancies shall comply with Section 903.2.8 (2).

Section 903.2.8 Group R is amended to read as follows:

Section 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New Buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing R-3 Buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area and the resulting building area exceeds 3,600 square feet (334 m²) as defined in Section 202; or,
 - b. An addition when the existing building is already provided with automatic sprinklers; or,
 - c. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies and not housing bedridden clients, not housing non-ambulatory clients above the first floor, and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 435.8.3.3 of the California Building Code.
3. Pursuant to Health and Safety Code, Section 13113, occupancies housing ambulatory children only, none of whom are mentally ill children or children with intellectual disabilities, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and building or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code, Section 13143.6, occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 of the California Building Code, an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

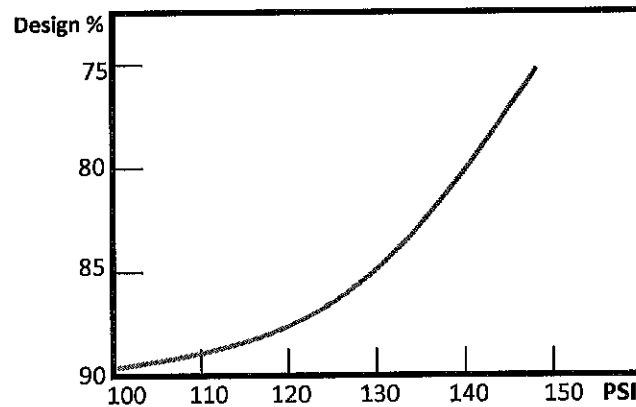
An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

Section 903.3.5.3 Hydraulically calculated systems is added to read as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

TABLE 903.3.5.3
Hydraulically Calculated Systems



Chapter 11 Construction Requirements for Existing Buildings. Only those sections and subsections are adopted as listed below:

1103.7
1103.7.3
1103.7.3.1
1103.7.8 – 1103.7.8.2
1103.7.9 – 1103.7.9.10
1103.8 – 1103.8.5.3
1103.9.1
1107
1113
1114
1115
1116

Chapter 12 Energy Systems is adopted in its entirety with the following amendment:

Section 1201.1.1 Other systems is added to read as follows:

1201.1.1 Other systems. Where required by the fire code official, other systems and operations including but not limited to battery systems assembly, battery reconditioning and storage, research and development of battery storage systems, electric vehicle manufacturing and testing, and battery charging systems for cars and carts inside of buildings or structures, shall comply with this chapter.

Exception: When approved by the fire code official, charging stations for electric vehicles located in open parking garages of Type I or II construction.

Chapter 25 Fruit and Crop Ripening is deleted in its entirety.

Chapter 26 Fumigation and Insecticidal Fogging is deleted in its entirety.

Chapter 28 Lumber Yards and Agro-Industrial, Solid Biomass and Woodworking Facilities is adopted in its entirety with the following amendments:

Section 2801.2 Permit is amended to read as follows:

2801.2 Permit. Permits shall be required as set forth in Section 105.6 and 105.6.29.

Section 2808.2 Storage site is amended to read as follows:

2808.2 Storage site. Storage sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned and approval obtained from the fire code official before transferring weed-products to the site.

Section 2808.3 Size of piles is amended to read as follows:

2808.3 Size of piles. Piles shall not exceed 15 feet in height, 50 feet in width and 100 feet in length.

Exception: The fire code official is authorized to allow the pile size to be increased where a fire protection plan is provided for approval that includes, but is not limited to, the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be based upon sound fire prevention and protection principles.
2. Factor that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including provisions for monitoring the internal condition of the pile.
3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply and fire hydrants.
4. Fire apparatus access roads around the piles and access roads to the top of the piles shall be established, identified and maintained.
5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Additional fire protection called for in the plan shall be provided and shall be installed in accordance with this code. The increase of the pile size shall be based upon the capabilities of the installed fire protection system and features.

Section 2808.4 Pile separation is amended to read as follows:

2808.4. Pile separation. Piles shall be separated from adjacent piles by minimum distance of 20 feet. Additionally, piles shall have a minimum separation of 100 feet from combustible vegetation.

Section 2808.7 Pile fire protection is amended to read as follows:

2808.7 Pile fire protection. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible conveyor systems and enclosed conveyor systems shall be equipped with an approved automatic sprinkler system. Oscillating sprinklers with a sufficient projectile reach are required to maintain a 40% to 60% moisture content and wet down burning/smoldering areas.

Section 2808.9 Material-handling equipment is amended to read as follows:

2808.9 Material-handling equipment. All material-handling equipment operated by an internal combustion engine shall be provided and maintained with an approved spark arrester. Approved material-handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.

Section 2808.11 Temperature control is added to read as follows:

2808.11 Temperature control. The temperature shall be monitored and maintained as specified in Sections 2808.11.1 and 2808.11.2.

Section 2808.11.1 Pile temperature control is added to read as follows:

2808.11.1 Pile temperature control. Piles shall be rotated when internal temperature readings are in excess of 165 degrees Fahrenheit.

Section 2808.11.2 New material temperature control is added to read as follows:

2808.11.2 New material temperature control. New loads delivered to the facility shall be inspected and tested at the facility entry prior to taking delivery. Material with temperature exceeding 165 degrees Fahrenheit shall not be accepted on the site. New loads shall comply with the requirements of this chapter and be monitored to verify that the temperature remains stable.

Section 2808.12 Water availability is added to read as follows:

2808.12 Water availability. Facilities with over 2500 cubic feet shall provide a water supply. The minimum fire flow shall be no less than 500 GPM @ 20 psi for a minimum of 1 hour duration for pile heights up to 6 feet and 2 hour duration for pile heights over 6 feet. If there is no water purveyor, an alternate water supply with storage tank(s) shall be provided for fire suppression. The water supply tank(s) shall provide a minimum capacity of 2500 gallons per pile (maximum 30,000 gallons) for piles not exceeding 6 feet in height and 5000 gallons per pile (maximum 60,000) for

piles exceeding 6 feet in height. Water tank(s) shall not be used for any other purpose unless the required fire flow is left in reserve within the tank at all times. An approved method shall be provided to maintain the required amount of water within the tank(s).

Section 2808.13 Tipping area is added to read as follows:

2808.13 Tipping areas shall comply with the following:

1. Tipping areas shall not exceed a maximum area of 50 feet by 50 feet.
2. Material within a tipping area shall not exceed 5 feet in height at any time.
3. Tipping areas shall be separated from all piles by a 20 foot wide fire access lane.
4. A fire hydrant or approved fire water supply outlet shall be located within 150 feet of all points along the perimeter of the tipping area.
5. All material within a tipping area shall be processed within 5 days of receipt.

Section 2808.14 Emergency Contact is added to read as follows:

2808.14 Emergency Contact. The contact information of a responsible person or persons shall be provided to the Fire Department and shall be posted at the entrance to the facility for responding units. The responsible party should be available to respond to the business in emergency situation.

Chapter 49 Requirements for Wildland-Urban Interface Fire Areas is adopted in its entirety with the following amendments:

Section 4906.3 Requirements is amended to read as follows:

4906.3 Requirements. Hazardous vegetation and fuels around all applicable buildings and structure shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Section 4291.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation "General Guideline to Create Defensible Space").
3. California Government Code, Section 51182.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.
5. OCFA Guideline C-05 "Vegetation Management Guideline –

Technical Design for New Construction Fuel Modification Plans and
Maintenance Program.”

Section 4908 Fuel modification requirements for new Construction is added to read as follows:

4908 Fuel modification requirements for new construction. All new buildings to be built or installed in a Wildfire Risk Area shall comply with the following:

1. Preliminary fuel modification plans shall be submitted to and approved by the fire code official prior to or concurrently with the approval of any tentative map.
2. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
3. The fuel modification plans shall meet the criteria set forth in the Fuel Modification Section of OCFA Guideline C-05 “Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program.”
 - 1.1 The fuel modification plan shall include provisions for the maintenance of the fuel modification in perpetuity.
4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval from the fire code official.
5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

Chapter 50 Hazardous Materials – General Provisions is adopted in its entirety with the following amendments.

Section 5001.5.2 Hazardous Materials Inventory Statement (HMIS), is amended to read as follows:

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include. Orange County Fire Authority’s—Chemical Classification Packet, which shall be completed and approved prior to approval of plans, and/or the storage, use or handling of chemicals on the premises.—The Chemical Classification Packet shall include the following information:

1. Product Name.
2. Component.
3. Chemical Abstract Service (CAS) number.
4. Location where stored or used.
5. Container size.
6. Hazard classification.
7. Amount in storage.
8. Amount in use-closed systems.
9. Amount in use-open systems.

Section 5003.1.1.1 Extremely Hazardous Substances is added to read as follows:

5003.1.1.1 Extremely Hazardous Substances. No person shall use or store any amount of extremely hazardous substances (EHS) in excess of the disclosable amounts (see Health and Safety Code Section 25500 et al) in a residential zoned or any residentially developed property.

Chapter 56 Explosives and Fireworks is adopted in its entirety with the following amendments:

Section 5608.2 Firing is hereby added to read as follows:

5608.2 Firing. All fireworks displays, regardless of mortar, device, or shell size, shall be electrically fired.

Section 5608.3 Application for Permit is added to read as follows:

Section 5608.3 Application for Permit. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the fallout area based on 100 feet per inch of shell size, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone line, or other overhead obstructions shall be provided to OCFA.

Chapter 57 Flammable and Combustible Liquids is adopted in its entirety with the exception of Section 5707 with the following amendment:

Section 5707 On-Demand Mobile Fueling Operations is deleted without replacement.

Section 5701.1.1 Mobile fueling is added as follows:

Section 5701.1.1 Mobile fueling. On-demand mobile fueling of Class I, II, and III liquids into the fuel tanks of vehicles is prohibited.

Chapter 58 Flammable Gases and Flammable Cryogenic Fluids. is adopted in its entirety with the exception of Section 5809 and with the following amendment:

Section 5801.1 Scope is amended to read as follows:

Section 5801.1 Scope. The storage and use of flammable gases and flammable cryogenic fluids shall be in accordance with this chapter, NFPA 2 and NFPA 55. Compressed gases shall also comply with Chapter 53 and cryogenic fluids shall also comply with Chapter 55. Flammable cryogenic fluids shall comply with Section 5806. Hydrogen motor fuel-dispensing stations and repair garages and their associated above-ground hydrogen storage systems shall also be designed, constructed and maintained in accordance with Chapter 23. Mobile fueling of gaseous and liquid hydrogen, compressed natural gas (CNG), and liquefied natural gas (LNG) into the fuel tanks of vehicles is prohibited.

Exceptions:

1. Gases used as refrigerants in refrigeration systems (see Section 605).
2. Liquefied petroleum gases and natural gases regulated by Chapter 61.
3. Fuel-gas systems and appliances regulated under the California Mechanical Code and the California Plumbing Code other than gaseous hydrogen systems and appliances.
4. Pyrophoric gases in accordance with Chapter 64.

Section 5809 Mobile Gaseous Fueling of Hydrogen-Fueled Vehicles is deleted without replacement.

Chapter 80 Referenced Standards is adopted in its entirety with the following amendments:

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is amended as follows:

Section 6.7.3 is amended to read as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number

of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 8.3.3.1 is amended to read as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 8.15.1.2.7 is amended to read as follows:

8.15.1.2.7 Concealed spaces filled with noncombustible insulation shall not require sprinkler protection when approved by the fire code official.

Section 11.1.1.1 is added to read as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is added to read as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

1. Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
2. Use a maximum of 40 psi, if available;
3. Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is amended as follows:

Section 7.1.2 is amended to read as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.

NFPA 14, 2013 Edition, Installation of Standpipe and Hose Systems is amended as follows:

Section 7.3.1.1 is amended to read as follows:

7.3.1.1 Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

NFPA 24, 2016 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is amended as follows:

Section 6.2.8.1 is added to read as follows:

6.2.8.1 All indicating valves controlling fire suppression water supplies shall be painted OSHA red.

Exceptions:

1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.
2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.

Section 6.2.9 is amended to read as follows:

6.2.9 All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

1. A post indicator valve installed not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.
2. A wall post indicator valve
3. An indicating valve in a pit, installed in accordance with Section 6.4
4. A backflow preventer with at least one indicating valve not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.
5. Control valves installed in a fire-rated room accessible from the exterior
6. Control valves in a fire-rated stair enclosure accessible from the exterior

Section 10.1.5 is added to read as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings

Section 10.4.1.1 is amended to read as follows:

10.4.1.1 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

Section 10.4.1.1.1 is added to read as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.4.3.2 is hereby deleted and replaced as follows:

10.4.3. Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 24 inches, as measured from the interior face of the exterior wall to the center of the vertical pipe. The pipe under the building or building foundation shall be 304 or 316 stainless steel and shall not contain mechanical joints or it shall comply with 10.4.3.2.1 through 10.4.3.2.4.

Appendix B is adopted in its entirety with amendments outlined in Guideline B-09.

SECTION 19 : Chapters 16.16, 16.18, 16.22, 16.24, 16.26, and 16.36 of Division I of Title 16 of the Stanton Municipal Code will hereby read "Reserved."

SECTION 20: The City Council hereby finds, determines and declares as follows:

The following findings apply in the City of Stanton and explain why the changes to the Building Standards Code are necessary because of climatic, geological and/or topographical conditions in the city.

I. Climatic Conditions

- A. Stanton is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry (Santa Ana) winds, which may reach speeds of 70 M.P.H. or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration). In addition to directly damaging or destroying buildings, these fires are also prone to disrupt utility services throughout the County. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles will greatly impact the response time to reach an incident scene. Lastly, the warm climate encourages the proliferation of swimming pool construction which makes modifications to the California Building Code related to swimming pools desirable to adequately protect small children from drowning hazards.
- B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Orange County Fire Authority's ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the County.

- C. Water demand in this densely populated area far exceeds the quantity supplied by natural precipitation; and although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption, and a limited amount of rainfall future water allocation is not fully dependable. This necessitates the need for additional and on-site fire protection features.
- D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

II. Topographical conditions

- A. The topography of Stanton is generally considered a flatlands area with little to no topographical slopes. The flat land developments however does require special drainage precautions in order to address site drainage to prevent water ponding and flooding, as well as preserve historical water ways.
- B. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout Orange County.
- C. These topographical conditions combine to create a situation that places fire department response time to fire occurrences at risk and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

III. Geological Conditions

The Orange County region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Earthquake faults run along the northeast and southwest boundaries of Orange County. The Newport-Inglewood Fault, located within Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude) which took 120 lives and damaged buildings in an area from Laguna Beach to Marina Del Rey to Whittier. In December 1989, another earthquake occurred in the jurisdiction of Irvine at an unknown fault line. Regional planning for reoccurrence of earthquakes is recommended by the state of California, Department of Conservation.

- A. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. The October 17, 1989, Santa Cruz earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants. State Department of Conservation noted in their 1988 report (Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, page 59), "unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe."
- B. Road circulation features located throughout the County also make amendments reasonably necessary. Located through the County are major roadways, highways and flood control channels that create barriers and slow response times. Hills, slopes, street and storm drain design, accompanied by occasional heavy rainfall, causes roadway flooding and landslides and at times may make an emergency access route impassable. There are areas in Orange County that naturally have extended emergency response times that exceed the 5 minute goal.
- C. Soils throughout the County possess corrosive properties that reduce the expected usable life of water services when metallic pipes are in contact with soils.
- D. Portions of the County contain active or former oil production fields. These areas contain a variety of naturally occurring gasses, liquids and vapors. These compounds present toxicity or flammability hazards to building occupants. Evaluation of these hazards and the risks they pose to development is necessary for implementation of appropriate mitigation.

These local climatic, geologic, and topographic conditions make modifications and changes to the 2019 Edition of the California Codes reasonably necessary to provide sufficient and effective protection of life, health and property. Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zone described above, it is prudent to rely on automatic fire sprinkler systems to mitigate extended fire department response time and keep fires manageable with reduced fire flow (water) requirements for a given structures. Additional fire protection is also justified to match the current resources of firefighting equipment and personnel within the Orange County Fire Authority.

IV. Specific Code Amendment Findings

Amendments to the 2019 Edition of the California Building Code (CBC), California Residential Code (CRC), California Electrical Code (CEC) and California Fire Code (CFC) are found reasonably necessary based on the climatic and/or geologic conditions cited above or administrative and are listed as follows:

CODE SECTION	TITLE (Clarification)	FINDINGS
CBC 104.8	Liability	Administrative
CBC 105.2	Work exempt from a permit	Administrative
CBC 105.5	Expiration	Administrative
CBC 105.8	Reconstruction	Administrative
CBC 113.1	General	Administrative
CBC 113.3	Qualifications	Administrative
CBC 202	Definitions	Administrative
CBC 903.2	Where required	I & II
CBC 903.3.5.3	Hydraulically calculated systems	I & II
CBC 1505.1.3	Roof coverings within all other areas	I
CBC 1803.1.1.1	Geologic or geotechnical reports	III
CBC 1807.1.6	Prescriptive design of concrete and masonry foundation walls	III
CBC 3109.1.1	Construction permit; safety features required	I
CRC R105.5	Expiration	Administrative
CRC R105.10	Reconstruction	Administrative
CRC Table R301.2(1)	Climatic and Geographic Design Criteria	I & III
CRC R309.6	Fire sprinkler attached garages, and carports with habitable space above	I & II
CRC R313.1	Townhouse automatic fire sprinkler systems	I & II
CRC R313.2	One- and two-family dwellings automatic fire sprinkler systems	I & II
CRC R313.3.6.2.2	Calculation procedure	I & II
CRC R902.1	Roof covering materials	I
CRC R902.1.3	Roof coverings in all other areas	I
CRC R902.2	Fire-retardant-treated shingles and shakes	I
CRC R1001.13	Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices	I
CRC R101.13.1	Gas-fueled devices	I
CRC R1001.13.2	Devices using wood or fuels other than natural gas or liquefied-petroleum gas	I
CEC 310.16	Continuous Inspection of Aluminum Wiring	I

CODE SECTION	TITLE (Clarification)	FINDINGS
CFC 110.4	Violation penalties	Administrative
CFC 110.4.2	Infraction & Misdemeanor	Administrative
CFC 202	General definitions	Administrative
CFC 304.1.2	OCFA Vegetation Management	I
CFC 305.6	Hazardous conditions	I & II
CFC 305.7	Disposal of rubbish	I & II
CFC 307	Fire Pits, Fire Rings, & Outdoor Fireplaces	Administrative
CFC 307.6.1	Gas-fueled devices	I & II
CFC 307.6.2	Devices using wood or fuels other than natural gas or LPG	I & II
CFC 307.6.2.1	Where prohibited	I & II
CFC 308.1.6.3	Sky lanterns	I & II
CFC 309.2.1	Indoor charging of electric cars	Administrative
CFC 320	Fuel modification requirements for new construction	I
CFC 322	Clearance of brush or vegetation growth from roadways	I
CFC 323	Unusual circumstances	Administrative
CFC 324	Use of equipment	I
CFC 324.1	Use of equipment and devices generating heat, sparks or open flames	I & II
CFC 324.2	Spark arrestors	I & II
CFC 407.5	Hazardous material inventory statement	I & II
CFC 501.1	Scope	Administrative, I, II & III
CFC 510.1	Emergency responder radio coverage	Administrative
CFC 510.4.2.2	Technical Criteria	Administrative
CFC 510.5.1	Approval prior to installation	Administrative
CFC 510.5.2	Minimum qualification of personnel	Administrative
CFC 510.5.3	Acceptance test procedure	Administrative
CFC 510.6.1	Testing and proof of compliance	Administrative
CFC 903.2	Where required (Sprinklers)	I, II & III
CFC 903.2.8	Group R (Sprinklers)	I, II & III
CFC 903.3.5.3	Hydraulically calculated systems	I & II
CFC 1201.1.1	Other Systems	I
CFC 2801.2	Permit	Administrative
CFC 2808.2	Storage site	Administrative
CFC 2808.3	Size of piles	I
CFC 2808.4	Pile separation	I
CFC 2808.7	Pile fire protection	I
CFC 2808.9	Material-handling equipment	I
CFC 2808.11	Temperature control	I
CFC 2808.11.1	Pile temperature control	I

CODE SECTION	TITLE (Clarification)	FINDINGS
CFC 2808.11.2	New material temperature control	I
CFC 2808.12	Water availability for piles	I
CFC 2808.13	Tipping area	I
CFC 2808.14	Emergency contact	Administrative
CFC 4906.3	OCFA Vegetation Management Guideline	I
CFC 4908	Fuel modification requirements for new construction	I
CFC 5001.5.2	Hazardous materials inventory statement	Administrative
CFC 5003.1.1.1	Extremely hazardous substances	I & III
CFC 5608.2	Retail fireworks	Administrative
CFC 5608.3	Application for permit	Administrative
CFC 5701.1.1	Mobile Fueling	I & II
CFC 5801.1	Scope	I & II
Chapter 80	Reference Standards	N/A
	2016 NFPA 13 (Sprinkler Systems)	Administrative, II & III
	2016 NFPA 13-D (Single Family Sprinkler Systems)	I & II
	2013 NFPA 14 (Standpipe Systems)	Administrative
	2016 NFPA 24 (Underground Water Supply Systems)	Administrative & III

SECTION 21: CEQA. This Ordinance is not a project within the meaning of CEQA Guidelines section 15378 because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to activities that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Orange in accordance with CEQA Guidelines.

SECTION 22: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 23: The City Clerk shall certify to the adoption of this Ordinance and cause same to be posted in the three (3) designated posting places within the City of Stanton within fifteen (15) days after its passage.

PASSED, APPROVED, AND ADOPTED this 12th day of November, 2019.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1094 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 22nd day of October, 2019 and was duly adopted at a regular meeting of the City Council held on the 12th day of November, 2019, by the following roll-call vote, to wit:

AYES:	COUNCILMEMBERS:	_____
NOES:	COUNCILMEMBERS:	_____
ABSENT:	COUNCILMEMBERS:	_____
ABSTAIN:	COUNCILMEMBERS:	_____

CITY CLERK, CITY OF STANTON

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Council Members

DATE: November 12, 2019

SUBJECT: COMMUNITY SERVICES DIRECTOR EMPLOYMENT AGREEMENT

REPORT IN BRIEF:

For consideration is the employment agreement with Zenia Bobadilla for Community Services Director.

RECOMMENDED ACTIONS:

That the City Council:

1. Find that this item is exempt from the California Environmental Quality Act ("CEQA") under Section 15378(b)(2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making, and
2. Authorize City Manager to execute employment agreement on behalf of the City with Zenia Bobadilla.

FISCAL IMPACT:

None. The establishment of the Community Services Director position for the remainder of the fiscal year would result in an estimated cost of \$25,932 which can be accommodated in the 2019/20 budget due to vacancies.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the CEQA, this project has been determined to be exempt under Section 15378(b)(2).

LEGAL REVIEW:

The City Attorney's Office has reviewed the attached Employment Agreement.

PUBLIC NOTIFICATION:

Public notice for this item was made through the regular agenda process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

6. Maintain and Promote a Responsive, High Quality and Transparent Government

Prepared by:

Approved by:



Cynthia Guzman
Human Resources Specialist



Jarad L. Hildenbrand
City Manager

Attachments:

A. Community Services Director Employment Agreement

EMPLOYMENT AGREEMENT

This Employment Agreement ("Agreement") is made and entered into effective as the 12th day of November 2019 between the CITY OF STANTON ("City") and ZENIA BOBADILLA ("Employee") as follows:

WHEREAS, the City desires to employ the services of Employee as COMMUNITY SERVICES DIRECTOR as provided by the Stanton Municipal Code; and

WHEREAS, Employee is familiar with the legal requirements, industry standards, responsibilities, the duties of the position; warrants that she has the skill and ability to serve in such position; and wishes to accept such employment on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants herein contained the parties hereto agree as follows:

1. Employment and Term. The City hereby agrees to employ Employee, and Employee accepts at will employment upon the terms and conditions set forth herein. The effective date of employment shall be November 25, 2019. The term of this Agreement shall be for three (3) years, unless sooner terminated or extended by the parties as set forth in this Agreement. In the event that the City Manager determines that the Employee is not to be reemployed upon expiration of this Agreement, Employee shall be given written notice thereof by the City at least two (2) months in advance of the expiration of the term of this Agreement. Should the City fail to give notice at least two (2) months prior to the end date of this Agreement, the Agreement shall be extended on the same terms for an additional period of one (1) year.

2. Duties and Obligations of Employee.

A. As of the date of this Agreement, the parties formalize the employment agreement for Employee's work as COMMUNITY SERVICES DIRECTOR ("Position") and Employee's job responsibilities as set forth in the relevant job description, attached as Exhibit "A." Employee hereby agrees to perform the functions and duties of the Position as set forth in the applicable job description as may be amended in the City's discretion from time to time, the City's Municipal Code, ordinances, rules, regulations, and policies, and to perform such other duties and functions as the City Manager may assign. It is expressly understood that the terms of this Agreement, including those governing termination of employment, supersede any rights otherwise conferred by the City generally to its personnel.

B. Employee shall be under the day to day supervision and direction of the City Manager, shall be subject to any such other terms and conditions of employment as the City Manager may from time to time impose so long as not inconsistent with the provisions of this Agreement or law, and shall be expected to attend all City Council meetings unless directed otherwise by the City Manager.

C. Employee will focus her professional time, ability, and attention to City business during the term of this Agreement. Employee shall not engage in any other business duties or pursuits whatsoever or, directly or indirectly, render any services of a business, commercial, or professional nature to any other person or organization, whether for compensation or otherwise, without the prior consent of the City, except that:

(1) The expenditure of reasonable amounts of time, not in conflict with the City's needs and interests, for educational, charitable, community, and professional activities, shall not be deemed a breach of this Agreement and shall not require prior consent.

(2) This Agreement shall not be interpreted to prohibit Employee from making passive personal investments or conducting private business affairs off-duty if those activities do not materially interfere with the services required under this Agreement.

D. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other materials either created by or provided to Employee in connection with the performance of this Agreement shall be held confidential by Employee unless disclosed within the scope of his duties. Such materials shall not, without the prior written consent of the City, be used by Employee for any purposes other than the performance of her duties. Nor shall such materials be disclosed to any person or entity not connected with the performance of services under this Agreement, except as required by law.

3. Salary and Benefits.

A. *Salary.* City agrees to pay Employee for her services rendered pursuant hereto at the monthly base salary range Step "A," of Ten Thousand, One Hundred and Seventy-Three (\$10,173.00), payable in installments at the same time as other employees of the City. Following one (1) year of service, Employee shall be eligible for a merit review for advancement to the next step in the salary range. Thereafter, merit salary review dates shall fall upon the completion of twelve (12) months of service intervals, following the last salary review date. In addition, Employee shall be entitled to automatically receive any cost of living adjustment ("COLA") or other salary or fringe benefit increases provided to all general City employees.

B. *Comprehensive Leave.* In lieu of sick, vacation, administrative, or other paid leave, Employee is eligible to accrue up to a maximum of three hundred (300) hours of comprehensive leave each year of this Agreement. As of the date of this Agreement, Employee shall be granted 180 hours of comprehensive leave, representing the pro-rated amount for the partial year in 2019-20 beginning as of the date employment begins through June 30, 2020. Thereafter, on June 30, 2020, and on every June 30th thereafter during the term of this Agreement, Employee shall be paid at her then-current rate of pay for all accumulated comprehensive leave up to a maximum of One Hundred Eighty (180) hours. After any such pay out of comprehensive leave each year, any surplus accumulated comprehensive leave shall be carried forward to the following year. On July 1st of each year during the term of this Agreement, the total amount of comprehensive leave available to Employee shall be replenished to reach the maximum comprehensive leave accumulation limit of Three Hundred (300) hours.

C. *Automobile Allowance.* Upon proof of insurance coverage in an amount acceptable to the City, the City shall provide the Employee with a Three Hundred Dollar (\$300) monthly automobile allowance. Employee agrees to adhere to all laws, regulations, and City policies applicable to vehicles, driving, or traffic when operating his vehicle on City-related business.

D. *Cell Phone Allowance.* The City shall provide the Employee with a One Hundred Dollar (\$100) monthly cellular telephone allowance.

E. *Professional development.* Provided that Employee receives the prior approval of the City Manager, the City agrees to pay for approved professional dues and association memberships necessary for continued participation in approved organizations necessary for Employee's continued professional growth and advancement. Again, subject to prior approval by the City Manager, the City shall also pay for travel and subsistence expenses (as set out by applicable City policy) for approved professional or official travel, meetings, training, seminars, or similar functions.

F. *Other benefits.* All provisions of the City's Municipal Code, ordinances, rules, regulations, and policies relating to health, disability and life insurance; paid holidays; medical leaves, retirement and pension system contributions; and other fringe benefits and working conditions as they now exist or thereafter may be amended, which apply to all City employees, shall also apply to Employee, except as otherwise set forth in this Agreement.

4. At-Will Employment Status, Termination of Agreement.

A. *Nature of Employment.* The parties hereby expressly agree that the employment relationship created by the Agreement is "at will" and that Employee serves at the will and pleasure of the City Manager. Nothing in this Agreement, any Municipal Code, ordinance, resolution, statute, rule, or policy shall prevent, limit or otherwise interfere with the right of the City to terminate the services of Employee at any time without cause or right of notice, *Skelly* conference, hearing, appeal or grievance. Accordingly, Employee agrees that this Agreement sets forth the only terms and conditions applicable to the termination of her employment and that she hereby waives any rights he would otherwise have thereunder.

B. *By the Employee.* The Employee may terminate this Agreement upon written notice to the City Manager and shall endeavor to give thirty (30) days prior notice. The City shall have the option, in its complete discretion, to terminate the Employee any time prior to the end of such notice period, provided the City pays the Employee all compensation due and owing through the last day actually worked, plus an amount equal to the base salary the Employee would have earned through the remainder of the notice period. Thereafter, all the City's obligations under this Agreement shall cease.

C. *By the City, Without Cause.* At any time, and without prior notice, the City may terminate the Employee's employment for any reason, with or without cause. If the termination occurs within the first six (6) months of Employee's employment (the "Introductory Period"), the City shall not be obligated to provide any severance whatsoever regardless of whether cause exists

for the termination. However, in the event the City exercises its right under this provision to terminate employment without cause at any time following the Introductory Period, the City shall pay Employee all compensation due and owing through the last day actually worked, plus four (4) months of the Employee's salary as of the time of the termination *or* pursuant to the requirements of Government Code § 53260, an amount equivalent to the remainder of the term of this Agreement, whichever is less. The payment of such severance benefit shall be conditioned upon Employee executing a general release agreement containing a general release of all claims Employee may have against the City at the time of any such termination, in such form as may be reasonably required by Employer's attorney. Such severance benefit shall not be payable unless and until Employee executes such a general release and until expiration of all waiver and rescission rights as provided by law at the time of such termination. Failure by the Employee to satisfy her termination obligations pursuant to Section 4(E) shall nullify the City's obligation to provide severance payment pursuant to this Section. If Employee is convicted of a crime involving an abuse of her office or Position, whether before or after release from employment, Employee shall fully reimburse the City for any severance pay, paid leave salary disbursed pending an investigation, or legal criminal defense funds relevant to the crime paid for by the City.

D. *By the City, For Cause.* At any time, and without prior notice, the City may terminate Employee for Cause (as defined below). The City shall pay Employee all compensation then due and owing; thereafter, all of the City's obligations under this Agreement shall cease. Termination shall be for "cause" if Employee: (1) acts in bad faith and to the detriment of the City; (2) refuses or fails to act in accordance with any specific direction or order of the City; (3) exhibits in regard to her employment unfitness or unavailability for service, unsatisfactory performance, misconduct, dishonesty, habitual neglect, or incompetence; (4) is convicted of a crime involving dishonesty, breach of trust, or physical or emotional harm to any person; or (5) breaches any material term of this Agreement.

In addition, while the parties recognize that the following reasons will not constitute "cause" purposes of termination, the following bases will terminate Employee's employment without severance as indicated in Section 4(c): (1) at such time Employee and City have mutually agreed to terminate the employment relationship; (2) upon death or permanent incapacity of Employee; (3) upon Employee's retirement; and (4) upon employee's prolonged unavailability, defined as any period of greater than five months for whatever reason. The parties agree that the definition of availability is not defined to alleviate legally protected leave or reasonable accommodation of disability.

E. *Termination for Other Reasons.* This Agreement shall automatically terminate, and the City shall not be obligated for any severance payment, upon the happening of any of the following events:

- a. Whenever Employee and the City shall mutually agree to termination in writing;
- b. Upon the death or permanent incapacity of Employee;
- c. Upon Employee's retirement; or
- d. Upon Employee's prolonged unavailability, defined as unavailability for a period greater than five (5) months for whatever reason.

E. Termination Obligations. Employee agrees that all property, including, without limitation, all equipment, tangible proprietary information, documents, records, notes, contracts, and computer-generated materials furnished to or prepared by Employee incident to her employment belongs to the City and shall be returned promptly to the City upon termination of Employee's employment. Further, any and all debts to the City shall be paid upon termination. Employee's obligations under this subsection shall survive the termination of her employment.

5. Performance Evaluations. The City Manager shall review and evaluate the performance of Employee in writing following the first twelve (12) months of employment under this Agreement. Thereafter, the City Manager shall provide a written performance evaluation to Employee on an annual basis. Said evaluations shall be performed using criteria developed by the City Manager and relayed to Employee. The evaluations will also set forth defined goals to be achieved by the Employee in the subsequent year. It is understood that additional evaluations, reviews, performance improvement plans, or counseling may also be conducted by the City Manager at any time in his discretion.

6. Notices. Any notices pursuant to this Agreement or necessary during the course of employment shall be given by United States Postal Service, postage prepaid, at the following addresses:

CITY: City of Stanton c/o City Manager
 7800 Katella Avenue
 Stanton, California 90680

EMPLOYEE: Zenia Bobadilla

Notice shall be deemed given as of the date of deposit with the United States Postal Service for delivery. Alternatively, notices may be provided by personal service in the same manner applicable to civil judicial practice.

7. Amendments. This Agreement may not be amended or modified except by a writing signed by both parties. The failure of either party to insist on strict compliance with any of the terms, covenants, or conditions of this Agreement by the other party shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

8. Assignment. Neither this Agreement nor any right, privilege or obligation of Employee hereunder shall be assigned or transferred by her without the prior written consent of the City. Any attempt at assignment or transfer in violation of this provision shall, at the option of the City, be null and void and may be considered a material breach of this Agreement.

9. Severability. If a court or arbitrator holds any provision of this Agreement to be invalid, unenforceable, or void, the remainder of this Agreement shall remain in full force and effect.

10. Attorneys' Fees. In any legal action, arbitration, or other proceeding brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs.

11. Governing Law. This Agreement shall be governed by and construed in accordance with the law of the State of California. Venue shall be appropriate in the Superior Court of Orange County, California.

12. Interpretation. This Agreement shall be construed as a whole, according to its fair meaning, and not in favor of or against any party. By way of example and not in limitation, this Agreement shall not be construed in favor of the party receiving a benefit nor against the party responsible for any particular language in this Agreement. Captions are used for reference purposes only and should be ignored in the interpretation of the Agreement. Furthermore, no presumption for or against validity or as to any interpretation hereof, based upon the identity of the drafter shall be applicable in interpreting or enforcing this Agreement.

13. Conflict of Interest. The Employee agrees that she will abide with all applicable local State and Federal rules on conflicts of interest and receipt of gifts, including without limitation those rules found in the California Fair Political Practices Act and related regulations and those found in Government Code Sections 1090, *et seq.*

14. Acknowledgment. Employee acknowledges that she has had the opportunity to consult legal counsel in regard to this Agreement, that she has read and understands this Agreement, that she is fully aware of its legal effect, and that she has entered into it freely and voluntarily and based on his own judgment and not on any representations or promises other than those contained in this Agreement.

IN WITNESS WHEREOF, the City has caused this Agreement to be signed and duly executed by its Manager, and the Employee has signed and executed this Agreement as of the day and year first above written.

CITY:

ATTEST:

Jarad L. Hildenbrand, City Manager

Patricia A. Vazquez, City Clerk

APPROVED AS TO FORM:

EMPLOYEE:

Matthew E. Richardson, City Attorney

Zenía Bobadilla

CITY OF STANTON

Job Title: Community Services Director **Department: Community Services**

Salary Range: 50 **Reports to: City Manager**

SUMMARY DESCRIPTION

The purpose of this position is to plan, direct, manage, and oversee the activities and operations of the Community Services Department, including a variety of recreation, leisure, and human services programs, parks and recreational facility planning, and marketing and managing City and private recreational facilities; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

This position has department head level responsibility for a broad range of services and activities of the Community Services Department and reports directly to the City Manager. Positions at this level are required to possess expert level specialized knowledge and expertise in the functions of the department. Successful performance in this classification requires a high degree of judgment, initiative, creativity, and independence in determining the day-to-day operational activities of the department.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Plan, direct, manage and oversee all Community Services Department services and activities including a variety of recreation, leisure, and human services programs, parks and recreational facility planning, and marketing and managing City and private recreational facilities.
- Manage the development and implementation of Community Services Department goals, objectives, policies, and priorities for each assigned service area; establish, within City policy, appropriate service and staffing levels; allocate resources accordingly.
- Continuously monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; assess and monitor work load, administrative and support systems, and internal reporting relationships; identify opportunities for improvement; direct the implementation of changes.
- Represent the Community Services Department to other City departments, elected officials and outside agencies; explain and interpret Parks and Recreation Department programs, policies, and activities; negotiate and resolve sensitive, significant and controversial issues.

- Select, train, motivate and evaluate Community Services Department personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.
- Conduct strategic planning; plan, direct and coordinate preparation of the department work plan; meet with staff to identify and resolve problems; assign projects and programmatic areas of responsibility; review and evaluate work methods and procedures.
- Direct oversee the development and administration of the department budget; direct the forecast of additional funds needed for staffing, equipment, materials, and supplies; direct the monitoring of and approve expenditures; direct the preparation of and implement budgetary adjustments as necessary.
- Coordinate department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Parks and Recreation Commission, City Manager, and City Council; prepare and present staff reports and other necessary correspondence.
- Direct and develop a diversified program of recreation, leisure, and human services programs and activities to meet the needs and desires of the public including senior citizen and youth activities and services, sports programming, special interest classes, special service programs, multigenerational and community-wide events.
- Direct the media coverage and marketing of facilities, programs, and activities to maximize usage and revenue; oversee and participate in development of marketing materials including brochures and newsletters; make presentations before civic, school, and other groups.
- Direct in the marketing and managing of recreational facilities including the City's Cultural Arts and Recreation Center as well as other public/private facilities; direct the usage of all recreational facilities and parks.
- Direct partnerships between the City and private recreational entrepreneurs for golf practice ranges, soccer facilities, and other related facilities.
- Administer the City's Commodity Distribution Program; coordinate activities with other agencies involved in the program.
- Participate on a variety of boards and commissions; attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of community services.
- Respond to and resolve difficult and sensitive inquiries and complaints.

Additional Tasks and Responsibilities:

- Perform other duties as assigned.

KNOWLEDGE REQUIRED

- Operational characteristics, services and activities of a comprehensive Community Services program including recreation, leisure, and human services programs.
- Organization and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

- Modern and complex principles and practices of program development and administration, facility planning, and facility marketing and management.
 - Recent developments, current literature, and sources of information related to community service program administration and implementation.
 - Principles and practices of public relations, publicity, and marketing. Advanced principles and practices of budget preparation and administration.
 - Principles of effective supervision, training and performance evaluation.
 - Pertinent Federal, State, and local laws, codes and regulations.
 - Safe driving principles and practices.
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ABILITIES/SKILLS

- Operate modern office equipment including computer equipment.
 - Develop, implement and administer goals, objectives, and procedures for providing effective and efficient community services and programs.
 - Direct a diverse community services program including recreation, senior services, and youth activities.
 - Plan, organize, direct and coordinate the work of supervisory, professional, and technical personnel; provide administrative and professional leadership and direction for staff; delegate authority and responsibility. Select, supervise, train and evaluate staff.
 - Identify, evaluate and respond to community, City Manager, Community Services Commission, and City Council issues, concerns and needs.
 - Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
 - Research, analyze, and evaluate new service delivery methods, procedures and techniques.
 - Develop and administer partnerships between the City and private recreation entrepreneurs for various programs and services.
 - Effectively market and promote community services programs and facilities to maximize usage and revenue.
 - Prepare and administer large and complex budgets; allocate limited resources in a cost-effective manner.
 - Prepare clear and concise administrative and financial reports.
 - Interpret and apply Federal, State and local policies, procedures, laws and regulations.
 - Communicate clearly and concisely, both orally and in writing.
 - Provide high level of customer service.
 - Establish, maintain and foster positive and harmonious working relationships with those contacted in the course of work.
 - Maintain knowledge of community needs regarding assigned services, activities and programs.
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EXPERIENCE/TRAINING/EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

- Six years of responsible professional experience in community or recreation services administration activities including three years of administrative and supervisory experience.
- Equivalent to a Bachelor's degree from an accredited college or university with major course work in recreation, public administration, business administration, or related field.

Desirable Qualifications:

Master's Degree

LICENSE/CERTIFICATE

- Possession of, or ability to obtain, an appropriate, valid California driver's license.
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PHYSICAL ACTIVITIES AND REQUIREMENTS

- Ability to work in a standard office environment requiring prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting, crouching and stooping in the performance of daily activities.
 - Occasional pushing, pulling, dragging and lifting office items weighing 25 lbs.
 - Movements frequently and regularly require using the wrists, hands and fingers to operate computers and office equipment.
 - Willingness to work variable hours including nights, weekends and/or holidays.
 - Ability to hear and convey detailed or important instructions or information verbally and accurately.
 - Average visual acuity to prepare and read documents.
 - Ability to communicate with both the public and co-workers in a clear and concise manner.
 - Ability to travel to different sites and locations.
 - Exposure to outdoor conditions and inclement weather.
 - Adapt to standard office sounds generated by office equipment as well as standard noise levels resulting from communication with co-workers and the general public.
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The City of Stanton is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.